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**SUBSTITUTE HOUSE BILL 2207**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** House Environment & Energy (originally sponsored by Representatives Ramos, Low, Chapman, Couture, and Reed)

READ FIRST TIME 01/31/24.

1 AN ACT Relating to providing tools designed to reduce the impacts  
2 of unlawful solid waste dumping; amending RCW 70A.200.060, 7.84.100,  
3 70A.200.140, 70A.305.180, 79.100.030, 79.100.100, 7.84.140, 7.84.020,  
4 and 70A.200.070; reenacting and amending RCW 79.100.010; adding a new  
5 section to chapter 79.100 RCW; and creating a new section.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that, despite a  
8 modern waste disposal infrastructure, the occurrences of unlawful  
9 solid waste dumping are an increasing problem on open spaces such as  
10 privately and publicly owned forestlands. This irresponsible waste  
11 dumping, which often includes hazardous materials, asbestos, derelict  
12 boats, junk vehicles, appliances, furniture, and household garbage  
13 not only creates significant costs for the landowner, but also  
14 creates immediate, and sometimes lasting, environmental and habitat  
15 damage and degradation of recreational and aesthetic opportunities.

16 (2) The legislature further finds that the current enforcement  
17 system, which relies on the criminalization of illegal dumping, may  
18 not be the most effective, efficient, or just penalty system.  
19 Converting all but the most egregious illegal dumping from a criminal  
20 act to a civil infraction creates a system of deterrence and  
21 penalties that better reflects the magnitude of the act, avoids

1 criminal records for individuals who may be unable to afford  
2 appropriate waste management options, and reduces the burden on local  
3 criminal justice systems and infrastructures.

4 (3) The legislature further finds that appropriate waste disposal  
5 can create a financial barrier for some individuals. In an effort to  
6 divert illegal dumping, a portion of the existing litter cleanup  
7 restitution payment should be diverted from direct payments to  
8 landowners to funding efforts to mitigate the costs of proper  
9 disposal, restitution, or environmental damages.

10 (4) The legislature further finds that landowners often discover  
11 derelict and abandoned maritime vessels on forestlands and other  
12 upland areas. These vessels often create an environmental hazard and  
13 always create a significant disposal cost for the landowner. The  
14 department of natural resources has administered a successful and  
15 legally tested vessel removal program for two decades. However, that  
16 program is limited to vessels found on or above aquatic lands. New or  
17 expanded tools are required for vessel owners avoiding the penalties  
18 inherent in the existing derelict vessel program by unlawfully  
19 disposing of their vessels on dry land.

20 **Sec. 2.** RCW 70A.200.060 and 2003 c 337 s 3 are each amended to  
21 read as follows:

22 (1) It is a violation of this section to (~~abandon~~):

23 (a) Abandon a junk vehicle upon any property(~~(. In addition, no~~  
24 ~~person shall throw))~~);

25 (b) Throw, drop, deposit, discard, or otherwise dispose of litter  
26 upon any public property in the state or upon private property in  
27 this state not owned by him or her or in the waters of this state  
28 whether from a vehicle or otherwise including but not limited to any  
29 public highway, public park, beach, campground, forestland,  
30 recreational area, trailer park, highway, road, street, or alley  
31 except:

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

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

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

5           ~~((b))~~ (3) It is a ~~((misdemeanor for a person to litter in an  
6 amount greater than one cubic foot but less than one cubic yard.~~

7           ~~The person shall also pay a litter cleanup restitution payment  
8 equal to twice the actual cost of cleanup, or fifty dollars per cubic  
9 foot of litter, whichever is greater. The court shall distribute one-  
10 half of the restitution payment to the landowner)) natural resource  
11 infraction under chapter 7.84 RCW, including detentions for a  
12 reasonable period and investigations as provided in RCW 7.84.030, for  
13 a person to litter in an amount greater than one cubic foot but less  
14 than 10 cubic yards and a gross misdemeanor for a person to litter  
15 more than 10 cubic yards.~~

16           (4) (a) A person found liable under this section shall, in  
17 addition to the penalties provided for gross misdemeanors, or for  
18 natural resource infractions as provided in RCW 7.84.100, also pay a  
19 litter cleanup restitution payment equal to four times the actual  
20 cost of cleanup. The court shall distribute one-half of the  
21 restitution payment to the waste reduction, recycling, and litter  
22 control account created in RCW 70A.200.140 and one-half of the  
23 restitution payment to the law enforcement agency investigating the  
24 incident.

