

***Agriculture & Ecology Committee***

***SB 5093***

***Brief Description:*** *Modifying provisions concerning the unlawful dumping of solid waste.*

***Sponsors:*** *By Senators T. Sheldon, Oke and Rasmussen.*

***Brief Summary of Bill***

- *Specifies that it is a civil infraction to litter in excess of one cubic foot in an incorporated portion of a county.*

***Hearing Date:*** *3/8/01*

***Staff:*** *Jason Callahan (786-7117).*

***Background:***

*Current law has inconsistent language dealing with littering penalties. The Washington Reduction, Recycling, and Model Litter Control Act specifies that littering in the incorporated portion of the county is a class 1 civil infraction, while littering in the unincorporated county is a misdemeanor. However, the solid waste management provisions found in RCW Chapter 70.95 specify that it is both a civil infraction and a misdemeanor to litter over one cubic foot in the unincorporated portion of the county. No provisions are made for littering in the incorporated portion of a county.*

*A class 1 civil infraction is punishable by a \$250 fine. In addition to the civil infraction, a person littering in an incorporated portion of a county may face a \$25 litter cleanup fee for every cubic foot of litter deposited and a to pick up the trash littered may be entered. A misdemeanor litterer must pay a court order 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.*

***Summary of Bill:***

***It is a civil infraction to litter in excess of one cubic foot in an incorporated portion of a county.***

***Appropriation: None.***

***Fiscal Note: Not Requested.***

***Effective Date: Ninety days after adjournment of session in which bill is passed.***