
SUBSTITUTE HOUSE BILL 1160

State of Washington

64th Legislature

2015 Regular Session

By House Environment (originally sponsored by Representatives Pike, Moeller, Fitzgibbon, Bergquist, Gregerson, Ormsby, Ryu, and Tharinger)

READ FIRST TIME 02/04/15.

1 AN ACT Relating to stamping out litter in Washington state by
2 increasing penalties for littering while providing additional funding
3 to state parks; amending RCW 70.93.060, 43.08.250, 70.93.180,
4 3.50.100, 35.20.220, 79A.05.215, 79A.05.215, 79A.05.050, 7.80.120,
5 and 46.63.110; reenacting and amending RCW 70.93.180 and 3.62.020;
6 creating a new section; prescribing penalties; providing an effective
7 date; and providing an expiration date.

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

9 **Sec. 1.** RCW 70.93.060 and 2003 c 337 s 3 are each amended to
10 read as follows:

11 (1) It is a violation of this section to abandon a junk vehicle
12 upon any property.

13 (2) In addition, no person shall throw, drop, deposit, discard,
14 or otherwise dispose of litter upon any public property in the state
15 or upon private property in this state not owned by him or her or in
16 the waters of this state whether from a vehicle or otherwise
17 including but not limited to any public highway, public park, beach,
18 campground, forest land, recreational area, trailer park, highway,
19 road, street, or alley except:

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

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

7 ~~((2))~~(3)(a) Except as provided in subsection ~~((4))~~(5) of this
8 section, it is a class ~~((3))~~2 civil infraction as provided in RCW
9 7.80.120 for a person to litter in an amount less than or equal to
10 one cubic foot. This penalty is in addition to any penalty imposed
11 for a violation of RCW 46.61.645(1).

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

26 (c) It is a gross misdemeanor for a person to litter in an amount
27 of one cubic yard or more. The person shall also pay a litter cleanup
28 restitution payment equal to twice the actual cost of cleanup, or one
29 hundred dollars per cubic foot of litter, whichever is greater. The
30 court shall distribute one-half of the restitution payment to the
31 landowner and one-half of the restitution payment to the law
32 enforcement agency investigating the incident. The court may, in
33 addition to or in lieu of part or all of the cleanup restitution
34 payment, order the person to pick up and remove litter from the
35 property, with prior permission of the legal owner or, in the case of
36 public property, of the agency managing the property. The court may
37 suspend or modify the litter cleanup restitution payment for a first-
38 time offender under this section, if the person cleans up and
39 properly disposes of the litter.

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

5 ~~((3))~~(4) If the violation occurs in a state park, the court
6 shall, in addition to any other penalties assessed, order the person
7 to perform twenty-four hours of community restitution in the state
8 park where the violation occurred if the state park has stated an
9 intent to participate as provided in RCW 79A.05.050.

10 ~~((4))~~(5) It is a class 1 civil infraction as provided in RCW
11 7.80.120 for a person to discard, in violation of this section,
12 potentially dangerous litter in any amount.

13 **Sec. 2.** RCW 43.08.250 and 2009 c 479 s 26 are each amended to
14 read as follows:

15 (1) Except as provided in subsection (3) of this section, the
16 money received by the state treasurer from fees, fines, forfeitures,
17 penalties, reimbursements or assessments by any court organized under
18 Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the
19 state general fund.

20 (2) The money received by the state treasurer from the increase
21 in fees imposed by sections 9, 10, 12, 13, 14, 17, and 19, chapter
22 457, Laws of 2005 shall be deposited in the state general fund. It is
23 the intent of the legislature that fifty percent of such money be
24 appropriated to the administrator for the courts for the purposes of
25 contributing to district court judges' salaries and to eligible
26 elected municipal court judges' salaries. It is further the intent of
27 the legislature that the balance of such moneys be used to fund
28 criminal indigent defense assistance and enhancement at the trial
29 court level, representation of parents in dependency and termination
30 proceedings, and civil legal representation of indigent persons.

31 (3) The money received by the state treasurer from the increase
32 in penalties imposed by sections 1, 11, and 12, chapter ..., Laws of
33 2015 (sections 1, 11, and 12 of this act) must be deposited in the
34 state parks renewal and stewardship account created under RCW
35 79A.05.215.

