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HOUSE BILL 1160

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State of Washington

64th Legislature

2015 Regular Session

By Representatives Pike, Moeller, Fitzgibbon, Bergquist, Gregerson, Ormsby, Ryu, and Tharinger

Read first time 01/14/15. Referred to Committee on Environment.

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; creating a new  
6 section; prescribing penalties; providing an effective date; and  
7 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  
8 this section, it is a class ~~((3))~~ 2 civil infraction as provided in  
9 RCW 7.80.120 for a person to litter in an amount less than or equal  
10 to 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, 10, and 11, chapter ..., Laws of  
33 2015 (sections 1, 10, and 11 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, 10, and 11, chapter ...,  
5 Laws of 2015 (sections 1, 10, and 11 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, 10, and 11, chapter ...,  
18 Laws of 2015 (sections 1, 10, and 11 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 79A.05.215 and 2013 2nd sp.s. c 15 s 7 are each  
7 amended to read as follows:

8 The state parks renewal and stewardship account is created in the  
9 state treasury. Except as otherwise provided in this chapter, all  
10 receipts from user fees, concessions, leases, donations collected  
11 under RCW 46.16A.090(3), penalty money received by the state  
12 treasurer under RCW 43.08.250(3), and other state park-based  
13 activities shall be deposited into the account. The proceeds from the  
14 recreation access pass account created in RCW 79A.80.090 and amounts  
15 received under RCW 82.19.040 may only be used for the purpose of  
16 operating and maintaining state parks. Expenditures from the account  
17 may be used for operating state parks, developing and renovating park  
18 facilities, undertaking deferred maintenance, enhancing park  
19 stewardship, and other state park purposes. Expenditures from the  
20 account may be made only after appropriation by the legislature.

21 **Sec. 8.** RCW 79A.05.215 and 2011 c 320 s 22 are each amended to  
22 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 must be used  
30 for the purpose of operating and maintaining state parks.  
31 Expenditures from the account may be used for operating state parks,  
32 developing and renovating park facilities, undertaking deferred  
33 maintenance, enhancing park stewardship, and other state park  
34 purposes. Expenditures from the account may be made only after  
35 appropriation by the legislature.

36 **Sec. 9.** RCW 79A.05.050 and 2002 c 175 s 52 are each amended to  
37 read as follows:

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

5 (2) The commission shall inform each state park of the policy and  
6 procedures regarding community restitution activities, and each state  
7 park shall then notify the commission as to whether or not the park  
8 elects to participate in the community restitution program. The  
9 commission shall transmit a list notifying the district courts of  
10 each state park that elects to participate.

11 **Sec. 10.** RCW 7.80.120 and 2013 c 278 s 3 are each amended to  
12 read as follows:

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

15 (a) The maximum penalty and the default amount for a class 1  
16 civil infraction shall be two hundred fifty dollars, not including  
17 statutory assessments, except for an infraction of state law  
18 involving (i) potentially dangerous litter as specified in RCW  
19 70.93.060(~~((4))~~) (5) or violent video or computer games under RCW  
20 9.91.180, in which case the maximum penalty and default amount is  
21 five hundred dollars; or (ii) a person's refusal to submit to a test  
22 or tests pursuant to RCW 79A.60.040 and 79A.60.700, in which case the  
23 maximum penalty and default amount is one thousand dollars;

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

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

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

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

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

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

10 **Sec. 11.** RCW 46.63.110 and 2012 c 82 s 1 are each amended to  
11 read as follows:

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

16 (2)(a) The monetary penalty for a violation of (~~(a)~~) (i) RCW  
17 46.55.105(2) is two hundred fifty dollars for each offense; (~~(b)~~)  
18 (ii) RCW 46.61.210(1) is five hundred dollars for each offense. No  
19 penalty assessed under this subsection (2)(a) may be reduced.

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

22 (3) The supreme court shall prescribe by rule a schedule of  
23 monetary penalties for designated traffic infractions. This rule  
24 shall also specify the conditions under which local courts may  
25 exercise discretion in assessing fines and penalties for traffic  
26 infractions. The legislature respectfully requests the supreme court  
27 to adjust this schedule every two years for inflation.

28 (4) There shall be a penalty of twenty-five dollars for failure  
29 to respond to a notice of traffic infraction except where the  
30 infraction relates to parking as defined by local law, ordinance,  
31 regulation, or resolution or failure to pay a monetary penalty  
32 imposed pursuant to this chapter. A local legislative body may set a  
33 monetary penalty not to exceed twenty-five dollars for failure to  
34 respond to a notice of traffic infraction relating to parking as  
35 defined by local law, ordinance, regulation, or resolution. The local  
36 court, whether a municipal, police, or district court, shall impose  
37 the monetary penalty set by the local legislative body.