25           (b) The court may, in addition to or in lieu of part or all of  
26 the cleanup restitution payment, order the person to pick up and  
27 remove litter from the property, with prior permission of the legal  
28 owner or, in the case of public property, of the agency managing the  
29 property.

30           (c) The court may suspend or modify the litter cleanup  
31 restitution payment for a first-time offender under this section, if  
32 the person cleans up and properly disposes of the litter.

33           ~~((c) It is a gross misdemeanor for a person to litter in an  
34 amount of one cubic yard or more. The person shall also pay a litter  
35 cleanup restitution payment equal to twice the actual cost of  
36 cleanup, or one hundred dollars per cubic foot of litter, whichever  
37 is greater. The court shall distribute one-half of the restitution  
38 payment to the landowner and one-half of the restitution payment to  
39 the law enforcement agency investigating the incident. The court may,  
40 in addition to or in lieu of part or all of the cleanup restitution~~

1 ~~payment, order the person to pick up and remove litter from the~~  
2 ~~property, with prior permission of the legal owner or, in the case of~~  
3 ~~public property, of the agency managing the property. The court may~~  
4 ~~suspend or modify the litter cleanup restitution payment for a first-~~  
5 ~~time offender under this section, if the person cleans up and~~  
6 ~~properly disposes of the litter.~~

7 ~~(d))~~ (5) If a junk vehicle is abandoned in violation of this  
8 section, RCW 46.55.230 governs the vehicle's removal, disposal, and  
9 sale, and the penalties that may be imposed against the person who  
10 abandoned the vehicle.

11 ~~((3))~~ (6) If the violation occurs in a state park, the court  
12 shall, in addition to any other penalties assessed, order the person  
13 to perform ~~((twenty-four))~~ 24 hours of community restitution in the  
14 state park where the violation occurred if the state park has stated  
15 an intent to participate as provided in RCW 79A.05.050.

16 ~~((4))~~ (7) It is a class 1 civil infraction as provided in RCW  
17 7.80.120 for a person to discard, in violation of this section,  
18 potentially dangerous litter in any amount.

19 **Sec. 3.** RCW 7.84.100 and 2020 c 268 s 1 are each amended to read  
20 as follows:

21 (1) A person found to have committed an infraction shall be  
22 assessed a monetary penalty. No penalty may exceed ~~((five hundred~~  
23 ~~dollars))~~ \$500 for each offense unless specifically authorized by  
24 statute.

25 (2) The supreme court may prescribe by rule a schedule of  
26 monetary penalties for designated infractions. The legislature  
27 requests the supreme court to adjust this schedule every two years  
28 for inflation. ~~((The))~~ Except as otherwise provided, the maximum  
29 penalty imposed by the schedule shall be ~~((five hundred dollars))~~  
30 \$500 per infraction and the minimum penalty imposed by the schedule  
31 shall be ~~((ten dollars))~~ \$10 per infraction. This schedule may be  
32 periodically reviewed by the legislature and is subject to its  
33 revision.

34 (3) Penalties for violations of RCW 70A.200.060 that are natural  
35 resource infractions are as follows:

36 (a) Up to \$250 for a person found liable of littering between one  
37 cubic foot and one cubic yard of material;

38 (b) Up to \$750 for a person found liable of littering more than  
39 one cubic yard and less than seven cubic yards of material;

1 (c) Up to \$1,000 for a person found liable of littering between  
2 seven and 10 cubic yards of material.

3 (4) Whenever a monetary penalty is imposed by a court under this  
4 chapter, it is immediately payable. If the person is unable to pay at  
5 that time, the court may, in its discretion, grant an extension of  
6 the period in which the penalty may be paid.

7 ~~((4))~~ (5)(a) The county treasurer shall remit ~~((seventy-five))~~  
8 75 percent of the money received under RCW 79A.80.080(5) to the state  
9 treasurer.

10 (b) Money remitted under this subsection to the state treasurer  
11 must be deposited in the recreation access pass account established  
12 under RCW 79A.80.090. The balance of the noninterest money received  
13 by the county treasurer must be deposited in the county current  
14 expense fund.

