
SUBSTITUTE HOUSE BILL 1409

State of Washington

58th Legislature

2003 Regular Session

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

READ FIRST TIME 02/17/03.

1 AN ACT Relating to littering; amending RCW 70.93.030, 70.93.060,
2 7.80.120, 70.93.100, and 46.61.645; creating a new section; and
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the littering of
6 potentially dangerous products poses a greater danger to the public
7 safety than other classes of litter. Broken glass, human waste, and
8 other dangerous materials along roadways, within parking lots, and on
9 pedestrian, bicycle, and recreation trails elevates the risk to public
10 safety, such as vehicle tire punctures, and the risk to the community
11 volunteers who spend their time gathering and properly disposing of the
12 litter left behind by others. As such, the legislature finds that a
13 higher penalty should be imposed on those who improperly dispose of
14 potentially dangerous products, such as is imposed on those who
15 improperly dispose of tobacco products.

16 **Sec. 2.** RCW 70.93.030 and 2000 c 154 s 1 are each amended to read
17 as follows:

1 (~~As used in~~) The definitions in this section apply throughout
2 this chapter unless the context (~~indicates~~) clearly requires
3 otherwise(~~+~~).

4 (1) "Conveyance" means a boat, airplane, or vehicle(~~+~~).

5 (2) "Department" means the department of ecology(~~+~~).

6 (3) "Director" means the director of the department of
7 ecology(~~+~~).

8 (4) "Disposable package or container" means all packages or
9 containers defined as such by rules (~~and regulations~~) adopted by the
10 department of ecology(~~+~~).

11 (5) "Junk vehicle" has the same meaning as defined in RCW
12 46.55.010(~~+~~).

13 (6) "Litter" means all waste material including but not limited to
14 disposable packages or containers thrown or deposited as herein
15 prohibited and solid waste that is illegally dumped, but not including
16 the wastes of the primary processes of mining, logging, sawmilling,
17 farming, or manufacturing(~~+~~). "Litter" includes the material
18 described in subsection (10) of this section as "potentially dangerous
19 litter."

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

25 (8) "Litter receptacle" means those containers adopted by the
26 department of ecology and which may be standardized as to size, shape,
27 capacity, and color and which shall bear the state anti-litter symbol,
28 as well as any other receptacles suitable for the depositing of
29 litter(~~+~~).

30 (9) "Person" means any political subdivision, government agency,
31 municipality, industry, public or private corporation, copartnership,
32 association, firm, individual, or other entity whatsoever(~~+~~).

33 (10) "Potentially dangerous litter" means litter that is likely to
34 injure a person or cause damage to a vehicle or other property.
35 "Potentially dangerous litter" includes, but is not limited to:

36 (a) Cigarettes, cigars, or other tobacco products that are capable
37 of starting a fire;

38 (b) Glass;

1 (c) A container or other product made predominantly or entirely of
2 glass;

3 (d) A hypodermic needle or other medical instrument designed to cut
4 or pierce;

5 (e) Raw human waste, including soiled baby diapers, regardless of
6 whether or not the waste is in a container of any sort; and

7 (f) Nails or tacks.

8 (11) "Public place" means any area that is used or held out for use
9 by the public whether owned or operated by public or private
10 interests((+)).

11 ~~((11))~~ (12) "Recycling" means transforming or remanufacturing
12 waste materials into a finished product for use other than landfill
13 disposal or incineration((+)).

14 ~~((12))~~ (13) "Recycling center" means a central collection point
15 for recyclable materials((+)).

16 ~~((13))~~ (14) "To litter" means a single or cumulative act of
17 disposing of litter((+)).

18 ~~((14))~~ (15) "Vehicle" includes every device capable of being
19 moved upon a public highway and in, upon, or by which any persons or
20 property is or may be transported or drawn upon a public highway,
21 excepting devices moved by human or animal power or used exclusively
22 upon stationary rails or tracks((+)).

23 ~~((15))~~ (16) "Waste reduction" means reducing the amount or
24 toxicity of waste generated or reusing materials((+)).

25 ~~((16))~~ (17) "Watercraft" means any boat, ship, vessel, barge, or
26 other floating craft.

27 **Sec. 3.** RCW 70.93.060 and 2002 c 175 s 45 are each amended to read
28 as follows:

29 (1) It is a violation of this section to abandon a junk vehicle
30 upon any property. In addition, no person shall throw, drop, deposit,
31 discard, or otherwise dispose of litter upon any public property in the
32 state or upon private property in this state not owned by him or her or
33 in the waters of this state whether from a vehicle or otherwise
34 including but not limited to any public highway, public park, beach,
35 campground, forest land, recreational area, trailer park, highway,
36 road, street, or alley except:

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

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

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

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

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

1 (d) If a junk vehicle is abandoned in violation of this section,
2 RCW 46.55.230 governs the vehicle's removal, disposal, and sale, and
3 the penalties that may be imposed against the person who abandoned the
4 vehicle.

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

10 (4) It is a class 1 civil infraction as provided in RCW 7.80.120
11 for a person to discard, in violation of this section, (~~(a cigarette,~~
12 ~~eigar, or other tobacco product that is capable of starting a fire))~~
13 potentially dangerous litter in any amount.

14 **Sec. 4.** RCW 7.80.120 and 1997 c 159 s 2 are each amended to read
15 as follows:

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

18 (a) The maximum penalty and the default amount for a class 1 civil
19 infraction shall be two hundred fifty dollars, not including statutory
20 assessments, except for an infraction of state law involving (~~(tobacco~~
21 ~~products))~~ potentially dangerous litter as specified in RCW
22 70.93.060(4), in which case the maximum penalty and default amount is
23 five hundred dollars;

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

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

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

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

36 (3) Whenever a monetary penalty is imposed by a court under this
37 chapter it is immediately payable. If the person is unable to pay at

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

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

8 **Sec. 5.** RCW 70.93.100 and 1981 c 260 s 15 are each amended to read
9 as follows:

10 The department shall design and produce a litter bag bearing the
11 statewide anti-litter symbol and a statement of the penalties
12 prescribed herein for littering in this state. Such litter bags shall
13 be distributed by the department of licensing at no charge to the owner
14 of every licensed vehicle in this state at the time and place of
15 license renewal. The department of ecology shall make such litter bags
16 available to the owners of water craft in this state and shall also
17 provide such litter bags at no charge at points of entry into this
18 state and at visitor centers to the operators of incoming vehicles and
19 watercraft. ~~((The owner of any vehicle or watercraft who fails to keep
20 and use a litter bag in his vehicle or watercraft shall be guilty of a
21 violation of this section and shall be subject to a fine as provided in
22 this chapter.))~~

23 **Sec. 6.** RCW 46.61.645 and 1965 ex.s. c 155 s 77 are each amended
24 to read as follows:

25 (1) ~~((No person shall throw or deposit upon any highway any glass
26 bottle, glass, nails, tacks, wire, cans or any other substance likely
27 to injure any person, animal or vehicle upon such highway.~~

28 ~~(2))~~ Any person who drops, or permits to be dropped or thrown,
29 upon any highway any ~~((destructive or injurious))~~ material shall
30 immediately remove the same or cause it to be removed.

31 ~~((3))~~ (2) Any person removing a wrecked or damaged vehicle from
32 a highway shall remove any glass or other injurious substance dropped
33 upon the highway from such vehicle.

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