

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 6194**

56th Legislature  
2000 Regular Session

Passed by the Senate March 9, 2000  
YEAS 48 NAYS 0

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**President of the Senate**

Passed by the House March 8, 2000  
YEAS 98 NAYS 0

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**Speaker of the  
House of Representatives**

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**Speaker of the  
House of Representatives**

Approved

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6194** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 6194**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2000 Regular Session

**State of Washington                      56th Legislature                      2000 Regular Session**

**By** Senate Committee on Natural Resources, Parks & Recreation  
(originally sponsored by Senators T. Sheldon, Oke, Jacobsen, Stevens,  
Morton, Rasmussen, Gardner and Spanel)

Read first time 02/01/2000.

1            AN ACT Relating to unlawful rural garbage disposal; amending RCW  
2 70.93.030, 70.93.060, 70.95.240, and 46.55.230; and prescribing  
3 penalties.

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

5            **Sec. 1.** RCW 70.93.030 and 1998 c 257 s 3 are each amended to read  
6 as follows:

7            As used in this chapter unless the context indicates otherwise:

8            (1) "Conveyance" means a boat, airplane, or vehicle;

9            (2) "Department" means the department of ecology;

10            (~~(2)~~) (3) "Director" means the director of the department of  
11 ecology;

12            (~~(3)~~) (4) "Disposable package or container" means all packages or  
13 containers defined as such by rules and regulations adopted by the  
14 department of ecology;

15            (~~(4)~~) (5) "Junk vehicle" has the same meaning as defined in RCW  
16 46.55.010;

17            (6) "Litter" means all waste material including but not limited to  
18 disposable packages or containers thrown or deposited as herein  
19 prohibited and solid waste that is illegally dumped, but not including

1 the wastes of the primary processes of mining, logging, sawmilling,  
2 farming, or manufacturing;

3 ~~((+5+))~~ (7) "Litter bag" means a bag, sack, or other container made  
4 of any material which is large enough to serve as a receptacle for  
5 litter inside the vehicle or watercraft of any person. It is not  
6 necessarily limited to the state approved litter bag but must be  
7 similar in size and capacity;

8 ~~((+6+))~~ (8) "Litter receptacle" means those containers adopted by  
9 the department of ecology and which may be standardized as to size,  
10 shape, capacity, and color and which shall bear the state anti-litter  
11 symbol, as well as any other receptacles suitable for the depositing of  
12 litter;

13 ~~((+7+))~~ (9) "Person" means any political subdivision, government  
14 agency, municipality, industry, public or private corporation,  
15 copartnership, association, firm, individual, or other entity  
16 whatsoever;

17 ~~((+8+))~~ (10) "Public place" means any area that is used or held out  
18 for use by the public whether owned or operated by public or private  
19 interests;

20 (11) "Recycling" means transforming or remanufacturing waste  
21 materials into a finished product for use other than landfill disposal  
22 or incineration;

23 ~~((+9+))~~ (12) "Recycling center" means a central collection point  
24 for recyclable materials;

25 ~~((+10+))~~ (13) "To litter" means a single or cumulative act of  
26 disposing of litter;

27 (14) "Vehicle" includes every device capable of being moved upon a  
28 public highway and in, upon, or by which any persons or property is or  
29 may be transported or drawn upon a public highway, excepting devices  
30 moved by human or animal power or used exclusively upon stationary  
31 rails or tracks;

32 ~~((+11+))~~ (15) "Waste reduction" means reducing the amount or  
33 toxicity of waste generated or reusing materials;

34 ~~((+12+))~~ (16) "Watercraft" means any boat, ship, vessel, barge, or  
35 other floating craft(

36 ~~(13)~~ "Public place" means any area that is used or held out for use  
37 by the public whether owned or operated by public or private  
38 interests)).

1       **Sec. 2.** RCW 70.93.060 and 1997 c 159 s 1 are each amended to read  
2 as follows:

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

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

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

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

21       (b) It is a class 1 civil infraction as provided in RCW 7.80.120  
22 for a person to litter in an amount greater than one cubic foot in an  
23 incorporated area of a county. Unless suspended or modified by a  
24 court, the person shall also pay a litter cleanup fee of twenty-five  
25 dollars per cubic foot of litter. The court may, in addition to or in  
26 lieu of part or all of the cleanup fee, order the person to pick up and  
27 remove litter from the property, with prior permission of the legal  
28 owner or, in the case of public property, of the agency managing the  
29 property.