15 **Sec. 4.** RCW 70A.200.140 and 2022 c 297 s 963 are each amended to  
16 read as follows:

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

22 (a) ~~((Forty))~~ 40 percent of receipts from taxes imposed in RCW  
23 82.19.010 to the department of ecology, primarily for use by the  
24 departments of ecology, natural resources, revenue, transportation,  
25 and corrections, and the parks and recreation commission, for litter  
26 collection programs under RCW 70A.200.170. The amount to the  
27 department of ecology shall also be used for a central coordination  
28 function for litter control efforts statewide; to support employment  
29 of youth in litter cleanup as intended in RCW 70A.200.020, and for  
30 litter pick up using other authorized agencies; and for statewide  
31 public awareness programs under RCW 70A.200.150(7). The amount to the  
32 department shall also be used to defray the costs of administering  
33 the funding, coordination, and oversight of local government programs  
34 for waste reduction, litter control, recycling, and composting so  
35 that local governments can apply one hundred percent of their funding  
36 to achieving program goals. The amount to the department of revenue  
37 shall be used to enforce compliance with the litter tax imposed in  
38 chapter 82.19 RCW;

1 (b) (i) (~~Twenty~~) 20 percent of receipts from taxes imposed in  
2 RCW 82.19.010 to the department for local government funding programs  
3 for waste reduction, litter control, recycling activities, and  
4 composting activities by cities and counties under RCW 70A.200.190,  
5 to be administered by the department of ecology; (ii) any unspent  
6 funds under (b) (i) of this subsection may be used to create and pay  
7 for a matching fund competitive grant program to be used by local  
8 governments for the development and implementation of contamination  
9 reduction and outreach plans for inclusion in comprehensive solid  
10 waste management plans or by local governments and nonprofit  
11 organizations for local or statewide education programs designed to  
12 help the public with litter control, waste reduction, recycling, and  
13 composting of primarily the products taxed under chapter 82.19 RCW.  
14 Recipients under this subsection include programs to reduce wasted  
15 food and food waste that are designed to achieve the goals  
16 established in RCW 70A.205.715(1) and that are consistent with the  
17 plan developed in RCW 70A.205.715(3). Grants must adhere to the  
18 following requirements: (A) No grant may exceed (~~sixty thousand~~  
19 ~~dollars~~) \$60,000; (B) grant recipients shall match the grant funding  
20 allocated by the department by an amount equal to (~~twenty-five~~) 25  
21 percent of eligible expenses. A local government's share of these  
22 costs may be met by cash or contributed services; (C) the obligation  
23 of the department to make grant payments is contingent upon the  
24 availability of the amount of money appropriated for this subsection  
25 (1)(b); and (D) grants are managed under the guidelines for existing  
26 grant programs; (~~and~~)

27 (c) (~~Forty~~) 40 percent of receipts from taxes imposed in RCW  
28 82.19.010 to the department of ecology to: (i) Implement activities  
29 under RCW 70A.200.150 for waste reduction, recycling, and composting  
30 efforts; (ii) provide technical assistance to local governments and  
31 commercial businesses to increase recycling markets and recycling and  
32 composting programs primarily for the products taxed under chapter  
33 82.19 RCW designed to educate citizens about waste reduction, litter  
34 control, and recyclable and compostable products and programs; (iii)  
35 increase access to waste reduction, composting, and recycling  
36 programs, particularly for food packaging and plastic bags and  
37 appropriate composting techniques; and (iv) for programs to reduce  
38 wasted food and food waste that are designed to achieve the goals  
39 established in RCW 70A.205.715(1) and that are consistent with the  
40 plan developed in RCW 70A.205.715(3); and

1 (d) 100 percent of receipts from litter cleanup restitution  
2 payments as provided in RCW 70A.200.060(4) and of fines and bail  
3 forfeitures received under this chapter, in addition to any  
4 legislative appropriations made to the account for these specific  
5 purposes, to the department to award grants to local governments or  
6 nonprofit organizations designed to reduce illegal dumping on public  
7 or private forestlands or other open spaces. The grants must be  
8 awarded for project descriptions aimed at reducing outdoor dumping or  
9 reducing the cost of legal waste disposal, such as education  
10 campaigns, free or reduced-cost collection days, income-based waste  
11 disposal coupons or vouchers, communication and funding partnerships  
12 with other entities such as landowners or collection companies,  
13 funding emphasis enforcement, funding information rewards, mitigation  
14 money to assist landowners with removing large items or a substantial  
15 quantity of illegally dumped material, and other measures reasonably  
16 targeted at reducing illegal dumping. The department may implement  
17 this subsection (1)(d) by including any funding and activities in  
18 existing or related programs managed by the department and may use a  
19 portion of receipts from the litter cleanup restitution payments for  
20 administration of the grants required by this section.