36 **Sec. 3.** RCW 70.93.180 and 2013 2nd sp.s. c 15 s 6 and 2013 2nd
37 sp.s. c 4 s 989 are each reenacted and amended to read as follows:

1 (1) There is hereby created an account within the state treasury
2 to be known as the waste reduction, recycling, and litter control
3 account. Moneys in the account may be spent only after appropriation.
4 Expenditures from the waste reduction, recycling, and litter control
5 account shall be used as follows:

6 (a) Fifty percent to the department of ecology, for use by the
7 departments of ecology, natural resources, revenue, transportation,
8 and corrections, and the parks and recreation commission, for use in
9 litter collection programs, to be distributed under RCW 70.93.220.
10 The amount to the department of ecology shall also be used for a
11 central coordination function for litter control efforts statewide;
12 for the (~~biennial~~)periodic litter survey under RCW 70.93.200(8);
13 for statewide public awareness programs under RCW 70.93.200(7); and
14 during the 2013-2015 biennium, to support employment of youth in
15 litter clean up as intended in RCW 70.93.020, and for litter pick up
16 using other authorized agencies. The amount to the department shall
17 also be used to defray the costs of administering the funding,
18 coordination, and oversight of local government programs for waste
19 reduction, litter control, and recycling, so that local governments
20 can apply one hundred percent of their funding to achieving program
21 goals. The amount to the department of revenue shall be used to
22 enforce compliance with the litter tax imposed in chapter 82.19 RCW;

23 (b) Twenty percent to the department: (i) For local government
24 funding programs for waste reduction, litter control, and recycling
25 activities by cities and counties under RCW 70.93.250, to be
26 administered by the department of ecology; and (ii) during the
27 2013-2015 biennium, to create a matching fund competitive grant
28 program to be used by local governments and nonprofit organizations
29 for local or statewide education programs designed to help the public
30 with litter reduction, and recycling of primarily the products taxed
31 under chapter 82.19 RCW. Unspent funds from (a) and (c) of this
32 subsection may be applied to the competitive grant program; and

33 (c) Thirty percent to the department of ecology for waste
34 reduction and recycling efforts. During the 2013-2015 biennium, these
35 funds are to be used to: (i) Implement activities under RCW 70.93.200
36 for waste reduction, recycling efforts; (ii) provide technical
37 assistance to local governments for commercial business and
38 residential recycling programs primarily for the products taxed under
39 chapter 82.19 RCW designed to educate citizens about waste and litter
40 reduction and recyclable products and programs; and (iii) increase

1 access to recycling programs, particularly for food packaging and
2 plastic bags and appropriate techniques of discarding products.

3 (2) All moneys directed to the waste reduction, recycling, and
4 litter control account under RCW 82.19.040 and fines and bail
5 forfeitures collected or received pursuant to this chapter, except as
6 provided in RCW 43.08.250(3), shall be deposited in the account and
7 used for the programs under subsection (1) of this section.

8 (3) Not less than five percent and no more than ten percent of
9 the amount appropriated into the waste reduction, recycling, and
10 litter control account every biennium shall be reserved for capital
11 needs, including the purchase of vehicles for transporting crews and
12 for collecting litter and solid waste. Capital funds shall be
13 distributed among state agencies and local governments according to
14 the same criteria provided in RCW 70.93.220 for the remainder of the
15 funds, so that the most effective waste reduction, litter control,
16 and recycling programs receive the most funding. The intent of this
17 subsection is to provide funds for the purchase of equipment that
18 will enable the department to account for the greatest return on
19 investment in terms of reaching a zero litter goal.

20 ~~((5)---[(4)]))~~(4) During the 2013-2015 biennium, funds in the
21 waste reduction, recycling, and litter control account, collected
22 under chapter 82.19 RCW, must be prioritized for the products
23 identified under RCW 82.19.020 solely for the purposes of recycling
24 and litter collection, reduction, and control programs.

