
SENATE BILL 5178

State of Washington

68th Legislature

2023 Regular Session

By Senators Fortunato and Gildon

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1 AN ACT Relating to large debris removal from interstate highways;
2 and amending RCW 70A.200.060, 70A.205.425, 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, 100 percent of any litter cleanup
39 restitution payment that is to be distributed to the department of
40 transportation, as the landowner, and 50 percent of any litter

1 cleanup restitution payment that is to be distributed to the law
2 enforcement agency, must be deposited in the waste reduction,
3 recycling, and litter control account under RCW 70A.200.140 for
4 purposes of large debris removal and highway cleanup as provided in
5 RCW 70A.200.140(1)(d).

6 (4) If the violation occurs in a state park, the court shall, in
7 addition to any other penalties assessed, order the person to perform
8 (~~twenty-four~~) 24 hours of community restitution in the state park
9 where the violation occurred if the state park has stated an intent
10 to participate as provided in RCW 79A.05.050.

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

14 **Sec. 2.** RCW 70A.205.425 and 2020 c 20 s 1192 are each amended to
15 read as follows:

16 (1) All receipts from tire fees imposed under RCW 70A.205.405,
17 except as provided in subsection (2) of this section, must be
18 deposited in the waste tire removal account created under RCW
19 70A.205.415. Moneys in the account may be spent only after
20 appropriation. Expenditures from the account may be used for the
21 cleanup of unauthorized waste tire piles and measures that prevent
22 future accumulation of unauthorized waste tire piles.

23 (2) On September 1st of odd-numbered years, the state treasurer
24 must transfer any cash balance in excess of (~~one million dollars~~)
25 \$1,000,000 from the waste tire removal account created under RCW
26 70A.205.415 to the (~~motor vehicle fund for the purpose of road wear~~
27 ~~related maintenance on state and local public highways~~) the waste
28 reduction, recycling, and litter control account under RCW
29 70A.200.140 for purposes of large debris removal and highway cleanup
30 as provided in RCW 70A.200.140(1)(d).

31 **Sec. 3.** RCW 70A.200.140 and 2022 c 297 s 963 are each amended to
32 read as follows:

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

1 (a) Forty percent of receipts from taxes imposed in RCW 82.19.010
2 to the department of ecology, primarily for use by the departments of
3 ecology, natural resources, revenue, transportation, and corrections,
4 and the parks and recreation commission, for litter collection
5 programs under RCW 70A.200.170. The amount to the department of
6 ecology shall also be used for a central coordination function for
7 litter control efforts statewide; to support employment of youth in
8 litter cleanup as intended in RCW 70A.200.020, and for litter pick up
9 using other authorized agencies; and for statewide public awareness
10 programs under RCW 70A.200.150(7). The amount to the department shall
11 also be used to defray the costs of administering the funding,
12 coordination, and oversight of local government programs for waste
13 reduction, litter control, recycling, and composting so that local
14 governments can apply (~~one hundred~~) 100 percent of their funding to
15 achieving program goals. The amount to the department of revenue
16 shall be used to enforce compliance with the litter tax imposed in
17 chapter 82.19 RCW;

18 (b) (i) Twenty percent of receipts from taxes imposed in RCW
19 82.19.010 to the department for local government funding programs for
20 waste reduction, litter control, recycling activities, and composting
21 activities by cities and counties under RCW 70A.200.190, to be
22 administered by the department of ecology; (ii) any unspent funds
23 under (b) (i) of this subsection may be used to create and pay for a
24 matching fund competitive grant program to be used by local
25 governments for the development and implementation of contamination
26 reduction and outreach plans for inclusion in comprehensive solid
27 waste management plans or by local governments and nonprofit
28 organizations for local or statewide education programs designed to
29 help the public with litter control, waste reduction, recycling, and
30 composting of primarily the products taxed under chapter 82.19 RCW.
31 Recipients under this subsection include programs to reduce wasted
32 food and food waste that are designed to achieve the goals
33 established in RCW 70A.205.715(1) and that are consistent with the
34 plan developed in RCW 70A.205.715(3). Grants must adhere to the
35 following requirements: (A) No grant may exceed (~~sixty thousand~~
36 ~~dollars~~) \$60,000; (B) grant recipients shall match the grant funding
37 allocated by the department by an amount equal to (~~twenty-five~~) 25
38 percent of eligible expenses. A local government's share of these
39 costs may be met by cash or contributed services; (C) the obligation
40 of the department to make grant payments is contingent upon the