21 (2) All taxes imposed in RCW 82.19.010 (~~and fines and bail~~  
22 ~~forfeitures~~)) collected or received pursuant to this chapter shall be  
23 deposited in the waste reduction, recycling, and litter control  
24 account and used for the programs under subsection (1)(a) through (c)  
25 of this section. Except as provided in this chapter and chapters 7.80  
26 and 7.84 RCW, all fines and bail forfeitures collected or received  
27 pursuant to this chapter must be deposited in the waste reduction,  
28 recycling, and litter control account and used for the programs under  
29 subsection (1)(d) of this section.

30 (3) Not less than five percent and no more than (~~ten~~) 10  
31 percent of the amount appropriated into the waste reduction,  
32 recycling, and litter control account every biennium shall be  
33 reserved for capital needs, including the purchase of vehicles for  
34 transporting crews and for collecting litter and solid waste. Capital  
35 funds shall be distributed among state agencies and local governments  
36 according to the same criteria provided in RCW 70A.200.170 for the  
37 remainder of the funds, so that the most effective waste reduction,  
38 litter control, recycling, and composting programs receive the most  
39 funding. The intent of this subsection is to provide funds for the  
40 purchase of equipment that will enable the department to account for

1 the greatest return on investment in terms of reaching a zero litter  
2 goal.

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

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

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

19 **Sec. 5.** RCW 70A.305.180 and 2023 c 475 s 940 are each amended to  
20 read as follows:

21 (1) The model toxics control operating account is hereby created  
22 in the state treasury.

23 (2) Moneys in the model toxics control operating account must be  
24 used only to carry out the purposes of this chapter, including but  
25 not limited to the following:

26 (a) The state's responsibility for hazardous waste planning,  
27 management, regulation, enforcement, technical assistance, and public  
28 education required under chapter 70A.300 RCW;

29 (b) The state's responsibility for solid waste planning,  
30 management, regulation, enforcement, technical assistance, and public  
31 education required under chapter 70A.205 RCW;

32 (c) The hazardous waste clean-up program required under this  
33 chapter;

34 (d) State matching funds required under federal cleanup law;

35 (e) Financial assistance for local programs and plans, including  
36 local solid waste financial assistance, in accordance with chapters  
37 70A.405, 70A.205, 70A.214, 70A.224, and 70A.300 RCW;

1 (f) State government programs for the safe reduction, recycling,  
2 or disposal of paint and hazardous wastes from households, small  
3 businesses, and agriculture;

4 (g) Oil and hazardous materials spill prevention, preparedness,  
5 training, and response activities;

6 (h) Water and environmental health protection and monitoring  
7 programs;

8 (i) Programs authorized under chapter 70A.135 RCW;

9 (j) A public participation program;

10 (k) Development and demonstration of alternative management  
11 technologies designed to carry out the hazardous waste management  
12 priorities of RCW 70A.300.260;

13 (l) State agriculture and health programs for the safe use,  
14 reduction, recycling, or disposal of pesticides;

15 (m) Funding requirements to maintain receipt of federal funds  
16 under the federal solid waste disposal act (42 U.S.C. Sec. 6901 et  
17 seq.);

18 (n) Air quality programs and actions for reducing public exposure  
19 to toxic air pollution;

20 (o) Petroleum-based plastic or expanded polystyrene foam debris  
21 clean-up activities in fresh or marine waters; and

22 (p) For the 2021-2023 fiscal biennium, and solely to continue the  
23 policy of previous biennia, forest practices at the department of  
24 natural resources.

25 (3) Except for unanticipated receipts under RCW 43.79.260 through  
26 43.79.282, moneys in model toxics control operating account may be  
27 spent only after appropriation by statute.