25 ~~((6)---[(5)]))~~(5) During the 2013-2015 biennium, the legislature
26 may appropriate funds from the waste reduction, recycling, and litter
27 control account to the state parks and recreation commission for
28 parks operation and maintenance.

29 **Sec. 4.** RCW 70.93.180 and 2013 2nd sp.s. c 4 s 989 are each
30 amended to read as follows:

31 (1) There is hereby created an account within the state treasury
32 to be known as the waste reduction, recycling, and litter control
33 account. Moneys in the account may be spent only after appropriation.
34 Expenditures from the waste reduction, recycling, and litter control
35 account shall be used as follows:

36 (a) Fifty percent to the department of ecology, for use by the
37 departments of ecology, natural resources, revenue, transportation,
38 and corrections, and the parks and recreation commission, for use in
39 litter collection programs, to be distributed under RCW 70.93.220.

1 The amount to the department of ecology shall also be used for a
2 central coordination function for litter control efforts statewide;
3 for the (~~biennial~~)periodic litter survey under RCW 70.93.200(8);
4 for statewide public awareness programs under RCW 70.93.200(7); and
5 during the 2013-2015 biennium, to support employment of youth in
6 litter clean up as intended in RCW 70.93.020, and for litter pick up
7 using other authorized agencies. The amount to the department shall
8 also be used to defray the costs of administering the funding,
9 coordination, and oversight of local government programs for waste
10 reduction, litter control, and recycling, so that local governments
11 can apply one hundred percent of their funding to achieving program
12 goals. The amount to the department of revenue shall be used to
13 enforce compliance with the litter tax imposed in chapter 82.19 RCW;

14 (b) Twenty percent to the department: (i) For local government
15 funding programs for waste reduction, litter control, and recycling
16 activities by cities and counties under RCW 70.93.250, to be
17 administered by the department of ecology; and (ii) during the
18 2013-2015 biennium, to create a matching fund competitive grant
19 program to be used by local governments and nonprofit organizations
20 for local or statewide education programs designed to help the public
21 with litter reduction, and recycling of primarily the products taxed
22 under chapter 82.19 RCW. Unspent funds from (a) and (c) of this
23 subsection may be applied to the competitive grant program; and

24 (c) Thirty percent to the department of ecology for waste
25 reduction and recycling efforts. During the 2013-2015 biennium, these
26 funds are to be used to: (i) Implement activities under RCW 70.93.200
27 for waste reduction, recycling efforts; (ii) provide technical
28 assistance to local governments for commercial business and
29 residential recycling programs primarily for the products taxed under
30 chapter 82.19 RCW designed to educate citizens about waste and litter
31 reduction and recyclable products and programs; and (iii) increase
32 access to recycling programs, particularly for food packaging and
33 plastic bags and appropriate techniques of discarding products.

34 (2) All taxes imposed in RCW 82.19.010 and fines and bail
35 forfeitures collected or received pursuant to this chapter, except as
36 provided in RCW 43.08.250(3), shall be deposited in the waste
37 reduction, recycling, and litter control account and used for the
38 programs under subsection (1) of this section.

39 (3) Not less than five percent and no more than ten percent of
40 the amount appropriated into the waste reduction, recycling, and

1 litter control account every biennium shall be reserved for capital
2 needs, including the purchase of vehicles for transporting crews and
3 for collecting litter and solid waste. Capital funds shall be
4 distributed among state agencies and local governments according to
5 the same criteria provided in RCW 70.93.220 for the remainder of the
6 funds, so that the most effective waste reduction, litter control,
7 and recycling programs receive the most funding. The intent of this
8 subsection is to provide funds for the purchase of equipment that
9 will enable the department to account for the greatest return on
10 investment in terms of reaching a zero litter goal.

11 (4) During the 2011-2013 fiscal biennium, the legislature may
12 transfer from the waste reduction, recycling, and litter control
13 account to the state general fund such amounts as reflect the excess
14 fund balance of the account. Additionally, during the 2011-2013
15 fiscal biennium, subsection (1)(a), (b), and (c) of this section is
16 suspended.

17 (5) During the 2013-2015 biennium, funds in the waste reduction,
18 recycling, and litter control account, collected under chapter 82.19
19 RCW, must be prioritized for the products identified under RCW
20 82.19.020 solely for the purposes of recycling and litter collection,
21 reduction, and control programs.

