
Transportation Committee

SSB 5178

Brief Description: Concerning large debris removal from state highways.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Fortunato and Gildon).

Brief Summary of Substitute Bill

- Increases litter cleanup restitution payments for persons who litter in an amount greater than one cubic foot.
- Dedicates most revenue from litter cleanup restitution payments from violations on state highways for large debris removal and highway cleanup.

Hearing Date: 3/30/23

Staff: Christine Thomas (786-7142).

Background:

It is unlawful to abandon junk vehicles on any property. In addition, littering on public property in the state or on private property in the state, not owned by the litterer, is also unlawful, except in certain circumstances. It is a misdemeanor for a person to litter in an amount greater than one cubic foot but less than one cubic yard and a gross misdemeanor for a person to litter in an amount of one cubic yard or more.

Litter Cleanup Restitution Payments and Distribution. A person who litters in an amount greater than one cubic foot shall also pay a litter cleanup restitution payment. If the amount is greater than one cubic foot but less than one cubic yard, the restitution payment is equal to twice the actual cost of cleanup, or \$50 per cubic foot of litter, whichever is greater. If the amount littered

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is one cubic yard or more, the restitution payment is equal to twice the actual cost of cleanup, or \$100 per cubic foot of litter, whichever is greater. One-half of the restitution payment is distributed to the landowner and one-half to the law enforcement agency investigating the incident. A court may suspend or modify the cleanup restitution payment if the person cleans up and properly disposes of the litter.

Litter Tax and Waste Reduction, Recycling, and Litter Control Account. A tax is imposed on businesses whose products, including packaging, wrapping, and containers, are reasonably related to the litter problem in the state. The revenues from the litter tax are deposited into the Waste Reduction, Recycling, and Litter Control Account (Account). The funds in the Account are used for state agency litter collection programs, local government waste reduction, litter control, and recycling activities, and waste reduction and recycling efforts by the Department of Ecology.

Summary of Bill:

Litter Cleanup Restitution Payments. The litter cleanup restitution payment for persons who litter in an amount greater than one cubic foot but less than one cubic yard is increased to four times the actual cost of cleanup, or \$100 per cubic foot of litter, whichever is greater. The litter cleanup restitution payment for persons who litter in an amount of one cubic yard or more is increased to four times the actual cost of cleanup, or \$200 per cubic foot of litter, whichever is greater.

Litter Tax Distribution and Waste Reduction, Recycling, and Litter Control Account Uses. For violations subject to litter cleanup restitution payments that occur on state highways, the court must distribute 75 percent of the restitution payment to the state for deposit into the Account, for purposes described below. The court must distribute the remaining 25 percent of the restitution payment to the law enforcement agency investigating the incident.

Litter cleanup restitution payments deposited into the Account are provided for the following purposes:

- for prevention and cleanup of highway debris, with an increased focus on large debris;
- to establish a method to remove large debris from state highways;
- to remove large debris from state highways; and
- to cover traffic control and disposal costs.

Large Debris Definition. "Large debris" is defined as debris that would be hazardous to motorcycles including, but not limited to, wood debris, pallets, furniture, vehicle parts, tires, tire pieces, or other debris visibly noticeable to drivers. "Large debris" does not include small items of litter such as paper products.

Appropriation: None.

Fiscal Note: Requested on March 19, 2023.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.