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**SUBSTITUTE SENATE BILL 5178**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Fortunato and Gildon)

READ FIRST TIME 02/10/23.

1 AN ACT Relating to large debris removal from state highways; and  
2 amending RCW 70A.200.060 and 70A.200.140.

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

4 **Sec. 1.** RCW 70A.200.060 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.

20 (2)(a) Except as provided in subsection (~~(4)~~) (5) of this  
21 section, it is a class 3 civil infraction as provided in RCW 7.80.120

1 for a person to litter in an amount less than or equal to one cubic  
2 foot.

3 (b) It is a misdemeanor for a person to litter in an amount  
4 greater than one cubic foot but less than one cubic yard. The person  
5 shall also pay a litter cleanup restitution payment equal to  
6 ~~((twice))~~ four times the actual cost of cleanup, or ~~((fifty dollars))~~  
7 \$100 per cubic foot of litter, whichever is greater. ~~((The))~~ Except  
8 as provided in subsection (3) of this section, the court shall  
9 distribute one-half of the restitution payment to the landowner and  
10 one-half of the restitution payment to the law enforcement agency  
11 investigating the incident. The court may, in addition to or in lieu  
12 of part or all of the cleanup restitution payment, order the person  
13 to pick up and remove litter from the property, with prior permission  
14 of the legal owner or, in the case of public property, of the agency  
15 managing the property. The court may suspend or modify the litter  
16 cleanup restitution payment for a first-time offender under this  
17 section, if 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))~~ four times the actual cost of  
21 cleanup, or ~~((one hundred dollars))~~ \$200 per cubic foot of litter,  
22 whichever is greater. ~~((The))~~ Except as provided in subsection (3) of  
23 this section, the court shall distribute one-half of the restitution  
24 payment to the landowner and one-half of the restitution payment to  
25 the law enforcement agency investigating the incident. The court may,  
26 in addition to or in lieu of part or all of the cleanup restitution  
27 payment, order the person to pick up and remove litter from the  
28 property, with prior permission of the legal owner or, in the case of  
29 public property, of the agency managing the property. The court may  
30 suspend or modify the litter cleanup restitution payment for a first-  
31 time offender under this section, if the person cleans up and  
32 properly disposes of the litter.

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

37 (3) For violations as described in subsection (2) of this section  
38 that occur on state highways, the court shall distribute 75 percent  
39 of the restitution payment to the state for deposit into the waste  
40 reduction, recycling, and litter control account under RCW

1 70A.200.140, for purposes of large debris removal and highway cleanup  
2 as provided in RCW 70A.200.140(1)(d). The court shall distribute the  
3 remaining 25 percent of the restitution payment to the law  
4 enforcement agency investigating the incident.

5 (4) If the violation occurs in a state park, the court shall, in  
6 addition to any other penalties assessed, order the person to perform  
7 (~~twenty-four~~) 24 hours of community restitution in the state park  
8 where the violation occurred if the state park has stated an intent  
9 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 70A.200.140 and 2022 c 297 s 963 are each amended to  
14 read as follows:

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

20 (a) Forty percent of receipts from taxes imposed in RCW 82.19.010  
21 to the department of ecology, primarily for use by the departments of  
22 ecology, natural resources, revenue, transportation, and corrections,  
23 and the parks and recreation commission, for litter collection  
24 programs under RCW 70A.200.170. The amount to the department of  
25 ecology shall also be used for a central coordination function for  
26 litter control efforts statewide; to support employment of youth in  
27 litter cleanup as intended in RCW 70A.200.020, and for litter pick up  
28 using other authorized agencies; and for statewide public awareness  
29 programs under RCW 70A.200.150(7). The amount to the department shall  
30 also be used to defray the costs of administering the funding,  
31 coordination, and oversight of local government programs for waste  
32 reduction, litter control, recycling, and composting so that local  
33 governments can apply (~~one hundred~~) 100 percent of their funding to  
34 achieving program goals. The amount to the department of revenue  
35 shall be used to enforce compliance with the litter tax imposed in  
36 chapter 82.19 RCW;

37 (b)(i) Twenty percent of receipts from taxes imposed in RCW  
38 82.19.010 to the department for local government funding programs for  
39 waste reduction, litter control, recycling activities, and composting