22 (6) During the 2013-2015 biennium, the legislature may
23 appropriate funds from the waste reduction, recycling, and litter
24 control account to the state parks and recreation commission for
25 parks operation and maintenance.

26 **Sec. 5.** RCW 3.50.100 and 2012 c 136 s 3 are each amended to read
27 as follows:

28 (1) Costs in civil and criminal actions may be imposed as
29 provided in district court. All fees, costs, fines, forfeitures and
30 other money imposed by any municipal court for the violation of any
31 municipal or town ordinances shall be collected by the court clerk
32 and, together with any other noninterest revenues received by the
33 clerk, shall be deposited with the city or town treasurer as a part
34 of the general fund of the city or town, or deposited in such other
35 fund of the city or town, or deposited in such other funds as may be
36 designated by the laws of the state of Washington.

37 (2)(a) Except as provided in RCW 9A.88.120 and 10.99.080, and as
38 provided in (b) of this subsection, the city treasurer shall remit
39 monthly thirty-two percent of the noninterest money received under

1 this section, other than for parking infractions, and certain costs
2 to the state treasurer. (~~"Certain costs"~~)

3 (b) The city treasurer shall remit the money received from the
4 increase in penalties imposed by sections 1, 11, and 12, chapter . . . ,
5 Laws of 2015 (sections 1, 11, and 12 of this act) to the state
6 treasurer for deposit in the state parks renewal and stewardship
7 account created under RCW 79A.05.215 as required by RCW 43.08.250(3).

8 (c) As used in this subsection (2), "certain costs" means those
9 costs awarded to prevailing parties in civil actions under RCW
10 4.84.010 or 36.18.040, or those costs awarded against convicted
11 defendants in criminal actions under RCW 10.01.160, 10.46.190, or
12 36.18.040, or other similar statutes if such costs are specifically
13 designated as costs by the court and are awarded for the specific
14 reimbursement of costs incurred by the state, county, city, or town
15 in the prosecution of the case, including the fees of defense
16 counsel. Except as provided in (b) of this subsection, money remitted
17 under this subsection (2) to the state treasurer shall be deposited
18 in the state general fund.

19 (3) The balance of the noninterest money received under this
20 section shall be retained by the city and deposited as provided by
21 law.

22 (4) Penalties, fines, bail forfeitures, fees, and costs may
23 accrue interest at the rate of twelve percent per annum, upon
24 assignment to a collection agency. Interest may accrue only while the
25 case is in collection status.

26 (5) Interest retained by the court on penalties, fines, bail
27 forfeitures, fees, and costs shall be split twenty-five percent to
28 the state treasurer for deposit in the state general fund, twenty-
29 five percent to the state treasurer for deposit in the judicial
30 information system account as provided in RCW 2.68.020, twenty-five
31 percent to the city general fund, and twenty-five percent to the city
32 general fund to fund local courts.

33 **Sec. 6.** RCW 35.20.220 and 2012 c 136 s 7 are each amended to
34 read as follows:

35 (1) The chief clerk, under the supervision and direction of the
36 court administrator of the municipal court, shall have the custody
37 and care of the books, papers and records of the court. The chief
38 clerk or a deputy shall be present during the session of the court
39 and has the power to swear all witnesses and jurors, administer oaths

1 and affidavits, and take acknowledgments. The chief clerk shall keep
2 the records of the court and shall issue all process under his or her
3 hand and the seal of the court. The chief clerk shall do and perform
4 all things and have the same powers pertaining to the office as the
5 clerks of the superior courts have in their office. He or she shall
6 receive all fines, penalties, and fees of every kind and keep a full,
7 accurate, and detailed account of the same. The chief clerk shall on
8 each day pay into the city treasury all money received for the city
9 during the day previous, with a detailed account of the same, and
10 taking the treasurer's receipt therefor.

