

SHB 1409 - S COMM AMD

By Committee on Natural Resources, Energy & Water

ADOPTED 04/15/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that the littering of
4 potentially dangerous products poses a greater danger to the public
5 safety than other classes of litter. Broken glass, human waste, and
6 other dangerous materials along roadways, within parking lots, and on
7 pedestrian, bicycle, and recreation trails elevates the risk to public
8 safety, such as vehicle tire punctures, and the risk to the community
9 volunteers who spend their time gathering and properly disposing of the
10 litter left behind by others. As such, the legislature finds that a
11 higher penalty should be imposed on those who improperly dispose of
12 potentially dangerous products, such as is imposed on those who
13 improperly dispose of tobacco products.

14 **Sec. 2.** RCW 70.93.030 and 2000 c 154 s 1 are each amended to read
15 as follows:

16 ((~~As used in~~)) The definitions in this section apply throughout
17 this chapter unless the context ((~~indicates~~)) clearly requires
18 otherwise((~~+~~)).

19 (1) "Conveyance" means a boat, airplane, or vehicle((~~+~~)).

20 (2) "Department" means the department of ecology((~~+~~)).

21 (3) "Director" means the director of the department of
22 ecology((~~+~~)).

23 (4) "Disposable package or container" means all packages or
24 containers defined as such by rules ((~~and regulations~~)) adopted by the
25 department of ecology((~~+~~)).

26 (5) "Junk vehicle" has the same meaning as defined in RCW
27 46.55.010((~~+~~)).

28 (6) "Litter" means all waste material including but not limited to
29 disposable packages or containers thrown or deposited as herein

1 prohibited and solid waste that is illegally dumped, but not including
2 the wastes of the primary processes of mining, logging, sawmilling,
3 farming, or manufacturing((†)). "Litter" includes the material
4 described in subsection (10) of this section as "potentially dangerous
5 litter."

6 (7) "Litter bag" means a bag, sack, or other container made of any
7 material which is large enough to serve as a receptacle for litter
8 inside the vehicle or watercraft of any person. It is not necessarily
9 limited to the state approved litter bag but must be similar in size
10 and capacity((†)).

11 (8) "Litter receptacle" means those containers adopted by the
12 department of ecology and which may be standardized as to size, shape,
13 capacity, and color and which shall bear the state anti-litter symbol,
14 as well as any other receptacles suitable for the depositing of
15 litter((†)).

16 (9) "Person" means any political subdivision, government agency,
17 municipality, industry, public or private corporation, copartnership,
18 association, firm, individual, or other entity whatsoever((†)).

19 (10) "Potentially dangerous litter" means litter that is likely to
20 injure a person or cause damage to a vehicle or other property.
21 "Potentially dangerous litter" means:

22 (a) Cigarettes, cigars, or other tobacco products that are capable
23 of starting a fire;

24 (b) Glass;

25 (c) A container or other product made predominantly or entirely of
26 glass;

27 (d) A hypodermic needle or other medical instrument designed to cut
28 or pierce;

29 (e) Raw human waste, including soiled baby diapers, regardless of
30 whether or not the waste is in a container of any sort; and

31 (f) Nails or tacks.

32 (11) "Public place" means any area that is used or held out for use
33 by the public whether owned or operated by public or private
34 interests((†)).

35 ((†11)) (12) "Recycling" means transforming or remanufacturing
36 waste materials into a finished product for use other than landfill
37 disposal or incineration((†)).

1 (~~(12)~~) (13) "Recycling center" means a central collection point
2 for recyclable materials(~~(1)~~)_.

3 (~~(13)~~) (14) "To litter" means a single or cumulative act of
4 disposing of litter(~~(1)~~)_.

5 (~~(14)~~) (15) "Vehicle" includes every device capable of being
6 moved upon a public highway and in, upon, or by which any persons or
7 property is or may be transported or drawn upon a public highway,
8 excepting devices moved by human or animal power or used exclusively
9 upon stationary rails or tracks(~~(1)~~)_.

10 (~~(15)~~) (16) "Waste reduction" means reducing the amount or
11 toxicity of waste generated or reusing materials(~~(1)~~)_.

