

2 **SSB 6194** - H COMM AMD
3 By Committee on Natural Resources

ADOPTED AS AMENDED 3/3/00

4
5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 70.93.030 and 1998 c 257 s 3 are each amended to read
8 as follows:

9 As used in this chapter unless the context indicates otherwise:

10 (1) "Conveyance" means a boat, airplane, or vehicle;

11 (2) "Department" means the department of ecology;

12 ~~((+2))~~ (3) "Director" means the director of the department of
13 ecology;

14 ~~((+3))~~ (4) "Disposable package or container" means all packages or
15 containers defined as such by rules and regulations adopted by the
16 department of ecology;

17 ~~((+4))~~ (5) "Junk vehicle" has the same meaning as defined in RCW
18 46.55.010;

19 (6) "Litter" means all waste material including but not limited to
20 disposable packages or containers thrown or deposited as herein
21 prohibited and solid waste that is illegally dumped, but not including
22 the wastes of the primary processes of mining, logging, sawmilling,
23 farming, or manufacturing;

24 ~~((+5))~~ (7) "Litter bag" means a bag, sack, or other container made
25 of any material which is large enough to serve as a receptacle for
26 litter inside the vehicle or watercraft of any person. It is not
27 necessarily limited to the state approved litter bag but must be
28 similar in size and capacity;

29 ~~((+6))~~ (8) "Litter receptacle" means those containers adopted by
30 the department of ecology and which may be standardized as to size,
31 shape, capacity, and color and which shall bear the state anti-litter
32 symbol, as well as any other receptacles suitable for the depositing of
33 litter;

34 ~~((+7))~~ (9) "Person" means any political subdivision, government
35 agency, municipality, industry, public or private corporation,

1 copartnership, association, firm, individual, or other entity
2 whatsoever;

3 ~~((+8))~~ (10) "Public place" means any area that is used or held out
4 for use by the public whether owned or operated by public or private
5 interests;

6 (11) "Recycling" means transforming or remanufacturing waste
7 materials into a finished product for use other than landfill disposal
8 or incineration;

9 ~~((+9))~~ (12) "Recycling center" means a central collection point
10 for recyclable materials;

11 ~~((+10))~~ (13) "To litter" means a single or cumulative act of
12 disposing of litter;

13 (14) "Vehicle" includes every device capable of being moved upon a
14 public highway and in, upon, or by which any persons or property is or
15 may be transported or drawn upon a public highway, excepting devices
16 moved by human or animal power or used exclusively upon stationary
17 rails or tracks;

18 ~~((+11))~~ (15) "Waste reduction" means reducing the amount or
19 toxicity of waste generated or reusing materials;

20 ~~((+12))~~ (16) "Watercraft" means any boat, ship, vessel, barge, or
21 other floating craft(

22 ~~(13) "Public place" means any area that is used or held out for use~~
23 ~~by the public whether owned or operated by public or private~~
24 ~~interests)).~~

25 **Sec. 2.** RCW 70.93.060 and 1997 c 159 s 1 are each amended to read
26 as follows:

27 (1) It is a violation of this section to abandon a junk vehicle
28 upon any property located in an unincorporated area of a county. In
29 addition, no person shall throw, drop, deposit, discard, or otherwise
30 dispose of litter upon any public property in the state or upon private
31 property in this state not owned by him or her or in the waters of this
32 state whether from a vehicle or otherwise including but not limited to
33 any public highway, public park, beach, campground, forest land,
34 recreational area, trailer park, highway, road, street, or alley
35 except:

36 (a) When the property is designated by the state or its agencies or
37 political subdivisions for the disposal of garbage and refuse, and the
38 person is authorized to use such property for that purpose;

1 (b) Into a litter receptacle in a manner that will prevent litter
2 from being carried away or deposited by the elements upon any part of
3 said private or public property or waters.

4 (2)(a) Except as provided in subsection (4) of this section, it is
5 a class 3 civil infraction as provided in RCW 7.80.120 for a person to
6 litter in an amount less than or equal to one cubic foot.

7 (b) It is a class 1 civil infraction as provided in RCW 7.80.120
8 for a person to litter in an amount greater than one cubic foot in an
9 incorporated area of a county. Unless suspended or modified by a
10 court, the person shall also pay a litter cleanup fee of twenty-five
11 dollars per cubic foot of litter. The court may, in addition to or in
12 lieu of part or all of the cleanup fee, order the person to pick up and
13 remove litter from the property, with prior permission of the legal
14 owner or, in the case of public property, of the agency managing the
15 property.