30       (c) It is a misdemeanor for a person to litter in an amount greater  
31 than one cubic foot but less than one cubic yard in an unincorporated  
32 area of a county. The person shall also pay a litter cleanup  
33 restitution payment equal to twice the actual cost of cleanup, or fifty  
34 dollars per cubic foot of litter, whichever is greater. The court  
35 shall distribute one-half of the restitution payment to the landowner  
36 and one-half of the restitution payment to the law enforcement agency  
37 investigating the incident. The court may, in addition to or in lieu  
38 of part or all of the cleanup restitution payment, order the person to  
39 pick up and remove litter from the property, with prior permission of

1 the legal owner or, in the case of public property, of the agency  
2 managing the property. The court may suspend or modify the litter  
3 cleanup restitution payment for a first-time offender under this  
4 section, if the person cleans up and properly disposes of the litter.

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

19 (e) If a junk vehicle is abandoned in violation of this section,  
20 RCW 46.55.230 governs the vehicle's removal, disposal, and sale, and  
21 the penalties that may be imposed against the person who abandoned the  
22 vehicle.

23 (3) If the violation occurs in a state park, the court shall, in  
24 addition to any other penalties assessed, order the person to perform  
25 twenty-four hours of community service in the state park where the  
26 violation occurred if the state park has stated an intent to  
27 participate as provided in RCW ((43.51.048(2))) 79A.05.050.

28 (4) It is a class 1 civil infraction as provided in RCW 7.80.120  
29 for a person to discard, in violation of this section, a cigarette,  
30 cigar, or other tobacco product that is capable of starting a fire.

31 **Sec. 3.** RCW 70.95.240 and 1998 c 36 s 19 are each amended to read  
32 as follows:

33 (1) After the adoption of regulations or ordinances by any county,  
34 city, or jurisdictional board of health providing for the issuance of  
35 permits as provided in RCW 70.95.160, it shall be unlawful for any  
36 person to dump or deposit or permit the dumping or depositing of any  
37 solid waste onto or under the surface of the ground or into the waters

1 of this state except at a solid waste disposal site for which there is  
2 a valid permit. This section does not:

3 (a) Prohibit a person from dumping or depositing solid waste  
4 resulting from his or her own activities onto or under the surface of  
5 ground owned or leased by him or her when such action does not violate  
6 statutes or ordinances, or create a nuisance;

7 (b) Apply to a person using a waste-derived soil amendment that has  
8 been approved by the department under RCW 70.95.205; or

9 (c) Apply to the application of commercial fertilizer that has been  
10 registered with the department of agriculture as provided in RCW  
11 15.54.325, and that is applied in accordance with the standards  
12 established in RCW 15.54.800(3).

13 (2)(a) It is a class 3 civil infraction as defined in RCW 7.80.120  
14 for a person to litter in an amount less than or equal to one cubic  
15 foot.

16 (b) It is a class 1 civil infraction as defined in RCW 7.80.120 for  
17 a person to litter in an amount greater than one cubic foot in an  
18 unincorporated area of a county. Unless suspended or modified by a  
19 court, the person shall also pay a litter cleanup fee of twenty-five  
20 dollars per cubic foot of litter. The court may, in addition to or in  
21 lieu of part or all of the cleanup fee, order the person to pick up and  
22 remove litter from the property, with prior permission of the legal  
23 owner or, in the case of public property, of the agency managing the  
24 property.

25 (c) It is a misdemeanor for a person to litter in an amount greater  
26 than one cubic foot but less than one cubic yard in an unincorporated  
27 area of a county. The person shall also pay a litter cleanup  
28 restitution payment equal to twice the actual cost of cleanup, or fifty  
29 dollars per cubic foot of litter, whichever is greater. The court  
30 shall distribute one-half of the restitution payment to the landowner  
31 and one-half of the restitution payment to the jurisdictional health  
32 department investigating the incident. The court may, in addition to  
33 or in lieu of part or all of the cleanup restitution payment, order the  
34 person to pick up and remove litter from the property, with prior  
35 permission of the legal owner or, in the case of public property, of  
36 the agency managing the property. The court may suspend or modify the  
37 litter cleanup restitution payment for a first-time offender under this  
38 section, if the person cleans up and properly disposes of the litter.