1 availability of the amount of money appropriated for this subsection
2 (1)(b); and (D) grants are managed under the guidelines for existing
3 grant programs; (~~and~~)

4 (c) Forty percent of receipts from taxes imposed in RCW 82.19.010
5 to the department of ecology to: (i) Implement activities under RCW
6 70A.200.150 for waste reduction, recycling, and composting efforts;
7 (ii) provide technical assistance to local governments and commercial
8 businesses to increase recycling markets and recycling and composting
9 programs primarily for the products taxed under chapter 82.19 RCW
10 designed to educate citizens about waste reduction, litter control,
11 and recyclable and compostable products and programs; (iii) increase
12 access to waste reduction, composting, and recycling programs,
13 particularly for food packaging and plastic bags and appropriate
14 composting techniques; and (iv) for programs to reduce wasted food
15 and food waste that are designed to achieve the goals established in
16 RCW 70A.205.715(1) and that are consistent with the plan developed in
17 RCW 70A.205.715(3); and

18 (d)(i) One hundred percent of receipts from litter cleanup
19 restitution payments as provided in RCW 70A.200.060(3) and tire fees
20 as provided in RCW 70A.205.425(2) to the department of
21 transportation:

22 (A) For highway cleanup;

23 (B) To establish a method to remove large debris from interstate
24 highways; and

25 (C) To cover traffic control and disposal costs.

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

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

37 (3)(a) For violations as described in RCW 70A.200.060(2) that
38 occur on state highways, 100 percent of any litter cleanup
39 restitution payment that is to be distributed to the department of
40 transportation, as the landowner, and 50 percent of any litter

1 cleanup restitution payment that is to be distributed to the law
2 enforcement agency, must be deposited in the waste reduction,
3 recycling, and litter control account and used for the purposes under
4 subsection (1)(d) of this section.

5 (b) Cash balance in excess of \$1,000,000 from the waste tire
6 removal account as provided in RCW 70A.205.425(2) must be deposited
7 in the waste reduction, recycling, and litter control account and
8 used for the purposes under subsection (1)(d) of this section.

9 (4) Not less than five percent and no more than (~~ten~~) 10
10 percent of the amount appropriated into the waste reduction,
11 recycling, and litter control account every biennium shall be
12 reserved for capital needs, including the purchase of vehicles for
13 transporting crews and for collecting litter and solid waste. Capital
14 funds shall be distributed among state agencies and local governments
15 according to the same criteria provided in RCW 70A.200.170 for the
16 remainder of the funds, so that the most effective waste reduction,
17 litter control, recycling, and composting programs receive the most
18 funding. The intent of this subsection is to provide funds for the
19 purchase of equipment that will enable the department to account for
20 the greatest return on investment in terms of reaching a zero litter
21 goal.

22 (~~(4)~~) (5) Funds in the waste reduction, recycling, and litter
23 control account, collected under chapter 82.19 RCW, must be
24 prioritized for the products identified under RCW 82.19.020 solely
25 for the purposes of recycling, composting, and litter collection,
26 reduction, and control programs.

27 (~~(5)~~) (6) During the 2021-2023 fiscal biennium, Washington
28 State University may use funds in the waste reduction, recycling, and
29 litter control account, collected under chapter 82.19 RCW, to conduct
30 an organic waste study.

31 (~~(6)~~) (7) During the 2021-2023 fiscal biennium, and as an
32 exception to the distribution of expenditures otherwise required in
33 this section, the department of ecology may use funds in the waste
34 reduction, recycling, and litter control account to continue a series
35 of food waste reduction campaigns, to continue to invest in litter
36 prevention campaigns, to conduct a recycling study, and to increase
37 litter control on state highways.

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