28 (4) (a) One percent of the moneys collected under RCW 82.21.030  
29 must be allocated only for public participation grants to persons who  
30 may be adversely affected by a release or threatened release of a  
31 hazardous substance and to not-for-profit public interest  
32 organizations. The primary purpose of these grants is to facilitate  
33 the participation by persons and organizations in the investigation  
34 and remedying of releases or threatened releases of hazardous  
35 substances and to implement the state's solid and hazardous waste  
36 management priorities. No grant may exceed (~~sixty thousand dollars~~)  
37 \$60,000. Grants may be renewed annually. Moneys appropriated for  
38 public participation that are not expended at the close of any  
39 biennium revert to the model toxics control operating account.

1 (b) For the 2025-2027 and 2027-2029 fiscal bienniums only, an  
2 additional 0.25 percent of the moneys collected under RCW 82.21.030  
3 must be used for public participation grants that focus on public  
4 education efforts targeted at reducing illegal dumping of hazardous  
5 materials or petroleum-containing products on public and private  
6 land.

7 (5) The department must adopt rules for grant or loan issuance  
8 and performance.

9 (6) During the 2023-2025 fiscal biennium, the legislature may  
10 direct the state treasurer to make transfers of moneys in the model  
11 toxics control operating account to the state general fund.

12 NEW SECTION. Sec. 6. A new section is added to chapter 79.100  
13 RCW to read as follows:

14 (1) Until June 30, 2029, the department shall operate a  
15 terrestrial derelict vessel removal pilot project focused on removing  
16 vessels that are illegally dumped and found derelict in areas other  
17 than above aquatic lands. All authorities and responsibilities as  
18 provided in this chapter apply to vessels identified by the  
19 department for inclusion in the pilot project.

20 (2) By January 1, 2028, the department shall issue a report to  
21 the legislature, consistent with RCW 43.01.036, that details total  
22 vessels removed under the pilot project, identifies limitations  
23 discovered in the implementation of the pilot project, and makes a  
24 recommendation as to whether to continue, expand, or modify the pilot  
25 project.

26 **Sec. 7.** RCW 79.100.010 and 2014 c 195 s 604 are each reenacted  
27 and amended to read as follows:

28 The definitions in this section apply throughout this chapter  
29 unless the context clearly requires otherwise.

30 (1) "Abandoned vessel" means a vessel that has been left, moored,  
31 or anchored in the same area without the express consent, or contrary  
32 to the rules of, the owner, manager, or lessee of the aquatic lands  
33 below or on which the vessel is located for either a period of more  
34 than (~~thirty~~) 30 consecutive days or for more than a total of  
35 (~~ninety~~) 90 days in any (~~three hundred sixty-five-day~~) 365-day  
36 period, and the vessel's owner is: (a) Not known or cannot be  
37 located; or (b) known and located but is unwilling to take control of  
38 the vessel. For the purposes of this subsection (1) only, "in the

1 same area" means within a radius of five miles of any location where  
2 the vessel was previously moored or anchored on aquatic lands.

3 (2) "Aquatic lands" means all tidelands, shorelands, harbor  
4 areas, and the beds of navigable waters, including lands owned by the  
5 state and lands owned by other public or private entities.

6 (3) "Authorized public entity" includes any of the following: The  
7 department of natural resources; the department of fish and wildlife;  
8 the parks and recreation commission; a metropolitan park district; a  
9 port district; and any city, town, or county with ownership,  
10 management, or jurisdiction over the aquatic lands where an abandoned  
11 or derelict vessel is located, or, for the purposes of the pilot  
12 project established in section 6 of this act, terrestrial lands where  
13 an abandoned or derelict vessel is located.

14 (4) "Department" means the department of natural resources.

15 (5) "Derelict vessel" means the vessel's owner is known and can  
16 be located, and exerts control of a vessel that:

17 (a) Has been moored, anchored, or otherwise left in the waters of  
18 the state or on public property contrary to RCW 79.02.300 or rules  
19 adopted by an authorized public entity;

20 (b) Has been left on private property without authorization of  
21 the owner; or

22 (c) Has been left for a period of seven consecutive days, and:

23 (i) Is sunk or in danger of sinking;

24 (ii) Is obstructing a waterway; or

25 (iii) Is endangering life or property.

26 (6) "Owner" means any natural person, firm, partnership,  
27 corporation, association, government entity, or organization that has  
28 a lawful right to possession of a vessel by purchase, exchange, gift,  
29 lease, inheritance, or legal action whether or not the vessel is  
30 subject to a security interest.