38 (5) Monetary penalties provided for in chapter 46.70 RCW which  
39 are civil in nature and penalties which may be assessed for

1 violations of chapter 46.44 RCW relating to size, weight, and load of  
2 motor vehicles are not subject to the limitation on the amount of  
3 monetary penalties which may be imposed pursuant to this chapter.

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

26 (a) If a payment required to be made under the payment plan is  
27 delinquent or the person fails to complete a community restitution  
28 program on or before the time established under the payment plan,  
29 unless the court determines good cause therefor and adjusts the  
30 payment plan or the community restitution plan accordingly, the court  
31 may refer the unpaid monetary penalty, fee, cost, assessment, or  
32 other monetary obligation for civil enforcement until all monetary  
33 obligations, including those imposed under subsections (3) and (4) of  
34 this section, have been paid, and court authorized community  
35 restitution has been completed, or until the court has entered into a  
36 new time payment or community restitution agreement with the person.  
37 For those infractions subject to suspension under RCW 46.20.289, the  
38 court shall notify the department of the person's failure to meet the  
39 conditions of the plan, and the department shall suspend the person's  
40 driver's license or driving privileges.

1 (b) If a person has not entered into a payment plan with the  
2 court and has not paid the monetary obligation in full on or before  
3 the time established for payment, the court may refer the unpaid  
4 monetary penalty, fee, cost, assessment, or other monetary obligation  
5 to a collections agency until all monetary obligations have been  
6 paid, including those imposed under subsections (3) and (4) of this  
7 section, or until the person has entered into a payment plan under  
8 this section. For those infractions subject to suspension under RCW  
9 46.20.289, the court shall notify the department of the person's  
10 delinquency, and the department shall suspend the person's driver's  
11 license or driving privileges.

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

17 (d) Nothing in this section precludes a court from contracting  
18 with outside entities to administer its payment plan system. When  
19 outside entities are used for the administration of a payment plan,  
20 the court may assess the person a reasonable fee for such  
21 administrative services, which fee may be calculated on a periodic,  
22 percentage, or other basis.

23 (e) If a court authorized community restitution program for  
24 offenders is available in the jurisdiction, the court may allow  
25 conversion of all or part of the monetary obligations due under this  
26 section to court authorized community restitution in lieu of time  
27 payments if the person is unable to make reasonable time payments.

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

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

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

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

4 (8)(a) In addition to any other penalties imposed under this  
5 section and not subject to the limitation of subsection (1) of this  
6 section, a person found to have committed a traffic infraction other  
7 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional  
8 penalty of twenty dollars. The court may not reduce, waive, or  
9 suspend the additional penalty unless the court finds the offender to  
10 be indigent. If a court authorized community restitution program for  
11 offenders is available in the jurisdiction, the court shall allow  
12 offenders to offset all or a part of the penalty due under this  
13 subsection (8) by participation in the court authorized community  
14 restitution program.

15 (b) Eight dollars and fifty cents of the additional penalty under  
16 (a) of this subsection shall be remitted to the state treasurer. The  
17 remaining revenue from the additional penalty must be remitted under  
18 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted  
19 under this subsection to the state treasurer must be deposited in the  
20 state general fund. The balance of the revenue received by the county  
21 or city treasurer under this subsection must be deposited into the  
22 county or city current expense fund. Moneys retained by the city or  
23 county under this subsection shall constitute reimbursement for any  
24 liabilities under RCW 43.135.060.

25 (9) If a legal proceeding, such as garnishment, has commenced to  
26 collect any delinquent amount owed by the person for any penalty  
27 imposed by the court under this section, the court may, at its  
28 discretion, enter into a payment plan.

29 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two  
30 hundred fifty dollars for the first violation; (b) five hundred  
31 dollars for the second violation; and (c) seven hundred fifty dollars  
32 for each violation thereafter.

33 NEW SECTION. **Sec. 12.** This act may be known and cited as the no  
34 litterbugs in Washington act.

35 NEW SECTION. **Sec. 13.** Sections 3 and 7 of this act expire June  
36 30, 2017.

1           NEW SECTION.   **Sec. 14.**   Sections 4 and 8 of this act take effect  
2   June 30, 2017.

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