11 (2)(a) Except as provided in RCW 9A.88.120 and 10.99.080, and as
12 provided in (b) of this subsection, the city treasurer shall remit
13 monthly thirty-two percent of the noninterest money received under
14 this section, other than for parking infractions and certain costs to
15 the state treasurer. (~~"Certain costs"~~)

16 (b) The city treasurer shall remit the money received from the
17 increase in penalties imposed by sections 1, 11, and 12, chapter ...,
18 Laws of 2015 (sections 1, 11, and 12 of this act) to the state
19 treasurer for deposit in the state parks renewal and stewardship
20 account created under RCW 79A.05.215 as required by RCW 43.08.250(3).

21 (c) As used in this subsection (2), "certain costs" means those
22 costs awarded to prevailing parties in civil actions under RCW
23 4.84.010 or 36.18.040, or those costs awarded against convicted
24 defendants in criminal actions under RCW 10.01.160, 10.46.190, or
25 36.18.040, or other similar statutes if such costs are specifically
26 designated as costs by the court and are awarded for the specific
27 reimbursement of costs incurred by the state, county, city, or town
28 in the prosecution of the case, including the fees of defense
29 counsel. Except as provided in (b) of this subsection, money remitted
30 under this subsection to the state treasurer shall be deposited in
31 the state general fund.

32 (3) The balance of the noninterest money received under this
33 section shall be retained by the city and deposited as provided by
34 law.

35 (4) Penalties, fines, bail forfeitures, fees, and costs may
36 accrue interest at the rate of twelve percent per annum, upon
37 assignment to a collection agency. Interest may accrue only while the
38 case is in collection status.

39 (5) Interest retained by the court on penalties, fines, bail
40 forfeitures, fees, and costs shall be split twenty-five percent to

1 the state treasurer for deposit in the state general fund, twenty-
2 five percent to the state treasurer for deposit in the judicial
3 information system account as provided in RCW 2.68.020, twenty-five
4 percent to the city general fund, and twenty-five percent to the city
5 general fund to fund local courts.

6 **Sec. 7.** RCW 3.62.020 and 2012 c 262 s 1, 2012 c 136 s 4, and
7 2012 c 134 s 6 are each reenacted and amended to read as follows:

8 (1) Except as provided in subsection (4) of this section, all
9 costs, fees, fines, forfeitures and penalties assessed and collected
10 in whole or in part by district courts, except costs, fines,
11 forfeitures and penalties assessed and collected, in whole or in
12 part, because of the violation of city ordinances, shall be remitted
13 by the clerk of the district court to the county treasurer at least
14 monthly, together with a financial statement as required by the state
15 auditor, noting the information necessary for crediting of such funds
16 as required by law.

17 (2)(a) Except as provided in RCW 9A.88.120, 10.99.080,
18 7.84.100(4), and this section, the county treasurer shall remit
19 thirty-two percent of the noninterest money received under subsection
20 (1) of this section except certain costs to the state treasurer.

21 (b) The county treasurer shall remit the money received from the
22 increase in penalties imposed by sections 1, 11, and 12, chapter . . . ,
23 Laws of 2015 (sections 1, 11, and 12 of this act) to the state
24 treasurer for deposit in the state parks renewal and stewardship
25 account created in RCW 79A.05.215 as required by RCW 43.08.250(3).

26 (c) "Certain costs," as used in this subsection, means those
27 costs awarded to prevailing parties in civil actions under RCW
28 4.84.010 or 36.18.040, or those costs awarded against convicted
29 defendants in criminal actions under RCW 10.01.160, 10.46.190, or
30 36.18.040, or other similar statutes if such costs are specifically
31 designated as costs by the court and are awarded for the specific
32 reimbursement of costs incurred by the state or county in the
33 prosecution of the case, including the fees of defense counsel. With
34 the exception of funds to be transferred to the judicial
35 stabilization trust account under RCW 3.62.060(2) and as provided in
36 (b) of this subsection, money remitted under this subsection to the
37 state treasurer shall be deposited in the state general fund.

38 (3) The balance of the noninterest money received by the county
39 treasurer under subsection (1) of this section shall be deposited in

1 the county current expense fund. Funds deposited under this
2 subsection that are attributable to the county's portion of a
3 surcharge imposed under RCW 3.62.060(2) must be used to support local
4 trial court and court-related functions.

