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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: H-2354.1/01

ATTY/TYPIST: ML:rmh

BRIEF DESCRIPTION:

2 By Representative Linville

3 **SB 5093** - H COMM AMD  
4 By Committee on Agriculture & Ecology

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

8 "Sec. 1. RCW 70.93.060 and 2000 c 154 s 2 are each amended to read  
9 as follows:

10 (1) It is a violation of this section to abandon a junk vehicle  
11 upon any property (~~located in an unincorporated area of a county~~). In  
12 addition, no person shall throw, drop, deposit, discard, or otherwise  
13 dispose of litter upon any public property in the state or upon private  
14 property in this state not owned by him or her or in the waters of this  
15 state whether from a vehicle or otherwise including but not limited to  
16 any public highway, public park, beach, campground, forest land,  
17 recreational area, trailer park, highway, road, street, or alley  
18 except:

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

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

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

28 (b) (~~It is a class 1 civil infraction as provided in RCW 7.80.120~~  
29 ~~for a person to litter in an amount greater than one cubic foot in an~~  
30 ~~incorporated area of a county. Unless suspended or modified by a~~  
31 ~~court, the person shall also pay a litter cleanup fee of twenty five~~  
32 ~~dollars per cubic foot of litter. The court may, in addition to or in~~  
33 ~~lieu of part or all of the cleanup fee, order the person to pick up and~~  
34 ~~remove litter from the property, with prior permission of the legal~~  
35 ~~owner or, in the case of public property, of the agency managing the~~  
36 ~~property.~~

1       ~~(e))~~) It is a misdemeanor for a person to litter in an amount  
2 greater than one cubic foot but less than one cubic yard (~~(in an~~  
3 ~~unincorporated area of a county)~~). The person shall also pay a litter  
4 cleanup restitution payment equal to twice the actual cost of cleanup,  
5 or fifty dollars per cubic foot of litter, whichever is greater. The  
6 court shall distribute one-half of the restitution payment to the  
7 landowner and one-half of the restitution payment to the law  
8 enforcement agency investigating the incident. The court may, in  
9 addition to or in lieu of part or all of the cleanup restitution  
10 payment, order the person to pick up and remove litter from the  
11 property, with prior permission of the legal owner or, in the case of  
12 public property, of the agency managing the property. The court may  
13 suspend or modify the litter cleanup restitution payment for a first-  
14 time offender under this section, if the person cleans up and properly  
15 disposes of the litter.

16       ~~((d))~~) (c) It is a gross misdemeanor for a person to litter in an  
17 amount of one cubic yard or more (~~(in an unincorporated area of a~~  
18 ~~county)~~). The person shall also pay a litter cleanup restitution  
19 payment equal to twice the actual cost of cleanup, or one hundred  
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       ~~((e))~~) (d) If a junk vehicle is abandoned in violation of this  
31 section, RCW 46.55.230 governs the vehicle's removal, disposal, and  
32 sale, and the penalties that may be imposed against the person who  
33 abandoned the vehicle.

34       (3) If the violation occurs in a state park, the court shall, in  
35 addition to any other penalties assessed, order the person to perform  
36 twenty-four hours of community service in the state park where the  
37 violation occurred if the state park has stated an intent to  
38 participate as provided in RCW 79A.05.050.

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

4 **Sec. 2.** RCW 70.95.240 and 2000 c 154 s 3 are each amended to read  
5 as follows:

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

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

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

19 (c) Apply to the application of commercial fertilizer that has been  
20 registered with the department of agriculture as provided in RCW  
21 15.54.325, and that is applied in accordance with the standards  
22 established in RCW 15.54.800(3).