31 (7) "Ship" means every species of watercraft or other mobile  
32 artificial contrivance, powered or unpowered, intended to be used for  
33 transporting people or goods on water or for floating marine  
34 construction or repair and that exceeds (~~two hundred~~) 200 feet in  
35 length.

36 (8) "Vessel" means every species of watercraft or other mobile  
37 artificial contrivance, powered or unpowered, intended to be used for  
38 transporting people or goods on water or for floating marine  
39 construction or repair and which does not exceed (~~two hundred~~) 200

1 feet in length. "Vessel" includes any trailer used for the  
2 transportation of watercraft, or any attached floats or debris.

3 **Sec. 8.** RCW 79.100.030 and 2021 c 65 s 88 are each amended to  
4 read as follows:

5 (1) An authorized public entity has the authority, subject to the  
6 processes and limitations of this chapter, to store, strip, use,  
7 auction, sell, salvage, scrap, or dispose of an abandoned or derelict  
8 vessel found on or above aquatic lands within the jurisdiction of the  
9 authorized public entity or, for the purposes of the pilot project  
10 established in section 6 of this act, on terrestrial lands within the  
11 jurisdiction of the authorized public entity. A vessel disposal must  
12 be done in an environmentally sound manner and in accordance with all  
13 federal, state, and local laws, including the state solid waste  
14 disposal provisions provided for in chapter 70A.205 RCW. Scuttling or  
15 sinking of a vessel is only permissible after obtaining the express  
16 permission of the owner or owners of the aquatic lands below where  
17 the scuttling or sinking would occur, and obtaining all necessary  
18 state and federal permits or licenses.

19 (2) (a) The primary responsibility to remove a derelict or  
20 abandoned vessel belongs to the owner, operator, or lessee of the  
21 moorage facility or the aquatic lands where the vessel is located. If  
22 the authorized public entity with the primary responsibility is  
23 unwilling or unable to exercise the authority granted by this  
24 section, it may request the department to assume the authorized  
25 public entity's authority for a particular vessel. The department may  
26 at its discretion assume the authorized public entity's authority for  
27 a particular vessel after being requested to do so.

28 (b) For vessels not at a moorage facility, an authorized public  
29 entity with jurisdiction over the aquatic lands where the vessel is  
30 located or, for the purposes of the pilot project established in  
31 section 6 of this act, terrestrial lands where a derelict vessel is  
32 located may, at its discretion, request to assume primary  
33 responsibility for that particular vessel from the owner of the  
34 aquatic or terrestrial lands where the vessel is located.

35 (3) The authority granted by this chapter is permissive, and no  
36 authorized public entity has a duty to exercise the authority. No  
37 liability attaches to an authorized public entity that chooses not to  
38 exercise this authority. An authorized public entity, in the good  
39 faith performance of the actions authorized under this chapter, is

1 not liable for civil damages resulting from any act or omission in  
2 the performance of the actions other than acts or omissions  
3 constituting gross negligence or willful or wanton misconduct. Any  
4 person whose assistance has been requested by an authorized public  
5 entity, who has entered into a written agreement pursuant to RCW  
6 79.100.070, and who, in good faith, renders assistance or advice with  
7 respect to activities conducted by an authorized public entity  
8 pursuant to this chapter, is not liable for civil damages resulting  
9 from any act or omission in the rendering of the assistance or  
10 advice, other than acts or omissions constituting gross negligence or  
11 willful or wanton misconduct.

12 **Sec. 9.** RCW 79.100.100 and 2014 c 195 s 603 are each amended to  
13 read as follows:

14 (1)(a) The derelict vessel removal account is created in the  
15 state treasury. All receipts from RCW 79.100.050 and 79.100.060 and  
16 those moneys specified in RCW 88.02.640 must be deposited into the  
17 account. The account is authorized to receive fund transfers and  
18 appropriations from the general fund, deposits from the derelict  
19 vessel removal surcharge under RCW 88.02.640(4), deposits under RCW  
20 79.100.180, as well as gifts, grants, and endowments from public or  
21 private sources as may be made from time to time, in trust or  
22 otherwise, for the use and benefit of the purposes of this chapter  
23 and expend the same or any income according to the terms of the  
24 gifts, grants, or endowments provided those terms do not conflict  
25 with any provisions of this section or any guidelines developed to  
26 prioritize reimbursement of removal projects associated with this  
27 chapter.

