

# HOUSE BILL 1155

E1, R4, L2

9lr1355

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By: **Prince George's County Delegation**

Introduced and read first time: February 8, 2019

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Illegal Littering – Penalties**

3 **PG 418–19**

4 FOR the purpose of authorizing the governing body of Prince George's County to impose,  
5 by ordinance, certain alternative penalties for illegal disposal of litter, including  
6 additional penalties for disposal of litter within a certain distance of certain bodies  
7 of water; authorizing for a first offense, and requiring for a second or subsequent  
8 offense, the Motor Vehicle Administration to suspend, for a certain period of time,  
9 the driver's license of a person who is convicted of a certain litter disposal offense  
10 that occurs in Prince George's County; providing for a certain hearing on the request  
11 of a licensee under certain circumstances; and generally relating to penalties for  
12 illegal littering in Prince George's County.

13 BY repealing and reenacting, without amendments,  
14 Article – Criminal Law  
15 Section 10–110(a) and (c)  
16 Annotated Code of Maryland  
17 (2012 Replacement Volume and 2018 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article – Criminal Law  
20 Section 10–110(f) and (j)  
21 Annotated Code of Maryland  
22 (2012 Replacement Volume and 2018 Supplement)

23 BY adding to  
24 Article – Transportation  
25 Section 16–206.2  
26 Annotated Code of Maryland  
27 (2012 Replacement Volume and 2018 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Criminal Law**

4 10–110.

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

6 (2) “Bi–county unit” means:

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

8 or

9 (ii) the Washington Suburban Sanitary Commission.

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

12 (4) “Public or private property” means:

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

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

16 (iii) a park;

17 (iv) a parking facility;

18 (v) a playground;

19 (vi) public service company property or transmission line  
20 right–of–way;

21 (vii) a building;

22 (viii) a refuge or conservation or recreation area;

23 (ix) residential or farm property; or

24 (x) timberlands or a forest.

25 (c) A person may not:

26 (1) dispose of litter on a highway or perform an act that violates the State

1 Vehicle Laws regarding disposal of litter, glass, and other prohibited substances on  
2 highways; or

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

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

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

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

12 (2) **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION:**

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

17 (ii) A person who disposes of litter in violation of this section in an  
18 amount exceeding 100 pounds or 27 cubic feet, but not exceeding 500 pounds or 216 cubic  
19 feet, and not for commercial gain is guilty of a misdemeanor and on conviction is subject to  
20 imprisonment not exceeding 1 year or a fine not exceeding \$12,500 or both.

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

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

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

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

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

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

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

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

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

9 **AND**

10                   **3. FOR A THIRD OR SUBSEQUENT OFFENSE, A \$5,000**  
 11 **ADDITIONAL FINE.**

12                   **[(3)] (4)** In addition to the penalties provided under **[paragraph]**  
 13 **PARAGRAPHS (2) AND (3)** of this subsection, a court may order the violator to:

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

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

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

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

23                   **[(4)] (5)** (i) If a person is convicted of a violation under this section  
 24 and the person used a motor vehicle in the commission of the violation, the court shall notify  
 25 the Motor Vehicle Administration of the violation.

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

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

30                   (i) prohibit littering; and

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

3 (2) The governing bodies of Prince George's County, Calvert County, and  
4 Montgomery County may each adopt an ordinance to prohibit littering under this section  
5 and, for violations of the ordinance, may impose criminal penalties and civil penalties that  
6 do not exceed the criminal penalties and civil penalties specified in subsection (f)(1) through  
7 ~~[(3)]~~ (4) of this section.

#### 8 Article – Transportation

#### 9 16-206.2.

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

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

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

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

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

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