

Chapter 160

(House Bill 1155)

AN ACT concerning

Prince George’s County – Illegal ~~Littering~~ Disposal of Bulky Items – Penalties

PG 418–19

FOR the purpose of ~~authorizing the governing body of Prince George’s County to impose, by ordinance, certain alternative penalties for illegal disposal of litter, including additional penalties for disposal of litter within a certain distance of certain bodies of water; authorizing for a first offense, and requiring for a second or subsequent offense, the Motor Vehicle Administration to suspend, for a certain period of time, the driver’s license of a person who is convicted of a certain litter disposal offense that occurs in Prince George’s County; providing for a certain hearing on the request of a licensee under certain circumstances~~ authorizing the governing body of Prince George’s County to adopt an ordinance to prohibit disposing of a bulky item in certain locations under certain circumstances; authorizing Prince George’s County to impose certain penalties for certain violations; defining a certain term; and generally relating to penalties for the illegal ~~littering~~ disposal of bulky items in Prince George’s County.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–110(a) and (c)
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–110(f) and (j)
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

~~BY adding to
Article – Transportation
Section 16–206.2
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Criminal Law

10–110.

(a) (1) In this section the following words have the meanings indicated.

(2) “Bi–county unit” means:

(i) the Maryland–National Capital Park and Planning Commission;

or

(ii) the Washington Suburban Sanitary Commission.

(3) (I) “BULKY ITEM” MEANS ANY DISCARDED FURNITURE, HOME OR INDUSTRIAL APPLIANCE, OR ABANDONED VEHICLE OR PART OF AN ABANDONED VEHICLE NOT DESIGNATED FOR DISPOSAL PURPOSES UNDER THE LAWS OF PRINCE GEORGE’S COUNTY.

(II) “BULKY ITEM” DOES NOT INCLUDE DISCARDING, DROPPING, OR SCATTERING OF SMALL QUANTITIES OF WASTE MATTER ORDINARILY CARRIED ON OR ABOUT THE PERSON, INCLUDING:

1. BEVERAGE CONTAINERS AND CLOSURES;

2. PACKAGING;

3. WRAPPERS;

4. WASTEPAPER;

5. NEWSPAPERS;

6. MAGAZINES; AND

7. WASTE MATTER THAT ESCAPES OR IS ALLOWED TO ESCAPE FROM A CONTAINER, RECEPTACLE, OR PACKAGE.

~~(3)~~ **(4)** “Litter” means all rubbish, waste matter, refuse, garbage, trash, debris, dead animals, or other discarded materials of every kind and description.

~~(4)~~ **(5)** “Public or private property” means:

(i) the right–of–way of a road or highway;

(ii) a body of water or watercourse or the shores or beaches of a body of water or watercourse;

- (iii) a park;
- (iv) a parking facility;
- (v) a playground;
- (vi) public service company property or transmission line right-of-way;
- (vii) a building;
- (viii) a refuge or conservation or recreation area;
- (ix) residential or farm property; or
- (x) timberlands or a forest.

(c) A person may not:

(1) dispose of litter on a highway or perform an act that violates the State Vehicle Laws regarding disposal of litter, glass, and other prohibited substances on highways; or

(2) dispose or cause or allow the disposal of litter on public or private property unless:

(i) the property is designated by the State, a unit of the State, or a political subdivision of the State for the disposal of litter and the person is authorized by the proper public authority to use the property; or

(ii) the litter is placed into a litter receptacle or container installed on the property.

(f) (1) A person who violates this section is subject to the penalties provided in this subsection.

(2) ~~SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION:~~

(i) A person who disposes of litter in violation of this section in an amount not exceeding 100 pounds or 27 cubic feet and not for commercial gain is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding \$1,500 or both.

(ii) A person who disposes of litter in violation of this section in an amount exceeding 100 pounds or 27 cubic feet, but not exceeding 500 pounds or 216 cubic

feet, and not for commercial gain is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$12,500 or both.

(iii) A person who disposes of litter in violation of this section in an amount exceeding 500 pounds or 216 cubic feet or in any amount for commercial gain is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$30,000 or both.

~~(3) IF THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY ADOPTS AN ORDINANCE TO PROHIBIT LITTERING UNDER SUBSECTION (J) OF THIS SECTION, THE ORDINANCE MAY IMPOSE ALTERNATIVE PENALTIES FOR VIOLATIONS TO PROVIDE THAT:~~

~~(I) A PERSON WHO DISPOSES OF LITTER IN VIOLATION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:~~

~~1. FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 30 DAYS OR A \$2,500 FINE OR BOTH;~~

~~2. FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A \$5,000 FINE OR BOTH; AND~~

~~3. FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 5 YEARS OR A \$15,000 FINE OR BOTH; AND~~