5 (4) Except as provided in RCW 7.84.100(4), all money collected
6 for county parking infractions shall be remitted by the clerk of the
7 district court at least monthly, with the information required under
8 subsection (1) of this section, to the county treasurer for deposit
9 in the county current expense fund.

10 (5) Penalties, fines, bail forfeitures, fees, and costs may
11 accrue interest at the rate of twelve percent per annum, upon
12 assignment to a collection agency. Interest may accrue only while the
13 case is in collection status.

14 (6) Interest retained by the court on penalties, fines, bail
15 forfeitures, fees, and costs shall be split twenty-five percent to
16 the state treasurer for deposit in the state general fund, twenty-
17 five percent to the state treasurer for deposit in the judicial
18 information system account as provided in RCW 2.68.020, twenty-five
19 percent to the county current expense fund, and twenty-five percent
20 to the county current expense fund to fund local courts.

21 **Sec. 8.** RCW 79A.05.215 and 2013 2nd sp.s. c 15 s 7 are each
22 amended to read as follows:

23 The state parks renewal and stewardship account is created in the
24 state treasury. Except as otherwise provided in this chapter, all
25 receipts from user fees, concessions, leases, donations collected
26 under RCW 46.16A.090(3), penalty money received by the state
27 treasurer under RCW 43.08.250(3), and other state park-based
28 activities shall be deposited into the account. The proceeds from the
29 recreation access pass account created in RCW 79A.80.090 and amounts
30 received under RCW 82.19.040 may only be used for the purpose of
31 operating and maintaining state parks. Expenditures from the account
32 may be used for operating state parks, developing and renovating park
33 facilities, undertaking deferred maintenance, enhancing park
34 stewardship, and other state park purposes. Expenditures from the
35 account may be made only after appropriation by the legislature.

36 **Sec. 9.** RCW 79A.05.215 and 2011 c 320 s 22 are each amended to
37 read as follows:

1 The state parks renewal and stewardship account is created in the
2 state treasury. Except as otherwise provided in this chapter, all
3 receipts from user fees, concessions, leases, donations collected
4 under RCW 46.16A.090(3), penalty money received by the state
5 treasurer under RCW 43.08.250(3), and other state park-based
6 activities shall be deposited into the account. The proceeds from the
7 recreation access pass account created in RCW 79A.80.090 must be used
8 for the purpose of operating and maintaining state parks.
9 Expenditures from the account may be used for operating state parks,
10 developing and renovating park facilities, undertaking deferred
11 maintenance, enhancing park stewardship, and other state park
12 purposes. Expenditures from the account may be made only after
13 appropriation by the legislature.

14 **Sec. 10.** RCW 79A.05.050 and 2002 c 175 s 52 are each amended to
15 read as follows:

16 (1) The commission shall establish a policy and procedures for
17 supervising and evaluating community restitution activities that may
18 be imposed under RCW 70.93.060(~~((3))~~)(4) including a description of
19 what constitutes satisfactory completion of community restitution.

20 (2) The commission shall inform each state park of the policy and
21 procedures regarding community restitution activities, and each state
22 park shall then notify the commission as to whether or not the park
23 elects to participate in the community restitution program. The
24 commission shall transmit a list notifying the district courts of
25 each state park that elects to participate.

26 **Sec. 11.** RCW 7.80.120 and 2013 c 278 s 3 are each amended to
27 read as follows:

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

30 (a) The maximum penalty and the default amount for a class 1
31 civil infraction shall be two hundred fifty dollars, not including
32 statutory assessments, except for an infraction of state law
33 involving (i) potentially dangerous litter as specified in RCW
34 70.93.060(~~((4))~~)(5) or violent video or computer games under RCW
35 9.91.180, in which case the maximum penalty and default amount is
36 five hundred dollars; or (ii) a person's refusal to submit to a test
37 or tests pursuant to RCW 79A.60.040 and 79A.60.700, in which case the
38 maximum penalty and default amount is one thousand dollars;

1 (b) The maximum penalty and the default amount for a class 2
2 civil infraction shall be one hundred twenty-five dollars, not
3 including statutory assessments, except for an infraction of state
4 law involving littering in an amount less than or equal to one cubic
5 foot as specified in RCW 70.93.060(3)(a), in which case the maximum
6 penalty and default amount is two hundred dollars;

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

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

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

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

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

25 **Sec. 12.** RCW 46.63.110 and 2012 c 82 s 1 are each amended to
26 read as follows:

27 (1) A person found to have committed a traffic infraction shall
28 be assessed a monetary penalty. No penalty may exceed two hundred and
29 fifty dollars for each offense unless authorized by this chapter or
30 title.

