

Department of Legislative Services  
 Maryland General Assembly  
 2021 Session

FISCAL AND POLICY NOTE  
 Third Reader - Revised

House Bill 1114

(Delegate Arentz)

Environment and Transportation

Judicial Proceedings

**Illegal Dumping and Litter Control Law – Yard Waste – Disposal on Highways**

This bill expands the Illegal Dumping and Litter Control Law by prohibiting a person from disposing of “yard waste” on a highway. A person who illegally disposes of yard waste is subject to a maximum civil penalty of \$300 for a first violation or \$1,000 for a second or subsequent violation. In addition to these penalties, a court may order a violator to (1) remove or render harmless the illegally disposed yard waste, in accordance with applicable local laws and regulations, or (2) reimburse the State, county, municipal corporation, or bi-county unit for its removal costs.

**Fiscal Summary**

**State Effect:** General fund expenditures for the Judiciary increase by \$29,800 in FY 2022 only for programming changes. Otherwise, the bill is not anticipated to materially affect State operations or finances.

(in dollars)	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	29,800	0	0	0	0
Net Effect	(\$29,800)	\$0	\$0	\$0	\$0

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** Potential minimal increase in local revenues due to the bill’s penalty provisions. To the extent the bill reduces illegal dumping in counties or violators reimburse the county for litter removal costs, local expenditures related to litter removal may decrease minimally. The bill’s provisions can be enforced with existing resources.

**Small Business Effect:** None.

## Analysis

**Bill Summary:** “Yard waste” is organic plant waste derived from gardening, landscaping, and tree trimming activities, including leaves, garden waste, lawn cuttings, weeds, and pruning. “Yard waste” does not include organic plant waste derived from an electric company’s activities that are performed (1) in compliance with the electric service reliability requirements established under § 7-213 of the Public Utilities Article or (2) in response to a weather event within the electric company’s service territory.

The bill specifies that the Illegal Dumping and Litter Control Law does not apply to leaves or other yard waste that is placed on or near the curb or the edge of a residential street for a scheduled pickup. In addition, the bill makes conforming changes to existing statute to authorize Anne Arundel, Calvert, Montgomery, and Prince George’s counties to adopt local ordinances with similar prohibitions and penalties that do not exceed those under the bill.

**Current Law:** The Illegal Dumping and Litter Control Law (§ 10-110 of the Criminal Law Article) defines litter as all rubbish, waste matter, refuse, garbage, trash, debris, dead animals, or other discarded materials of every kind and description. Under that statute, a person may not (1) dispose of litter on a highway or perform an act that violates the Maryland Vehicle Law 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 the property meets specified designation requirements and the person is authorized by the proper public authority to use the property or the litter is placed into a litter receptacle or container installed on the property.

A violator is guilty of a misdemeanor and subject to the following penalties, depending on the weight or volume of the disposed litter:

- up to 100 pounds or 27 cubic feet (not for commercial gain) – imprisonment for up to 30 days and/or a \$1,500 maximum fine;
- more than 100 pounds or 27 cubic feet and up to 500 pounds or 216 cubic feet (not for commercial gain) – imprisonment for up to one year and/or a \$12,500 maximum fine; and
- more than 500 pounds or 216 cubic feet (not for commercial gain) or any amount for commercial gain – imprisonment for up to five years and/or a \$30,000 maximum fine.

In addition to these penalties, the court may order the violator to perform relevant community service, reimburse the appropriate governmental entity for specified costs incurred, or perform specified reparative tasks. Fines collected for violations must be disbursed to the appropriate governmental entity and collected fines must be used to pay for litter receptacles, posting required signs, and for other purposes relating to the removal or control of litter.

Anne Arundel, Calvert, Montgomery, and Prince George’s counties may adopt similar county ordinances to prohibit littering, so long as the criminal and civil penalties imposed do not exceed the penalties listed above. Charles and Prince George’s counties may adopt ordinances to prohibit the disposal of a “bulky item,” as defined under statute, on a highway or on public or private property, subject to specified exceptions, so long as the criminal and civil penalties imposed do not exceed imprisonment for up to 30 days and/or a \$5,000 maximum fine.

**Local Fiscal Effect:** Local revenues may increase minimally from penalties imposed under the bill. Local expenditures for litter removal may decrease minimally if counties are reimbursed for yard waste removal costs. This estimate assumes that the overall effect of the bill is an increase in enforcement and penalties.

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### **Additional Information**

**Prior Introductions:** HB 8 of 2020, a similar bill, received a hearing in the House Environment and Transportation Committee but was subsequently withdrawn.

**Designated Cross File:** None.

**Information Source(s):** Anne Arundel, Baltimore, Garrett, Howard, Montgomery, and Prince George’s counties; Maryland Association of Counties; Maryland-National Capital Park and Planning Commission; Washington Suburban Sanitary Commission; Maryland Municipal League; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - February 24, 2021  
rh/aad Third Reader - March 23, 2021  
Revised - Amendment(s) - March 23, 2021

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