

SENATE BILL REPORT

ESHB 1086

AS REPORTED BY COMMITTEE ON ECOLOGY & PARKS, MARCH 24, 1993

Brief Description: Modifying littering penalties.

SPONSORS: House Committee on Environmental Affairs (originally sponsored by Representatives Valle, Edmondson, Rust and Kremen)

HOUSE COMMITTEE ON ENVIRONMENTAL AFFAIRS

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: Do pass as amended.

Signed by Senators Fraser, Chairman; Deccio, McCaslin, Moore, Sutherland, and Talmadge.

Staff: Shannon Murphy (786-7483)

Hearing Dates: March 19, 1993; March 24, 1993

BACKGROUND:

Washington's Litter Control and Recycling Act generally prohibits littering anywhere in the state on public property or on the private property of another. Litter is defined as all waste material except the waste products of mining, logging, sawmilling, farming or manufacturing. Litter specifically includes "disposable packages or containers."

The offense of littering is designated as a misdemeanor. The litter law sets a minimum fine of \$50, but does not specifically provide for any imprisonment. Unless specific lesser penalties are established for an offense, the criminal code provides that the penalty for a misdemeanor is up to 90 days in jail and a fine of up to \$1,000.

The litter law also requires the court to order a person convicted of littering to spend between 8 and 16 hours picking up litter.

SUMMARY:

Littering is decriminalized and made a civil infraction. Littering not more than one cubic foot of material is a class 3 civil infraction with a maximum fine of \$50. Littering larger amounts is a class 1 civil infraction with a maximum fine of \$250 and a cleanup fee of \$25 per cubic foot of litter. The litter cleanup fee may be imposed when a person has not removed the litter within 48 hours after receiving written notification of the infraction.

SUMMARY OF PROPOSED SENATE AMENDMENT:

The provision requiring automatic waiving of a cleanup fee if the person picks up the litter within 48 hours is deleted. The bill is changed to allow the court in its discretion to order litter pick up, in lieu of, or in addition to the cleanup fee.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

Littering is a growing problem. The decriminalization of existing littering penalties will ease the process of enforcement and collection of littering violations.

TESTIMONY AGAINST:

The Department of Transportation expressed a safety concern regarding the pick up of litter along limited access highways by individuals. Groups that currently pick up litter along limited access highways have received department approval for pick up.

TESTIFIED: Representative Valle, prime sponsor; Robert Berger, Washington Department of Transportation (con)