

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1163

57th Legislature
2001 Regular Session

Passed by the House February 27, 2001
Yeas 98 Nays 0

Speaker of the House of Representatives

Speaker of the House of Representatives

Passed by the Senate May 9, 2001
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1163** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1163

Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Eickmeyer, Doumit, Rockefeller, Jackley and Haigh)

READ FIRST TIME 02/15/01.

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 property (~~located in an unincorporated area of a~~
8 ~~county~~). In addition, no person shall throw, drop, deposit,
9 discard, or otherwise dispose of litter upon any public property
10 in the state or upon private property in this state not owned by
11 him or her or in the waters of this state whether from a vehicle
12 or otherwise including but not limited to any public highway,
13 public park, beach, campground, forest land, recreational area,
14 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 property ((located in an unincorporated area)). If a~~
14 ~~junk vehicle is abandoned ((in an unincorporated area)), the~~
15 ~~vehicle's registered owner shall also pay a cleanup restitution~~
16 ~~payment equal to twice the costs incurred in the removal of the~~
17 ~~junk vehicle. The court shall distribute one-half of the~~
18 ~~restitution payment to the landowner of the property upon which~~
19 ~~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.

--- END ---