31 (2)~~(a)~~ (i) The monetary penalty for a violation of ~~((+a+))~~(i) RCW
32 46.55.105(2) is two hundred fifty dollars for each offense; ~~((+b+))~~
33 (ii) RCW 46.61.210(1) is five hundred dollars for each offense. No
34 penalty assessed under this subsection ~~(2)(a)~~ (a) may be reduced.

35 (b) The monetary penalty for a violation of RCW 46.61.645(1) is
36 two hundred dollars for each offense.

37 (3) The supreme court shall prescribe by rule a schedule of
38 monetary penalties for designated traffic infractions. This rule
39 shall also specify the conditions under which local courts may

1 exercise discretion in assessing fines and penalties for traffic
2 infractions. The legislature respectfully requests the supreme court
3 to adjust this schedule every two years for inflation.

4 (4) There shall be a penalty of twenty-five dollars for failure
5 to respond to a notice of traffic infraction except where the
6 infraction relates to parking as defined by local law, ordinance,
7 regulation, or resolution or failure to pay a monetary penalty
8 imposed pursuant to this chapter. A local legislative body may set a
9 monetary penalty not to exceed twenty-five dollars for failure to
10 respond to a notice of traffic infraction relating to parking as
11 defined by local law, ordinance, regulation, or resolution. The local
12 court, whether a municipal, police, or district court, shall impose
13 the monetary penalty set by the local legislative body.

14 (5) Monetary penalties provided for in chapter 46.70 RCW which
15 are civil in nature and penalties which may be assessed for
16 violations of chapter 46.44 RCW relating to size, weight, and load of
17 motor vehicles are not subject to the limitation on the amount of
18 monetary penalties which may be imposed pursuant to this chapter.

19 (6) Whenever a monetary penalty, fee, cost, assessment, or other
20 monetary obligation is imposed by a court under this chapter, it is
21 immediately payable and is enforceable as a civil judgment under
22 Title 6 RCW. If the court determines, in its discretion, that a
23 person is not able to pay a monetary obligation in full, and not more
24 than one year has passed since the later of July 1, 2005, or the date
25 the monetary obligation initially became due and payable, the court
26 shall enter into a payment plan with the person, unless the person
27 has previously been granted a payment plan with respect to the same
28 monetary obligation, or unless the person is in noncompliance of any
29 existing or prior payment plan, in which case the court may, at its
30 discretion, implement a payment plan. If the court has notified the
31 department that the person has failed to pay or comply and the person
32 has subsequently entered into a payment plan and made an initial
33 payment, the court shall notify the department that the infraction
34 has been adjudicated, and the department shall rescind any suspension
35 of the person's driver's license or driver's privilege based on
36 failure to respond to that infraction. "Payment plan," as used in
37 this section, means a plan that requires reasonable payments based on
38 the financial ability of the person to pay. The person may
39 voluntarily pay an amount at any time in addition to the payments
40 required under the payment plan.

1 (a) If a payment required to be made under the payment plan is
2 delinquent or the person fails to complete a community restitution
3 program on or before the time established under the payment plan,
4 unless the court determines good cause therefor and adjusts the
5 payment plan or the community restitution plan accordingly, the court
6 may refer the unpaid monetary penalty, fee, cost, assessment, or
7 other monetary obligation for civil enforcement until all monetary
8 obligations, including those imposed under subsections (3) and (4) of
9 this section, have been paid, and court authorized community
10 restitution has been completed, or until the court has entered into a
11 new time payment or community restitution agreement with the person.
12 For those infractions subject to suspension under RCW 46.20.289, the
13 court shall notify the department of the person's failure to meet the
14 conditions of the plan, and the department shall suspend the person's
15 driver's license or driving privileges.

