

SENATE BILL REPORT

SHB 1409

As Reported By Senate Committee On:
Natural Resources, Energy & Water, March 28, 2003

Title: An act relating to littering.

Brief Description: Defining "potentially dangerous litter" and making it a civil infraction to improperly dispose of potentially dangerous litter.

Sponsors: House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Upthegrove, Hunt and Clibborn).

Brief History:

Committee Activity: Natural Resources, Energy & Water: 3/28/03 [DPA].

SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

Majority Report: Do pass as amended.

Signed by Senators Morton, Chair; Doumit, Fraser, Hargrove, Honeyford, Oke and Regala.

Staff: Genevieve Pisarski (786-7488)

Background: The state's public health and safety code prohibits littering and illegal dumping and imposes criminal and civil penalties, generally according to the amount of material discarded. In addition, the state's traffic code prohibits discarding any substance likely to cause injury onto a highway and imposes a civil penalty. In response to legislative direction to improve litter control, the Department of Ecology conducted research which indicates that compliance with litter laws could be improved by increasing penalties and increasing public awareness of the penalties and the likelihood of enforcement.

Summary of Amended Bill: The prohibition against discarding glass bottles, glass, nails, tacks, wire, cans or any other substance likely to injure a person, animal, or vehicle is removed from the traffic code.

The category of "potentially dangerous litter" is created in the public health and safety code. It is defined as litter that is likely to injure a person or cause damage to a vehicle or other property, and means tobacco products capable of starting a fire, glass and glass containers, hypodermic needles or any other sharp medical instruments, raw human waste, and nails or tacks. Discarding potentially dangerous litter in any amount is a class 1 civil infraction with a maximum penalty of \$500.

Requirements for production and distribution of litter bags and for keeping and using litter bags are repealed.

Amended Bill Compared to Original Bill: Requirements for production and distribution of litter bags are also eliminated. The definition of "potentially dangerous litter" means, rather than includes, the listed substances.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The existing litter law treats as dangerous only tobacco products that could start a fire, but many other substances are also dangerous. The bill raises penalties for actions that hurt others and, at the same time, removes requirements for keeping litter bags, which are unenforceable and not adapted to the design of cars today. Higher fines and the likelihood of enforcement have been found to be deterrents to littering. Eliminating the requirement to keep and use litter bags means that the requirements for production and distribution of litter bags should also be eliminated.

Testimony Against: None.

Testified: Representative Upthegrove, prime sponsor (pro); Megan Warfield, Dept. of Ecology (pro).