

# FINAL BILL REPORT

## SHB 1409

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Synopsis as Enacted

**Brief Description:** Making litter that is likely to injure a person or damage property "potentially dangerous litter," making improper disposal a civil infraction, and authorizing counties to abate a nuisance at the expense of the responsible party.

**Sponsors:** By House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Upthegrove, Hunt and Clibborn).

**House Committee on Fisheries, Ecology & Parks**  
**Senate Committee on Natural Resources, Energy & Water**

**Background:**

Littering, or the illegal dumping of waste material, is unlawful in Washington. Littering regulations are enforced with penalties on a sliding scale, with the amount of litter discarded dictating the level of penalty assessed.

Littering one cubic yard of material or more is a gross misdemeanor. Littering of less than one cubic yard, but more than one cubic foot, is a misdemeanor. Along with criminal sanctions, these violations may also require the litterer to pay a restitution of twice the actual cost to clean up the illegally dumped waste, or \$50, whichever is greater.

Littering of most items in an amount of one cubic foot or less is a class 3 civil infraction. Class 3 civil infractions are subject to a fine of up to \$50, plus a court assessment. Littering of a cigarette, cigar, or other tobacco product that is capable of starting a fire is a class 1 civil infraction. A person found to be in violation of that section of law is subject to a fine of up to \$500, plus court assessments.

In addition to being a littering violation, it is a traffic code infraction to throw onto any highway glass bottles, glass, nails, tacks, wires, cans, or any other substance likely to injure a person, animal, or vehicle. This violation of the traffic code is subject to a civil fine of up to \$171.

It is also a fineable offense for the owner of a vehicle or watercraft to fail to keep a litter bag in his or her vehicle or vessel.

**Summary:**

The maximum penalty for improperly disposing of potentially dangerous litter is \$500.

Potentially dangerous litter is defined as litter that is likely to injure a person or cause damage to a vehicle or other property, and means: (1) cigarettes, cigars, or other tobacco products that are capable of starting a fire; (2) glass; (3) containers and other products made of glass; (4) hypodermic needles and other sharp medical instruments; (5) raw human waste; and (6) nails and tacks.

It is no longer a traffic infraction to deposit substances likely to damage persons, animals, or vehicles onto a state highway, and it is no longer a fineable offense if owners of vehicles and watercraft fail to keep a litter bag in their car or boat.

Counties have the express authority to declare a nuisance by ordinance, and abate the nuisance at the owner's expense. The county may levy a special assessment on the property to reimburse the county for any expenses incurred in removing the nuisance. The assessment is a lien on the property.

**Votes on Final Passage:**

House 93 0  
Senate 48 0 (Senate amended)  
House 97 0 (House concurred)

**Effective:** July 27, 2003