16 (c) It is a misdemeanor for a person to litter in an amount greater
17 than one cubic foot but less than one cubic yard in an unincorporated
18 area of a county. The person shall also pay a litter cleanup
19 restitution payment equal to twice the actual cost of cleanup, or fifty
20 dollars per cubic foot of litter, whichever is greater. The court
21 shall distribute one-half of the restitution payment to the landowner
22 and one-half of the restitution payment to the law enforcement agency
23 investigating the incident. The court may, in addition to or in lieu
24 of part or all of the cleanup restitution payment, order the person to
25 pick up and remove litter from the property, with prior permission of
26 the legal owner or, in the case of public property, of the agency
27 managing the property. The court may suspend or modify the litter
28 cleanup restitution payment for a first-time offender under this
29 section, if the person cleans up and properly disposes of the litter.

30 (d) It is a gross misdemeanor for a person to litter in an amount
31 of one cubic yard or more in an unincorporated area of a county. The
32 person shall also pay a litter cleanup restitution payment equal to
33 twice the actual cost of cleanup, or one hundred dollars per cubic foot
34 of litter, whichever is greater. The court shall distribute one-half
35 of the restitution payment to the landowner and one-half of the
36 restitution payment to the law enforcement agency investigating the
37 incident. The court may, in addition to or in lieu of part or all of
38 the cleanup restitution payment, order the person to pick up and remove
39 litter from the property, with prior permission of the legal owner or,

1 in the case of public property, of the agency managing the property.
2 The court may suspend or modify the litter cleanup restitution payment
3 for a first-time offender under this section, if the person cleans up
4 and properly disposes of the litter.

5 (e) If a junk vehicle is abandoned in violation of this section,
6 RCW 46.55.230 governs the vehicle's removal, disposal, and sale, and
7 the penalties that may be imposed against the person who abandoned the
8 vehicle.

9 (3) If the violation occurs in a state park, the court shall, in
10 addition to any other penalties assessed, order the person to perform
11 twenty-four hours of community service in the state park where the
12 violation occurred if the state park has stated an intent to
13 participate as provided in RCW ((43.51.048(2))) 79A.05.050.

14 (4) It is a class 1 civil infraction as provided in RCW 7.80.120
15 for a person to discard, in violation of this section, a cigarette,
16 cigar, or other tobacco product that is capable of starting a fire.

17 **Sec. 3.** RCW 70.95.240 and 1998 c 36 s 19 are each amended to read
18 as follows:

19 (1) After the adoption of regulations or ordinances by any county,
20 city, or jurisdictional board of health providing for the issuance of
21 permits as provided in RCW 70.95.160, it shall be unlawful for any
22 person to dump or deposit or permit the dumping or depositing of any
23 solid waste onto or under the surface of the ground or into the waters
24 of this state except at a solid waste disposal site for which there is
25 a valid permit. This section does not:

26 (a) Prohibit a person from dumping or depositing solid waste
27 resulting from his or her own activities onto or under the surface of
28 ground owned or leased by him or her when such action does not violate
29 statutes or ordinances, or create a nuisance;

30 (b) Apply to a person using a waste-derived soil amendment that has
31 been approved by the department under RCW 70.95.205; or

32 (c) Apply to the application of commercial fertilizer that has been
33 registered with the department of agriculture as provided in RCW
34 15.54.325, and that is applied in accordance with the standards
35 established in RCW 15.54.800(3).

36 (2)(a) It is a class 3 civil infraction as defined in RCW 7.80.120
37 for a person to litter in an amount less than or equal to one cubic
38 foot.

1 (b) It is a class 1 civil infraction as defined in RCW 7.80.120 for
2 a person to litter in an amount greater than one cubic foot in an
3 unincorporated area of a county. Unless suspended or modified by a
4 court, the person shall also pay a litter cleanup fee of twenty-five
5 dollars per cubic foot of litter. The court may, in addition to or in
6 lieu of part or all of the cleanup fee, order the person to pick up and
7 remove litter from the property, with prior permission of the legal
8 owner or, in the case of public property, of the agency managing the
9 property.