1 activities by cities and counties under RCW 70A.200.190, to be  
2 administered by the department of ecology; (ii) any unspent funds  
3 under (b)(i) of this subsection may be used to create and pay for a  
4 matching fund competitive grant program to be used by local  
5 governments for the development and implementation of contamination  
6 reduction and outreach plans for inclusion in comprehensive solid  
7 waste management plans or by local governments and nonprofit  
8 organizations for local or statewide education programs designed to  
9 help the public with litter control, waste reduction, recycling, and  
10 composting of primarily the products taxed under chapter 82.19 RCW.  
11 Recipients under this subsection include programs to reduce wasted  
12 food and food waste that are designed to achieve the goals  
13 established in RCW 70A.205.715(1) and that are consistent with the  
14 plan developed in RCW 70A.205.715(3). Grants must adhere to the  
15 following requirements: (A) No grant may exceed (~~sixty thousand~~  
16 ~~dollars~~) \$60,000; (B) grant recipients shall match the grant funding  
17 allocated by the department by an amount equal to (~~twenty-five~~) 25  
18 percent of eligible expenses. A local government's share of these  
19 costs may be met by cash or contributed services; (C) the obligation  
20 of the department to make grant payments is contingent upon the  
21 availability of the amount of money appropriated for this subsection  
22 (1)(b); and (D) grants are managed under the guidelines for existing  
23 grant programs; (~~and~~)

24 (c) Forty percent of receipts from taxes imposed in RCW 82.19.010  
25 to the department of ecology to: (i) Implement activities under RCW  
26 70A.200.150 for waste reduction, recycling, and composting efforts;  
27 (ii) provide technical assistance to local governments and commercial  
28 businesses to increase recycling markets and recycling and composting  
29 programs primarily for the products taxed under chapter 82.19 RCW  
30 designed to educate citizens about waste reduction, litter control,  
31 and recyclable and compostable products and programs; (iii) increase  
32 access to waste reduction, composting, and recycling programs,  
33 particularly for food packaging and plastic bags and appropriate  
34 composting techniques; and (iv) for programs to reduce wasted food  
35 and food waste that are designed to achieve the goals established in  
36 RCW 70A.205.715(1) and that are consistent with the plan developed in  
37 RCW 70A.205.715(3); and

38 (d)(i) One hundred percent of receipts from litter cleanup  
39 restitution payments as provided in RCW 70A.200.060(3) to the  
40 department of transportation:

1 (A) For prevention and cleanup of highway debris, with an  
2 increased focus on large debris;

3 (B) To establish a method to remove large debris from state  
4 highways;

5 (C) To remove large debris from state highways; and

6 (D) To cover traffic control and disposal costs.

7 (ii) For the purposes of (d)(i) of this subsection, "large  
8 debris" means debris that would be hazardous to motorcycles  
9 including, but not limited to, wood debris, pallets, furniture,  
10 vehicle parts, tires, tire pieces, or other debris that is visibly  
11 noticeable to drivers. "Large debris" does not include small items of  
12 litter such as paper products.

13 (2) All taxes imposed in RCW 82.19.010 and fines and bail  
14 forfeitures collected or received pursuant to this chapter shall be  
15 deposited in the waste reduction, recycling, and litter control  
16 account and used for the programs under subsection (1) of this  
17 section.

18 (3) For violations as described in RCW 70A.200.060(2) that occur  
19 on state highways, the court shall distribute 75 percent of the  
20 restitution payment to the state for deposit into the waste  
21 reduction, recycling, and litter control account and used for the  
22 purposes under subsection (1)(d) of this section. The court shall  
23 distribute the remaining 25 percent of the restitution payment to the  
24 law enforcement agency investigating the incident.

25 (4) Not less than five percent and no more than (~~ten~~) 10  
26 percent of the amount appropriated into the waste reduction,  
27 recycling, and litter control account every biennium shall be  
28 reserved for capital needs, including the purchase of vehicles for  
29 transporting crews and for collecting litter and solid waste. Capital  
30 funds shall be distributed among state agencies and local governments  
31 according to the same criteria provided in RCW 70A.200.170 for the  
32 remainder of the funds, so that the most effective waste reduction,  
33 litter control, recycling, and composting programs receive the most  
34 funding. The intent of this subsection is to provide funds for the  
35 purchase of equipment that will enable the department to account for  
36 the greatest return on investment in terms of reaching a zero litter  
37 goal.

38 ~~((4))~~ (5) Funds in the waste reduction, recycling, and litter  
39 control account, collected under chapter 82.19 RCW, must be  
40 prioritized for the products identified under RCW 82.19.020 solely

1 for the purposes of recycling, composting, and litter collection,  
2 reduction, and control programs.

3 ~~((5))~~ (6) During the 2021-2023 fiscal biennium, Washington  
4 State University may use funds in the waste reduction, recycling, and  
5 litter control account, collected under chapter 82.19 RCW, to conduct  
6 an organic waste study.

7 ~~((6))~~ (7) During the 2021-2023 fiscal biennium, and as an  
8 exception to the distribution of expenditures otherwise required in  
9 this section, the department of ecology may use funds in the waste  
10 reduction, recycling, and litter control account to continue a series  
11 of food waste reduction campaigns, to continue to invest in litter  
12 prevention campaigns, to conduct a recycling study, and to increase  
13 litter control on state highways.

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