
SUBSTITUTE HOUSE BILL 1088

State of Washington

66th Legislature

2019 Regular Session

By House Environment & Energy (originally sponsored by Representative MacEwen)

READ FIRST TIME 02/04/19.

1 AN ACT Relating to repercussions for littering; amending RCW
2 70.93.060; and prescribing penalties.

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

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

6 (1) It is a violation of this section to abandon a junk vehicle
7 upon any property. In addition, no person shall throw, drop, deposit,
8 discard, or otherwise dispose of litter upon any public property in
9 the state or upon private property in this state not owned by him or
10 her or in the waters of this state whether from a vehicle or
11 otherwise including but not limited to any public highway, public
12 park, beach, campground, forestland, recreational area, trailer park,
13 highway, road, street, or alley except:

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

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

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

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

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

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

36 (e) In addition to monetary penalties imposed in this subsection,
37 the court shall require a person who commits a second or subsequent
38 offense of littering under this section to perform forty hours of
39 community restitution removing litter from public or private
40 property. Any hours performed removing litter from private property

1 as part of restitution in (b) or (c) of this subsection or from state
2 parks under subsection (3) of this section must be deducted from the
3 amount required in this subsection (2)(e).

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

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

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