

HOUSE BILL ANALYSIS

SSB 6194

Title: An act relating to unlawful rural garbage disposal.

Brief Description: Attempting to limit the incidents of rural garbage dumping.

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

HOUSE COMMITTEE ON NATURAL RESOURCES

Meeting Date: February 23, 2000.

Bill Analysis Prepared by: Bill Lynch, Counsel (786-7092)

Background:

Illegal dumping of solid waste in rural areas has been an increasing problem. In 1998 the Legislature added solid waste that is illegally dumped to the definition of littering. There has also been an increase in the amount of hazardous materials that are illegally dumped. Law enforcement agencies often lack the financial resources to patrol against dumping. Landowners are often forced to pay the costs for cleaning up illegally dumped materials. Some landowners have reduced public access to their lands to try to curb illegal dumping.

It is a class 3 civil infraction for a person to litter in an amount less than or equal to one cubic foot. The maximum penalty for a class 3 civil infraction is \$50 plus any statutory assessments.

If a person litters in an amount greater than one cubic foot, it is punishable as a class 1 civil infraction. A person who commits a class 1 civil infraction may have a maximum penalty of \$250 imposed, plus any statutory assessments. When a person litters in an amount greater than one cubic foot, a court may impose a litter cleanup fee of \$25 per cubic foot of litter, and may order the person to pick up and remove the litter with the prior permission of the landowner.

Fines received for littering are deposited into the waste reduction, recycling, and litter control account.

Summary of Bill:

It is a misdemeanor to litter more than one cubic foot in an unincorporated area. A misdemeanor is punishable by imprisonment in the county jail for a maximum of 90 days, or by a fine of not more than \$1000, or both. The person must also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or \$50 per cubic foot of litter, whichever is more. The court may also order the person to pick up and remove the litter with the prior permission of the landowner.

It is a gross misdemeanor for a person to litter a hazardous substance of any amount in an unincorporated area of a county. A gross misdemeanor is punishable by imprisonment in the county jail for a maximum of one year, or a fine of not more than \$5000, or both. The court shall also require the person to pay a cleanup restitution payment equal to twice the actual costs of cleanup or \$100 per cubic foot of litter, whichever is greater.

The court is required to distribute one-half of the restitution payment for littering in an unincorporated area to the landowner, and the other one-half of the restitution payment is distributed to the law enforcement agency investigating the incident.

If a person is convicted of illegally dumping hazardous waste or litter in an amount greater than one cubic foot in an unincorporated area, law enforcement officers may seize without warrant any vehicles or other items that were used in the violation, unless the violation was inadvertent. The seized property is subject to forfeiture. If a conveyance is encumbered by a perfected security interest, the forfeiture is subject to the interest of the secured party if the secured party had no knowledge of and did not consent to the action. A person may contest the forfeiture in a proceeding before an administrative law judge, but may remove the hearing to a court of competent jurisdiction if the aggregate value of the property exceeds \$5000. If seized property is forfeited, the law enforcement agency may retain for official use, release the property for use by another law enforcement agency, or sell the property and use the proceeds to improve enforcement of the agency's litter control activity.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Senate Passage: 2/10/00, 47-0.