12 (~~(16)~~) (17) "Watercraft" means any boat, ship, vessel, barge, or
13 other floating craft.

14 **Sec. 3.** RCW 70.93.060 and 2002 c 175 s 45 are each amended to read
15 as follows:

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

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

27 (b) Into a litter receptacle in a manner that will prevent litter
28 from being carried away or deposited by the elements upon any part of
29 the private or public property or waters.

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

33 (b) It is a misdemeanor for a person to litter in an amount greater
34 than one cubic foot but less than one cubic yard. The person shall
35 also pay a litter cleanup restitution payment equal to twice the actual
36 cost of cleanup, or fifty dollars per cubic foot of litter, whichever

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

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

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

29 (3) If the violation occurs in a state park, the court shall, in
30 addition to any other penalties assessed, order the person to perform
31 twenty-four hours of community restitution in the state park where the
32 violation occurred if the state park has stated an intent to
33 participate as provided in RCW 79A.05.050.

34 (4) It is a class 1 civil infraction as provided in RCW 7.80.120
35 for a person to discard, in violation of this section, (~~a cigarette,~~
36 ~~eigar, or other tobacco product that is capable of starting a fire~~)
37 potentially dangerous litter in any amount.

1 **Sec. 4.** RCW 7.80.120 and 1997 c 159 s 2 are each amended to read
2 as follows:

3 (1) A person found to have committed a civil infraction shall be
4 assessed a monetary penalty.

5 (a) The maximum penalty and the default amount for a class 1 civil
6 infraction shall be two hundred fifty dollars, not including statutory
7 assessments, except for an infraction of state law involving (~~to be~~
8 ~~products~~) potentially dangerous litter as specified in RCW
9 70.93.060(4), in which case the maximum penalty and default amount is
10 five hundred dollars;

11 (b) The maximum penalty and the default amount for a class 2 civil
12 infraction shall be one hundred twenty-five dollars, not including
13 statutory assessments;

14 (c) The maximum penalty and the default amount for a class 3 civil
15 infraction shall be fifty dollars, not including statutory assessments;
16 and

17 (d) The maximum penalty and the default amount for a class 4 civil
18 infraction shall be twenty-five dollars, not including statutory
19 assessments.

20 (2) The supreme court shall prescribe by rule the conditions under
21 which local courts may exercise discretion in assessing fines for civil
22 infractions.

23 (3) Whenever a monetary penalty is imposed by a court under this
24 chapter it is immediately payable. If the person is unable to pay at
25 that time the court may grant an extension of the period in which the
26 penalty may be paid. If the penalty is not paid on or before the time
27 established for payment, the court may proceed to collect the penalty
28 in the same manner as other civil judgments and may notify the
29 prosecuting authority of the failure to pay.

30 (4) The court may also order a person found to have committed a
31 civil infraction to make restitution.

32 **Sec. 5.** RCW 46.61.645 and 1965 ex.s. c 155 s 77 are each amended
33 to read as follows:

34 (1) (~~No person shall throw or deposit upon any highway any glass~~
35 ~~bottle, glass, nails, tacks, wire, cans or any other substance likely~~
36 ~~to injure any person, animal or vehicle upon such highway.~~

1 ~~(2))~~ Any person who drops, or permits to be dropped or thrown,
2 upon any highway any (~~destructive or injurious~~) material shall
3 immediately remove the same or cause it to be removed.

4 ~~((3))~~ (2) Any person removing a wrecked or damaged vehicle from
5 a highway shall remove any glass or other injurious substance dropped
6 upon the highway from such vehicle.

7 NEW SECTION. Sec. 6. RCW 70.93.100 (Litter bags--Design and
8 distribution by department authorized--Violations--Penalties) and 1981
9 c 260 s 15 are each repealed."

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10 On page 1, line 1 of the title, after "littering;" strike the
11 remainder of the title and insert "amending RCW 70.93.030, 70.93.060,
12 7.80.120, and 46.61.645; creating a new section; repealing RCW
13 70.93.100; and prescribing penalties."

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