
HOUSE BILL 2260

State of Washington 62nd Legislature 2012 Regular Session

By Representatives Zeiger, Fitzgibbon, Jinkins, Wylie, Asay, Nealey, Rivers, Finn, Reykdal, Moeller, and Miloscia

Read first time 01/10/12. Referred to Committee on Environment.

1 AN ACT Relating to increasing the penalties for littering; amending
2 RCW 70.93.060; reenacting and amending RCW 7.80.120; and prescribing
3 penalties.

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

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

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

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

18 (b) Into a litter receptacle in a manner that will prevent litter

1 from being carried away or deposited by the elements upon any part of
2 the private or public property or waters.

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

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

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

36 (d) If a junk vehicle is abandoned in violation of this section,
37 RCW 46.55.230 governs the vehicle's removal, disposal, and sale, and

1 the penalties that may be imposed against the person who abandoned the
2 vehicle.

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

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

11 **Sec. 2.** RCW 7.80.120 and 2003 c 365 s 3 and 2003 c 337 s 4 are
12 each reenacted and amended to read as follows:

13 (1) A person found to have committed a civil infraction shall be
14 assessed a monetary penalty.

15 (a) The maximum penalty and the default amount for a class 1 civil
16 infraction shall be two hundred fifty dollars, not including statutory
17 assessments, except for an infraction of state law involving
18 potentially dangerous litter as specified in RCW 70.93.060(4), in which
19 case the maximum penalty and default amount is seven hundred fifty
20 dollars, and an infraction of state law involving violent video or
21 computer games under RCW 9.91.180, in which case the maximum penalty
22 and default amount is five hundred dollars;

23 (b) The maximum penalty and the default amount for a class 2 civil
24 infraction shall be one hundred twenty-five dollars, not including
25 statutory assessments;

26 (c) The maximum penalty and the default amount for a class 3 civil
27 infraction shall be fifty dollars, not including statutory assessments;
28 and

29 (d) The maximum penalty and the default amount for a class 4 civil
30 infraction shall be twenty-five dollars, not including statutory
31 assessments.

32 (2) The supreme court shall prescribe by rule the conditions under
33 which local courts may exercise discretion in assessing fines for civil
34 infractions.

35 (3) Whenever a monetary penalty is imposed by a court under this
36 chapter it is immediately payable. If the person is unable to pay at
37 that time the court may grant an extension of the period in which the

1 penalty may be paid. If the penalty is not paid on or before the time
2 established for payment, the court may proceed to collect the penalty
3 in the same manner as other civil judgments and may notify the
4 prosecuting authority of the failure to pay.

5 (4) The court may also order a person found to have committed a
6 civil infraction to make restitution.

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