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

26 (b) ~~((It is a class 1 civil infraction as defined in RCW 7.80.120  
27 for a person to litter in an amount greater than one cubic foot in an  
28 unincorporated area of a county. Unless suspended or modified by a  
29 court, the person shall also pay a litter cleanup fee of twenty five  
30 dollars per cubic foot of litter. The court may, in addition to or in  
31 lieu of part or all of the cleanup fee, order the person to pick up and  
32 remove litter from the property, with prior permission of the legal  
33 owner or, in the case of public property, of the agency managing the  
34 property.~~

35 (c)) It is a misdemeanor for a person to litter in an amount  
36 greater than one cubic foot but less than one cubic yard ~~((in an  
37 unincorporated area of a county))~~. The person shall also pay a litter  
38 cleanup restitution payment equal to twice the actual cost of cleanup,

1 or fifty dollars per cubic foot of litter, whichever is greater. The  
2 court shall distribute one-half of the restitution payment to the  
3 landowner and one-half of the restitution payment to the jurisdictional  
4 health department investigating the incident. The court may, in  
5 addition to or in lieu of part or all of the cleanup restitution  
6 payment, order the person to pick up and remove litter from the  
7 property, with prior permission of the legal owner or, in the case of  
8 public property, of the agency managing the property. The court may  
9 suspend or modify the litter cleanup restitution payment for a first-  
10 time offender under this section, if the person cleans up and properly  
11 disposes of the litter.

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

26 ~~((e))~~ (d) If a junk vehicle is abandoned in violation of this  
27 chapter, RCW 46.55.230 governs the vehicle's removal, disposal, and  
28 sale, and the penalties that may be imposed against the person who  
29 abandoned the vehicle.

30 **Sec. 3.** RCW 46.55.230 and 2000 c 154 s 4 are each amended to read  
31 as follows:

32 (1) Notwithstanding any other provision of law, any law enforcement  
33 officer having jurisdiction, or any employee or officer of a  
34 jurisdictional health department acting pursuant to RCW 70.95.240, or  
35 any person authorized by the director shall inspect and may authorize  
36 the disposal of an abandoned junk vehicle. The person making the  
37 inspection shall record the make and vehicle identification number or  
38 license number of the vehicle if available, and shall also verify that

1 the approximate value of the junk vehicle is equivalent only to the  
2 approximate value of the scrap in it.

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

6 (3) Upon receiving information on the vehicle's registered and  
7 legal owner, the landowner shall mail a notice to the registered and  
8 legal owners shown on the records of the department. The notification  
9 shall describe the redemption procedure and the right to arrange for  
10 the removal of the vehicle.

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

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

19 ~~(6)((a) It is a class 1 civil infraction as defined in RCW  
20 7.80.120 for a person to abandon a junk vehicle on property located in  
21 an incorporated area. If a junk vehicle is abandoned in an  
22 incorporated area, the landowner of the property upon which the junk  
23 vehicle is located is entitled to recover from the vehicle's registered  
24 owner any costs incurred in the removal of the junk vehicle.~~

25 ~~(b)) It is a gross misdemeanor for a person to abandon a junk  
26 vehicle on property ((located in an unincorporated area)). If a junk  
27 vehicle is abandoned ((in an unincorporated area)), the vehicle's  
28 registered owner shall also pay a cleanup restitution payment equal to  
29 twice the costs incurred in the removal of the junk vehicle. The court  
30 shall distribute one-half of the restitution payment to the landowner  
31 of the property upon which the junk vehicle is located, and one-half of  
32 the restitution payment to the law enforcement agency or jurisdictional  
33 health department investigating the incident.~~

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

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

4 Correct the title.

EFFECT: Makes penalties for littering or abandoning junk vehicles the same in the unincorporated area and the incorporated portions of a county. The penalty for all littering and junk vehicle violations is: (1) Littering: Less than one cubic foot equals class 3 civil infraction (\$50 fine); between one cubic foot and one cubic yard is a misdemeanor (litter cleanup restitution of twice the actual cleanup cost, not less than \$50, with one-half to affected landowner and one-half to investigating enforcement agency); and over one cubic yard is a gross misdemeanor (litter cleanup restitution of twice the actual cleanup costs, not less than \$100, with one-half to affected landowner and one-half to investigating enforcement agency); (2) Abandoning a junk vehicle: Gross misdemeanor (cleanup restitution payment of twice the cost to remove the junk vehicle, with one-half to the affected landowner and one-half to the investigating enforcement agency).

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