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**SUBSTITUTE SENATE BILL 5178**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Fortunato and Gildon)

AN ACT Relating to large debris removal from state highways; and amending RCW 70A.200.060 and 70A.200.140.

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

**Sec.**  RCW 70A.200.060 and 2003 c 337 s 3 are each amended to read as follows:

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

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

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

(2)(a) Except as provided in subsection ((~~(4)~~)) (5) of this section, it is a class 3 civil infraction as provided in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot.

(b) It is a misdemeanor for a person to litter in an amount greater than one cubic foot but less than one cubic yard. The person shall also pay a litter cleanup restitution payment equal to ((~~twice~~)) four times the actual cost of cleanup, or ((~~fifty dollars~~)) $100 per cubic foot of litter, whichever is greater. ((~~The~~)) Except as provided in subsection (3) of this section, the court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the law enforcement agency investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.

(c) It is a gross misdemeanor for a person to litter in an amount of one cubic yard or more. The person shall also pay a litter cleanup restitution payment equal to ((~~twice~~)) four times the actual cost of cleanup, or ((~~one hundred dollars~~)) $200 per cubic foot of litter, whichever is greater. ((~~The~~)) Except as provided in subsection (3) of this section, the court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the law enforcement agency investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.

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

(3) For violations as described in subsection (2) of this section that occur on state highways, the court shall distribute 75 percent of the restitution payment to the state for deposit into the waste reduction, recycling, and litter control account under RCW 70A.200.140, for purposes of large debris removal and highway cleanup as provided in RCW 70A.200.140(1)(d). The court shall distribute the remaining 25 percent of the restitution payment to the law enforcement agency investigating the incident.

(4) If the violation occurs in a state park, the court shall, in addition to any other penalties assessed, order the person to perform ((~~twenty-four~~)) 24 hours of community restitution in the state park where the violation occurred if the state park has stated an intent to participate as provided in RCW 79A.05.050.

((~~(4)~~)) (5) It is a class 1 civil infraction as provided in RCW 7.80.120 for a person to discard, in violation of this section, potentially dangerous litter in any amount.

**Sec.**  RCW 70A.200.140 and 2022 c 297 s 963 are each amended to read as follows:

(1) There is hereby created an account within the state treasury to be known as the waste reduction, recycling, and litter control account. Moneys in the account may be spent only after appropriation. Expenditures from the waste reduction, recycling, and litter control account shall be used as follows:

(a) Forty percent of receipts from taxes imposed in RCW 82.19.010 to the department of ecology, primarily for use by the departments of ecology, natural resources, revenue, transportation, and corrections, and the parks and recreation commission, for litter collection programs under RCW 70A.200.170. The amount to the department of ecology shall also be used for a central coordination function for litter control efforts statewide; to support employment of youth in litter cleanup as intended in RCW 70A.200.020, and for litter pick up using other authorized agencies; and for statewide public awareness programs under RCW 70A.200.150(7). The amount to the department shall also be used to defray the costs of administering the funding, coordination, and oversight of local government programs for waste reduction, litter control, recycling, and composting so that local governments can apply ((~~one hundred~~)) 100 percent of their funding to achieving program goals. The amount to the department of revenue shall be used to enforce compliance with the litter tax imposed in chapter 82.19 RCW;

(b)(i) Twenty percent of receipts from taxes imposed in RCW 82.19.010 to the department for local government funding programs for waste reduction, litter control, recycling activities, and composting activities by cities and counties under RCW 70A.200.190, to be administered by the department of ecology; (ii) any unspent funds under (b)(i) of this subsection may be used to create and pay for a matching fund competitive grant program to be used by local governments for the development and implementation of contamination reduction and outreach plans for inclusion in comprehensive solid waste management plans or by local governments and nonprofit organizations for local or statewide education programs designed to help the public with litter control, waste reduction, recycling, and composting of primarily the products taxed under chapter 82.19 RCW. Recipients under this subsection include programs to reduce wasted food and food waste that are designed to achieve the goals established in RCW 70A.205.715(1) and that are consistent with the plan developed in RCW 70A.205.715(3). Grants must adhere to the following requirements: (A) No grant may exceed ((~~sixty thousand dollars~~)) $60,000; (B) grant recipients shall match the grant funding allocated by the department by an amount equal to ((~~twenty-five~~)) 25 percent of eligible expenses. A local government's share of these costs may be met by cash or contributed services; (C) the obligation of the department to make grant payments is contingent upon the availability of the amount of money appropriated for this subsection (1)(b); and (D) grants are managed under the guidelines for existing grant programs; ((~~and~~))