1       (d) It is a gross misdemeanor for a person to litter in an amount  
2 of one cubic yard or more in an unincorporated area of a county. The  
3 person shall also pay a litter cleanup restitution payment equal to  
4 twice the actual cost of cleanup, or one hundred dollars per cubic foot  
5 of litter, whichever is greater. The court shall distribute one-half  
6 of the restitution payment to the landowner and one-half of the  
7 restitution payment to the jurisdictional health department  
8 investigating the incident. The court may, in addition to or in lieu  
9 of part or all of the cleanup restitution payment, order the person to  
10 pick up and remove litter from the property, with prior permission of  
11 the legal owner or, in the case of public property, of the agency  
12 managing the property. The court may suspend or modify the litter  
13 cleanup restitution payment for a first-time offender under this  
14 section, if the person cleans up and properly disposes of the litter.

15       (e) If a junk vehicle is abandoned in violation of this chapter,  
16 RCW 46.55.230 governs the vehicle's removal, disposal, and sale, and  
17 the penalties that may be imposed against the person who abandoned the  
18 vehicle.

19       **Sec. 4.** RCW 46.55.230 and 1991 c 292 s 2 are each amended to read  
20 as follows:

21       (1) Notwithstanding any other provision of law, any law enforcement  
22 officer having jurisdiction, or any employee or officer of a  
23 jurisdictional health department acting pursuant to RCW 70.95.240, or  
24 any person authorized by the director shall inspect and may authorize  
25 the disposal of an abandoned junk vehicle. The person making the  
26 inspection shall record the make and vehicle identification number or  
27 license number of the vehicle if available, and shall also verify that  
28 the approximate value of the junk vehicle is equivalent only to the  
29 approximate value of the scrap in it.

30       (2) The law enforcement officer or department representative shall  
31 provide information on the vehicle's registered and legal owner to the  
32 landowner.

33       (3) Upon receiving information on the vehicle's registered and  
34 legal owner, the landowner shall mail a notice to the registered and  
35 legal owners shown on the records of the department. The notification  
36 shall describe the redemption procedure and the right to arrange for  
37 the removal of the vehicle.

1 (4) If the vehicle remains unclaimed more than fifteen days after  
2 the landowner has mailed notification to the registered and legal  
3 owner, the landowner may dispose of the vehicle or sign an affidavit of  
4 sale to be used as a title document.

5 (5) If no information on the vehicle's registered and legal owner  
6 is found in the records of the department, the landowner may  
7 immediately dispose of the vehicle or sign an affidavit of sale to be  
8 used as a title document.

9 (6)(a) It is a class 1 civil infraction as defined in RCW 7.80.120  
10 for a person to abandon a junk vehicle on property located in an  
11 incorporated area. If a junk vehicle is abandoned in an incorporated  
12 area, the landowner of the property upon which the junk vehicle is  
13 located is entitled to recover from the vehicle's registered owner any  
14 costs incurred in the removal of the junk vehicle.

15 (b) It is a gross misdemeanor for a person to abandon a junk  
16 vehicle on property located in an unincorporated area. If a junk  
17 vehicle is abandoned in an unincorporated area, the vehicle's  
18 registered owner shall also pay a cleanup restitution payment equal to  
19 twice the costs incurred in the removal of the junk vehicle. The court  
20 shall distribute one-half of the restitution payment to the landowner  
21 of the property upon which the junk vehicle is located, and one-half of  
22 the restitution payment to the law enforcement agency or jurisdictional  
23 health department investigating the incident.

24 (7) For the purposes of this section, the term "landowner" includes  
25 a legal owner of private property, a person with possession or control  
26 of private property, or a public official having jurisdiction over  
27 public property.

28 (8) A person complying in good faith with the requirements of this  
29 section is immune from any liability arising out of an action taken or  
30 omission made in the compliance.

31 NEW SECTION. Sec. 5. If any provision of this act or its  
32 application to any person or circumstance is held invalid, the  
33 remainder of the act or the application of the provision to other  
34 persons or circumstances is not affected.

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