

# HOUSE BILL REPORT

## HB 1160

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### As Reported by House Committee On: Environment

**Title:** An act relating to stamping out litter in Washington state by increasing penalties for littering while providing additional funding to state parks.

**Brief Description:** Stamping out litter in Washington state by increasing penalties for littering while providing additional funding to state parks.

**Sponsors:** Representatives Pike, Moeller, Fitzgibbon, Bergquist, Gregerson, Ormsby, Ryu and Tharinger.

#### **Brief History:**

##### **Committee Activity:**

Environment: 1/20/15, 2/2/15 [DPS].

#### **Brief Summary of Substitute Bill**

- Increases the penalties for littering in a small amount to \$200, up from \$50.
- Increases the penalties for dropping material on a state road to \$200, up from \$87.
- Directs the money received by the state from the increases in the littering and debris deposition fines to State Parks operations and maintenance.

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### HOUSE COMMITTEE ON ENVIRONMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Farrell, Fey, Goodman, Harris and Pike.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Shea, Ranking Minority Member; Short, Assistant Ranking Minority Member; Taylor.

**Staff:** Jacob Lipson (786-7196).

#### **Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The Waste Reduction, Recycling, and Litter Control Act (Act), dating to 1971, establishes statewide programs to prevent and clean up litter, reduce waste, and increase recycling. The Act also prohibits littering on state and private lands not owned by the litterer. The Act gives police powers to enforce littering restrictions to a variety of government personnel, including the Department of Ecology and State Parks and Recreation Commission employees, local government agencies with law enforcement capabilities, Washington State Patrol officers, the Department of Fish and Wildlife officers, fire wardens, and forest rangers.

Littering in an amount equal to less than 1 cubic foot is designated as a class 3 civil infraction, which means the violator is subject to base penalties of up to \$50, with the exception of potentially dangerous litter, including cigarettes, glass, and raw human waste, which is subject to heightened penalties. Littering in larger volumes subjects a violator to criminal misdemeanor penalties.

In addition, state traffic laws prohibit dropping materials onto highways, which is an infraction punishable with a base penalty of up to \$87. Like other traffic infractions, the prohibition on depositing material on a highway is enforced by police officers.

The majority of the base penalty money collected by local courts for both the infractions of littering and dropping materials onto a state road are retained by the local government. Local courts also remit a portion of collected base penalty moneys to the State General Fund. Separately, the Act provides that fines collected under the Act be deposited in the Waste Reduction, Recycling, and Litter Control Account (WRRLCA) for litter collection and waste reduction, recycling, and litter control activities by local governments and state agencies.

Additional fees and assessments are also applied to the base penalty for both class 3 civil infractions and traffic infractions. These additional fees and assessments beyond the base penalty amounts are distributed to the State General Fund and to fund the judicial information systems used by state courts.

The State Parks Renewal and Stewardship Account (Account) receives receipts from state parks user fees, donations, and other state-park related activities. Money in the Account must be used for the operation and maintenance of state parks.

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### **Summary of Substitute Bill:**

Littering in an amount smaller than 1 cubic foot is raised to a class 2 civil infraction that subjects the violator to a penalty of up to \$200, plus additional fees and assessments. The penalty for dropping materials onto a highway is also increased to \$200 plus additional fees and assessments, up from an original base penalty of \$87. The littering penalty is in addition to any separate assessment of penalties for depositing materials onto a highway.

The money received by the state as a result of the increased littering and highway deposition penalties is deposited in the Account.

### **Substitute Bill Compared to Original Bill:**

The substitute bill requires county courts to remit to the Account the additional funds received as a result of the increase in penalties for littering and for dropping materials onto state roads, rather than requiring only municipal courts to remit those funds.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for sections 4, relating to uses of the WRRLCA, and 9, relating to uses of the Account, which take effect June 30, 2017.

**Staff Summary of Public Testimony:**

(In support) Increasing the penalty for littering will discourage people from thoughtlessly littering. This bill will provide financial support to State Parks in the tough budget times that have occurred since the creation of the Discover Pass and concurrent reduction in General Fund money to State Parks. Increasing littering fines is one of several successful ways that the state can take action to reduce waste and littering.

(Opposed) None.

**Persons Testifying:** Representative Pike, prime sponsor; Carolyn Logue, Washington Food Industry Association; Daniel Farber, Washington State Parks Recreation Commission; and Alia Griffing, Washington Federation of State Employees.

**Persons Signed In To Testify But Not Testifying:** None.