

# ANALYSIS OF HB 1163

HOUSE AGRICULTURE & ECOLOGY COMMITTEE    JANUARY 30, 2001

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New penalties for littering and abandoning junk vehicles in an incorporated area are the same as the existing penalties in the unincorporated portion of a county.

## **Background:**

A person violating the state litter or vehicle abandonment laws faces different penalties depending on where in a county the violation occurs. Littering more than one cubic foot of trash within the incorporated area is a class 1 civil infraction punishable by a \$250 fine. In addition to the civil infraction, a \$25 litter cleanup fee for every cubic foot of litter deposited and a court order to pick up the trash littered may be entered.

In an unincorporated area, litter in excess of one cubic foot, but less than one cubic yard is a misdemeanor and litter greater than one cubic yard is a gross misdemeanor. In both cases, the violator must pay a litter restitution payment equal to twice the actual cost of cleanup. This restitution payment can not be less than \$50 for those littering less than one cubic yard or less than \$100 for those littering over one cubic yard. One-half of this restitution payment is distributed to the law enforcement agency investigating the incident, and one-half is distributed to the affected landowner. First-time offenders in an unincorporated area may have restitution payments waived if they agree to clean up the litter.

A similar distinction exists for junk vehicles that are abandoned in incorporated and unincorporated portions of counties. Abandoning a junk vehicle on property located within the incorporated area is class 1 civil infraction. The maximum penalty for this violation is a \$250 fine and reimbursement to the landowner for any costs associated with the vehicle's removal. Abandoning a junk vehicle on property located in the unincorporated county is a gross misdemeanor. The maximum penalty for this violation is a cleanup restitution of twice the costs incurred in the junk vehicle's removal. One half of the restitution payment is distributed to the affected land owner, and one half is distributed to the state entity investigating the incident.

**Summary:**

Penalties for littering or abandoning junk vehicles are 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* = class 3 civil infraction (\$50 fine)
- *Between one cubic foot and one cubic yard* = 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)
- *Over one cubic yard* = 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).

Appropriation: None.

Fiscal Note: Requested on January 18, 2001.

Effective Date: Ninety days after adjournment of regular session.