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HOUSE BILL 1163

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State of Washington

57th Legislature

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By Representatives Eickmeyer, Doumit, Rockefeller, Jackley and Haigh

Read first time 01/18/2001. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to disposal of garbage and junk vehicles; and  
2 amending RCW 70.93.060, 70.95.240, and 46.55.230.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 70.93.060 and 2000 c 154 s 2 are each amended to read  
5 as follows:

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

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

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

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

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

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

32 ~~((d))~~ (c) It is a gross misdemeanor for a person to litter in  
33 an amount of one cubic yard or more (~~in an unincorporated area of  
34 a county~~). The person shall also pay a litter cleanup restitution  
35 payment equal to twice the actual cost of cleanup, or one hundred  
36 dollars per cubic foot of litter, whichever is greater. The court  
37 shall distribute one-half of the restitution payment to the  
38 landowner and one-half of the restitution payment to the law

1 enforcement agency investigating the incident. The court may, in  
2 addition to or in lieu of part or all of the cleanup restitution  
3 payment, order the person to pick up and remove litter from the  
4 property, with prior permission of the legal owner or, in the case  
5 of public property, of the agency managing the property. The court  
6 may suspend or modify the litter cleanup restitution payment for a  
7 first-time offender under this section, if the person cleans up  
8 and properly disposes of the litter.

9 ~~((e))~~ (d) If a junk vehicle is abandoned in violation of this  
10 section, RCW 46.55.230 governs the vehicle's removal, disposal,  
11 and sale, and the penalties that may be imposed against the person  
12 who abandoned the vehicle.

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

18 (4) It is a class 1 civil infraction as provided in RCW  
19 7.80.120 for a person to discard, in violation of this section, a  
20 cigarette, cigar, or other tobacco product that is capable of  
21 starting a fire.

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

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

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

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

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

5 (2)(a) It is a class 3 civil infraction as defined in RCW  
6 7.80.120 for a person to litter in an amount less than or equal to  
7 one cubic foot.

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

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

33 ~~((d))~~ (c) It is a gross misdemeanor for a person to litter in  
34 an amount of one cubic yard or more ~~((in an unincorporated area of  
35 a county))~~. The person shall also pay a litter cleanup restitution  
36 payment equal to twice the actual cost of cleanup, or one hundred  
37 dollars per cubic foot of litter, whichever is greater. The court  
38 shall distribute one-half of the restitution payment to the

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

10 ((+e)) (d) If a junk vehicle is abandoned in violation of this  
11 chapter, RCW 46.55.230 governs the vehicle's removal, disposal,  
12 and sale, and the penalties that may be imposed against the person  
13 who abandoned the vehicle.

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

16 (1) Notwithstanding any other provision of law, any law  
17 enforcement officer having jurisdiction, or any employee or  
18 officer of a jurisdictional health department acting pursuant to  
19 RCW 70.95.240, or any person authorized by the director shall  
20 inspect and may authorize the disposal of an abandoned junk  
21 vehicle. The person making the inspection shall record the make and  
22 vehicle identification number or license number of the vehicle if  
23 available, and shall also verify that the approximate value of the  
24 junk vehicle is equivalent only to the approximate value of the  
25 scrap in it.

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

29 (3) Upon receiving information on the vehicle's registered and  
30 legal owner, the landowner shall mail a notice to the registered  
31 and legal owners shown on the records of the department. The  
32 notification shall describe the redemption procedure and the right  
33 to arrange for the removal of the vehicle.

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

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

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

12 ~~(b)) It is a gross misdemeanor for a person to abandon a junk  
13 vehicle on another's property ((located in an unincorporated  
14 area)). If a junk vehicle is abandoned ((in an unincorporated  
15 area)), the vehicle's registered owner shall also pay a cleanup  
16 restitution payment equal to twice the costs incurred in the  
17 removal of the junk vehicle. The court shall distribute one-half of  
18 the restitution payment to the landowner of the property upon  
19 which the junk vehicle is located, and one-half of the restitution  
20 payment to the law enforcement agency or jurisdictional health  
21 department investigating the incident.~~

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

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

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