16 (b) If a person has not entered into a payment plan with the
17 court and has not paid the monetary obligation in full on or before
18 the time established for payment, the court may refer the unpaid
19 monetary penalty, fee, cost, assessment, or other monetary obligation
20 to a collections agency until all monetary obligations have been
21 paid, including those imposed under subsections (3) and (4) of this
22 section, or until the person has entered into a payment plan under
23 this section. For those infractions subject to suspension under RCW
24 46.20.289, the court shall notify the department of the person's
25 delinquency, and the department shall suspend the person's driver's
26 license or driving privileges.

27 (c) If the payment plan is to be administered by the court, the
28 court may assess the person a reasonable administrative fee to be
29 wholly retained by the city or county with jurisdiction. The
30 administrative fee shall not exceed ten dollars per infraction or
31 twenty-five dollars per payment plan, whichever is less.

32 (d) Nothing in this section precludes a court from contracting
33 with outside entities to administer its payment plan system. When
34 outside entities are used for the administration of a payment plan,
35 the court may assess the person a reasonable fee for such
36 administrative services, which fee may be calculated on a periodic,
37 percentage, or other basis.

38 (e) If a court authorized community restitution program for
39 offenders is available in the jurisdiction, the court may allow
40 conversion of all or part of the monetary obligations due under this

1 section to court authorized community restitution in lieu of time
2 payments if the person is unable to make reasonable time payments.

3 (7) In addition to any other penalties imposed under this section
4 and not subject to the limitation of subsection (1) of this section,
5 a person found to have committed a traffic infraction shall be
6 assessed:

7 (a) A fee of five dollars per infraction. Under no circumstances
8 shall this fee be reduced or waived. Revenue from this fee shall be
9 forwarded to the state treasurer for deposit in the emergency medical
10 services and trauma care system trust account under RCW 70.168.040;

11 (b) A fee of ten dollars per infraction. Under no circumstances
12 shall this fee be reduced or waived. Revenue from this fee shall be
13 forwarded to the state treasurer for deposit in the Washington auto
14 theft prevention authority account; and

15 (c) A fee of two dollars per infraction. Revenue from this fee
16 shall be forwarded to the state treasurer for deposit in the
17 traumatic brain injury account established in RCW 74.31.060.

18 (8)(a) In addition to any other penalties imposed under this
19 section and not subject to the limitation of subsection (1) of this
20 section, a person found to have committed a traffic infraction other
21 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional
22 penalty of twenty dollars. The court may not reduce, waive, or
23 suspend the additional penalty unless the court finds the offender to
24 be indigent. If a court authorized community restitution program for
25 offenders is available in the jurisdiction, the court shall allow
26 offenders to offset all or a part of the penalty due under this
27 subsection (8) by participation in the court authorized community
28 restitution program.

29 (b) Eight dollars and fifty cents of the additional penalty under
30 (a) of this subsection shall be remitted to the state treasurer. The
31 remaining revenue from the additional penalty must be remitted under
32 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
33 under this subsection to the state treasurer must be deposited in the
34 state general fund. The balance of the revenue received by the county
35 or city treasurer under this subsection must be deposited into the
36 county or city current expense fund. Moneys retained by the city or
37 county under this subsection shall constitute reimbursement for any
38 liabilities under RCW 43.135.060.

39 (9) If a legal proceeding, such as garnishment, has commenced to
40 collect any delinquent amount owed by the person for any penalty

1 imposed by the court under this section, the court may, at its
2 discretion, enter into a payment plan.

3 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two
4 hundred fifty dollars for the first violation; (b) five hundred
5 dollars for the second violation; and (c) seven hundred fifty dollars
6 for each violation thereafter.

7 NEW SECTION. **Sec. 13.** This act may be known and cited as the no
8 litterbugs in Washington act.

9 NEW SECTION. **Sec. 14.** Sections 3 and 8 of this act expire June
10 30, 2017.

11 NEW SECTION. **Sec. 15.** Sections 4 and 9 of this act take effect
12 June 30, 2017.

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