(c) Forty percent of receipts from taxes imposed in RCW 82.19.010 to the department of ecology to: (i) Implement activities under RCW 70A.200.150 for waste reduction, recycling, and composting efforts; (ii) provide technical assistance to local governments and commercial businesses to increase recycling markets and recycling and composting programs primarily for the products taxed under chapter 82.19 RCW designed to educate citizens about waste reduction, litter control, and recyclable and compostable products and programs; (iii) increase access to waste reduction, composting, and recycling programs, particularly for food packaging and plastic bags and appropriate composting techniques; and (iv) for programs to reduce wasted food and food waste that are designed to achieve the goals established in RCW 70A.205.715(1) and that are consistent with the plan developed in RCW 70A.205.715(3); and

(d)(i) One hundred percent of receipts from litter cleanup restitution payments as provided in RCW 70A.200.060(3) to the department of transportation:

(A) For prevention and cleanup of highway debris, with an increased focus on large debris;

(B) To establish a method to remove large debris from state highways;

(C) To remove large debris from state highways; and

(D) To cover traffic control and disposal costs.

(ii) For the purposes of (d)(i) of this subsection, "large debris" means debris that would be hazardous to motorcycles including, but not limited to, wood debris, pallets, furniture, vehicle parts, tires, tire pieces, or other debris that is visibly noticeable to drivers. "Large debris" does not include small items of litter such as paper products.

(2) All taxes imposed in RCW 82.19.010 and fines and bail forfeitures collected or received pursuant to this chapter shall be deposited in the waste reduction, recycling, and litter control account and used for the programs under subsection (1) of this section.

(3) For violations as described in RCW 70A.200.060(2) that occur on state highways, the court shall distribute 75 percent of the restitution payment to the state for deposit into the waste reduction, recycling, and litter control account and used for the purposes under subsection (1)(d) of this section. The court shall distribute the remaining 25 percent of the restitution payment to the law enforcement agency investigating the incident.

(4) Not less than five percent and no more than ((~~ten~~)) 10 percent of the amount appropriated into the waste reduction, recycling, and litter control account every biennium shall be reserved for capital needs, including the purchase of vehicles for transporting crews and for collecting litter and solid waste. Capital funds shall be distributed among state agencies and local governments according to the same criteria provided in RCW 70A.200.170 for the remainder of the funds, so that the most effective waste reduction, litter control, recycling, and composting programs receive the most funding. The intent of this subsection is to provide funds for the purchase of equipment that will enable the department to account for the greatest return on investment in terms of reaching a zero litter goal.

((~~(4)~~)) (5) Funds in the waste reduction, recycling, and litter control account, collected under chapter 82.19 RCW, must be prioritized for the products identified under RCW 82.19.020 solely for the purposes of recycling, composting, and litter collection, reduction, and control programs.

((~~(5)~~)) (6) During the 2021-2023 fiscal biennium, Washington State University may use funds in the waste reduction, recycling, and litter control account, collected under chapter 82.19 RCW, to conduct an organic waste study.

((~~(6)~~)) (7) During the 2021-2023 fiscal biennium, and as an exception to the distribution of expenditures otherwise required in this section, the department of ecology may use funds in the waste reduction, recycling, and litter control account to continue a series of food waste reduction campaigns, to continue to invest in litter prevention campaigns, to conduct a recycling study, and to increase litter control on state highways.

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