

No. 1983-71

## AN ACT

HB 256

Prohibiting the cutting, digging, removal, transportation or sale within this Commonwealth for any purpose of Christmas trees, without a bill of sale or other proof of ownership from the owner of the land on which the same are grown; and providing a penalty.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

**Section 1. Definitions.**

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Trees” or “Christmas trees.” Any Red Pine, Scotch Pine, White Pine, Austrian Pine, Southwestern White Pine, Norway Spruce, White Spruce, Colorado Blue Spruce, Serbian Spruce, Douglas Fir, Concolor Fir, Balsam Fir and Fraser Fir.

**Section 2. Required bill of sale.**

No person shall cut, dig, remove or transport, without having in possession a bill of sale from the owner, in form prescribed by and available from the Department of Agriculture, any Christmas trees.

**Section 3. Removal and identification.**

No person shall cut, dig, remove or transport within this Commonwealth any of the trees listed in section 1:

(1) if the same have been cut, dug, removed or transported from property owned or leased by the person, unless he has in possession a copy of a current tax receipt, lease or deed with respect to said property or can provide such evidence within 24 hours; or

(2) if the same have been cut, dug, removed or transported from property not owned or leased by the person, unless:

(i) each tree bears a tag placed thereon by and identifying the person and his address and stating from whom the same was acquired; or

(ii) the person has in his possession a bill of sale or other evidence of title acquisition or lease in form to be prescribed by the Department of Agriculture or can provide such evidence within 24 hours.

**Section 4. Record of sale.**

No person shall sell or offer for sale any of the trees listed in section 1 without having in his possession the evidence of title or lease prescribed by section 3 or providing such evidence within 24 hours, nor without furnishing the purchaser a bill of sale or other evidence of title acquisition or lease in form to be prescribed by the Department of Agriculture. Vendors shall maintain and keep for such period of time such records of their transactions as the Department of Agriculture shall by regulation prescribe.

**Section 5. Evidence of title or lease exhibited to common carrier.**

No common carrier shall accept for shipment any of the trees listed in section 1 unless the consignor, whose name and address is recorded, shall at the time of consignment exhibit the evidence of title or lease prescribed by section 3.

**Section 6. Inspection.**

Any law enforcement officer having probable cause to believe that any section of this act is being violated shall have the power to make inspections to determine whether any provisions of this act have been violated, which power shall include the right to stop any vehicle at any time, to inspect and make copies of bills of sale or other evidences of title or lease prescribed by the Department of Agriculture, to arrest persons found to have any of the trees listed in section 1 in possession in violation of the terms of this act, and to seize and hold any such trees subject to the order of the court. Failure to exhibit a bill of sale or other evidence of title or lease prescribed by the Department of Agriculture shall be prima facie evidence that no such bill of sale or other evidence of title or lease exists.

**Section 7. Enforcement.**

The Secretary of Agriculture, in cooperation with the Department of Environmental Resources and law enforcement agencies, shall enforce the provisions of this act. The Secretary of Agriculture shall make such rules and regulations as he deems necessary for the enforcement of this act.

**Section 8. Penalty.**

A person is guilty of a misdemeanor of the third degree if he:

- (1) Makes or utters a false and fraudulent bill of sale or other evidence of title or lease required by this act.
- (2) Unlawfully alters a bill of sale or other evidence of title or lease with intent to defraud.
- (3) Cuts, digs, removes, transports or sells any tree in violation of sections 2, 3, 4 and 5.

**Section 9. Sale and transportation of Christmas trees during December.**

The provisions of this act shall not apply to the cutting, digging, removing and transportation by any one person of less than three Christmas trees between November 15 and January 7 of the following year nor shall it apply to the retail vendor of Christmas trees during the same period, provided that such retail vendor has in its possession evidence of title or lease as prescribed by section 3(2)(ii).

**Section 10. Exemption from applicability.**

The provisions of this act shall not apply to the transportation of Christmas trees to dumping areas in vehicles customarily used for the hauling of trash or garbage.

Section 11. Effective date.

This act shall take effect in 60 days.

APPROVED—The 20th day of December, A. D. 1983.

DICK THORNBURGH