~~(H) IN ADDITION TO THE PENALTIES PROVIDED UNDER ITEM (I) OF THIS PARAGRAPH, A PERSON WHO DISPOSES OF LITTER IN VIOLATION OF THIS SECTION AND WITHIN 100 FEET OF A RIVER, A STREAM, A RESERVOIR, OR ANY OTHER BODY OF WATER, IS SUBJECT TO:~~

~~1. FOR A FIRST OFFENSE, A \$1,000 ADDITIONAL FINE;~~

~~2. FOR A SECOND OFFENSE, A \$2,500 ADDITIONAL FINE;~~

~~AND~~

~~3. FOR A THIRD OR SUBSEQUENT OFFENSE, A \$5,000 ADDITIONAL FINE.~~

~~[(3)] (4)~~ In addition to the penalties provided under ~~[(paragraph)]~~ PARAGRAPHS (2) AND (3) of this subsection, a court may order the violator to:

(i) remove or render harmless the litter disposed of in violation of this section;

(ii) repair or restore any property damaged by, or pay damages for, the disposal of the litter in violation of this section;

(iii) perform public service relating to the removal of litter disposed of in violation of this section or to the restoration of an area polluted by litter disposed of in violation of this section; or

(iv) reimburse the State, county, municipal corporation, or bi-county unit for its costs incurred in removing the litter disposed of in violation of this section.

~~[(4)] (5)~~ (i) If a person is convicted of a violation under this section and the person used a motor vehicle in the commission of the violation, the court shall notify the Motor Vehicle Administration of the violation.

(ii) The Chief Judge of the District Court and the Administrative Office of the Courts, in conjunction with the Motor Vehicle Administration, shall establish uniform procedures for reporting a violation under this paragraph.

(j) (1) The legislative body of a municipal corporation may:

(i) prohibit littering; and

(ii) classify littering as a municipal infraction under Title 6 of the Local Government Article.

(2) The governing bodies of Prince George’s County, Calvert County, and Montgomery County may each adopt an ordinance to prohibit littering under this section and, for violations of the ordinance, may impose criminal penalties and civil penalties that do not exceed the criminal penalties and civil penalties specified in subsection (f)(1) through ~~[(3)] (4)~~ of this section.

(3) (I) THE GOVERNING BODY OF PRINCE GEORGE’S COUNTY MAY ADOPT AN ORDINANCE TO PROHIBIT THE DISPOSAL OF A BULKY ITEM:

1. ON A HIGHWAY; OR

2. ON PUBLIC OR PRIVATE PROPERTY UNLESS THE PROPERTY IS DESIGNATED BY THE STATE, A UNIT OF THE STATE, OR A POLITICAL SUBDIVISION OF THE STATE FOR THE DISPOSAL OF BULKY ITEMS AND THE PERSON IS AUTHORIZED BY THE PROPER PUBLIC AUTHORITY TO USE THE PROPERTY.

(II) FOR VIOLATIONS OF THE ORDINANCE ADOPTED UNDER THIS PARAGRAPH, PRINCE GEORGE’S COUNTY MAY IMPOSE CRIMINAL PENALTIES AND CIVIL PENALTIES THAT DO NOT EXCEED THE CRIMINAL PENALTIES AND CIVIL PENALTIES SPECIFIED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH.

(III) A PERSON WHO DISPOSES OF A BULKY ITEM IN VIOLATION OF THIS PARAGRAPH IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

~~Article — Transportation~~

~~16-206.2~~

~~(A) THIS SECTION APPLIES ONLY TO AN INDIVIDUAL CONVICTED OF A VIOLATION UNDER § 10-110 OF THE CRIMINAL LAW ARTICLE THAT OCCURS IN PRINCE GEORGE'S COUNTY.~~

~~(B) SUBJECT TO THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION, ON RECEIPT OF A NOTICE DESCRIBED UNDER § 10-110(F) OF THE CRIMINAL LAW ARTICLE THAT AN INDIVIDUAL LICENSED IN THE STATE HAS BEEN CONVICTED OF A VIOLATION UNDER § 10-110 OF THE CRIMINAL LAW ARTICLE FOR THE IMPROPER DISPOSAL OF LITTER AND THE INDIVIDUAL USED A MOTOR VEHICLE IN THE COMMISSION OF THE VIOLATION, THE ADMINISTRATION:~~

~~(1) FOR A FIRST OFFENSE, MAY SUSPEND THE INDIVIDUAL'S LICENSE FOR UP TO 60 DAYS; AND~~

~~(2) FOR A SECOND OR SUBSEQUENT OFFENSE, SHALL SUSPEND THE INDIVIDUAL'S LICENSE FOR NOT LESS THAN 60 DAYS AND NOT MORE THAN 1 YEAR.~~

~~(C) SUBJECT TO THE PROVISIONS OF TITLE 12, SUBTITLE 2 OF THIS ARTICLE, A LICENSEE MAY REQUEST A HEARING ON A SUSPENSION UNDER THIS SECTION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.