10 (c) It is a misdemeanor for a person to litter in an amount greater
11 than one cubic foot but less than one cubic yard in an unincorporated
12 area of a county. The person shall also pay a litter cleanup
13 restitution payment equal to twice the actual cost of cleanup, or fifty
14 dollars per cubic foot of litter, whichever is greater. The court
15 shall distribute one-half of the restitution payment to the landowner
16 and one-half of the restitution payment to the jurisdictional health
17 department investigating the incident. The court may, in addition to
18 or in lieu of part or all of the cleanup restitution payment, order the
19 person to pick up and remove litter from the property, with prior
20 permission of the legal owner or, in the case of public property, of
21 the agency managing the property. The court may suspend or modify the
22 litter cleanup restitution payment for a first-time offender under this
23 section, if the person cleans up and properly disposes of the litter.

24 (d) It is a gross misdemeanor for a person to litter in an amount
25 of one cubic yard or more in an unincorporated area of a county. The
26 person shall also pay a litter cleanup restitution payment equal to
27 twice the actual cost of cleanup, or one hundred dollars per cubic foot
28 of litter, whichever is greater. The court shall distribute one-half
29 of the restitution payment to the landowner and one-half of the
30 restitution payment to the jurisdictional health department
31 investigating the incident. The court may, in addition to or in lieu
32 of part or all of the cleanup restitution payment, order the person to
33 pick up and remove litter from the property, with prior permission of
34 the legal owner or, in the case of public property, of the agency
35 managing the property. The court may suspend or modify the litter
36 cleanup restitution payment for a first-time offender under this
37 section, if the person cleans up and properly disposes of the litter.

38 (e) If a junk vehicle is abandoned in violation of this chapter,
39 RCW 46.55.230 governs the vehicle's removal, disposal, and sale, and

1 the penalties that may be imposed against the person who abandoned the
2 vehicle.

3 **Sec. 4.** RCW 46.55.230 and 1991 c 292 s 2 are each amended to read
4 as follows:

5 (1) Notwithstanding any other provision of law, any law enforcement
6 officer having jurisdiction, or any employee or officer of a
7 jurisdictional health department acting pursuant to RCW 70.95.240, or
8 any person authorized by the director shall inspect and may authorize
9 the disposal of an abandoned junk vehicle. The person making the
10 inspection shall record the make and vehicle identification number or
11 license number of the vehicle if available, and shall also verify that
12 the approximate value of the junk vehicle is equivalent only to the
13 approximate value of the scrap in it.

14 (2) The law enforcement officer or department representative shall
15 provide information on the vehicle's registered and legal owner to the
16 landowner.

17 (3) Upon receiving information on the vehicle's registered and
18 legal owner, the landowner shall mail a notice to the registered and
19 legal owners shown on the records of the department. The notification
20 shall describe the redemption procedure and the right to arrange for
21 the removal of the vehicle.

22 (4) If the vehicle remains unclaimed more than fifteen days after
23 the landowner has mailed notification to the registered and legal
24 owner, the landowner may dispose of the vehicle or sign an affidavit of
25 sale to be used as a title document.

26 (5) If no information on the vehicle's registered and legal owner
27 is found in the records of the department, the landowner may
28 immediately dispose of the vehicle or sign an affidavit of sale to be
29 used as a title document.

30 (6)(a) It is a class 1 civil infraction as defined in RCW 7.80.120
31 for a person to abandon a junk vehicle on property located in an
32 incorporated area. If a junk vehicle is abandoned in an incorporated
33 area, the landowner of the property upon which the junk vehicle is
34 located is entitled to recover from the vehicle's registered owner any
35 costs incurred in the removal of the junk vehicle.

36 (b) It is a misdemeanor for a person to abandon a junk vehicle on
37 property located in an unincorporated area. If a junk vehicle is
38 abandoned in an unincorporated area, the vehicle's registered owner

1 shall also pay a cleanup restitution payment equal to twice the costs
2 incurred in the removal of the junk vehicle. The court shall
3 distribute one-half of the restitution payment to the landowner of the
4 property upon which the junk vehicle is located, and one-half of the
5 restitution payment to the law enforcement agency or jurisdictional
6 health department investigating the incident.

7 (7) For the purposes of this section, the term "landowner" includes
8 a legal owner of private property, a person with possession or control
9 of private property, or a public official having jurisdiction over
10 public property.

11 (8) A person complying in good faith with the requirements of this
12 section is immune from any liability arising out of an action taken or
13 omission made in the compliance.

14 NEW SECTION. Sec. 5. If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected."

18 Correct the title.

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