28 (b) Moneys in the account may only be spent after appropriation.  
29 Expenditures from the account may only be used by the department for  
30 developing and administering the vessel turn-in program created in  
31 RCW 79.100.160 and to, except as provided in RCW 79.100.130 and  
32 53.08.480, reimburse authorized public entities for up to ninety  
33 percent of the total reasonable and auditable administrative,  
34 removal, disposal, and environmental damage costs of abandoned or  
35 derelict vessels when the previous owner is either unknown after a  
36 reasonable search effort or insolvent. Reimbursement may not be made  
37 unless the department determines that the public entity has made  
38 reasonable efforts to identify and locate the party responsible for  
39 the vessel, or any other person or entity that has incurred secondary

1 liability for the vessel under this chapter or RCW 88.26.030,  
2 regardless of the title of owner of the vessel.

3 (c) Funds in the account resulting from transfers from the  
4 general fund or from the deposit of funds from the watercraft excise  
5 tax as provided for under RCW 82.49.030 must be used to reimburse  
6 (~~one hundred~~) 100 percent of costs and should be prioritized for  
7 the removal of large vessels.

8 (d) Costs associated with the removal and disposal of an  
9 abandoned or derelict vessel under the authority granted in RCW  
10 53.08.320 also qualify for reimbursement from the derelict vessel  
11 removal account.

12 (e) In each biennium, up to (~~twenty~~) 20 percent of the  
13 expenditures from the derelict vessel removal account may be used for  
14 administrative expenses of the department of licensing and department  
15 of natural resources in implementing this chapter.

16 (2) (a) Priority for use of this account is for the removal of  
17 derelict and abandoned vessels that are in danger of sinking,  
18 breaking up, or blocking navigation channels, or that present  
19 environmental risks such as leaking fuel or other hazardous  
20 substances. Absent specific legislative appropriations to the  
21 contrary, funding for vessels under the terrestrial derelict vessel  
22 removal pilot project created in section 6 of this act is the lowest  
23 priority use of this account.

24 (b) The department must develop criteria, in the form of informal  
25 guidelines, to prioritize removal projects associated with this  
26 chapter, but may not consider whether the applicant is a state or  
27 local entity when prioritizing. The guidelines must also include  
28 guidance to the authorized public entities as to what removal  
29 activities and associated costs are reasonable and eligible for  
30 reimbursement.

31 (3) The department must keep all authorized public entities  
32 apprised of the balance of the derelict vessel removal account and  
33 the funds available for reimbursement. The guidelines developed by  
34 the department must also be made available to the other authorized  
35 public entities. This subsection (3) must be satisfied by utilizing  
36 the least costly method, including maintaining the information on the  
37 department's internet website, or any other cost-effective method.

38 (4) An authorized public entity may contribute its ten percent of  
39 costs that are not eligible for reimbursement by using in-kind

1 services, including the use of existing staff, equipment, and  
2 volunteers.

3 (5) This chapter does not guarantee reimbursement for an  
4 authorized public entity. Authorized public entities seeking  
5 certainty in reimbursement prior to taking action under this chapter  
6 may first notify the department of their proposed action and the  
7 estimated total costs. Upon notification by an authorized public  
8 entity, the department must make the authorized public entity aware  
9 of the status of the fund and the likelihood of reimbursement being  
10 available. The department may offer technical assistance and assure  
11 reimbursement for up to two years following the removal action if an  
12 assurance is appropriate given the balance of the fund and the  
13 details of the proposed action.

14 **Sec. 10.** RCW 7.84.140 and 2011 c 320 s 13 are each amended to  
15 read as follows:

16 (1) The director chosen by the state parks and recreation  
17 commission, the commissioner of public lands, and the director of the  
18 department of fish and wildlife are each authorized to delegate and  
19 accept enforcement authority over natural resource infractions to or  
20 from the other agencies through an agreement entered into under the  
21 interlocal cooperation act, chapter 39.34 RCW.

22 (2) Any person specified in RCW 70A.200.050 may initiate  
23 enforcement of RCW 70A.200.060 for those infractions that are natural  
24 resource infractions under this chapter, with or without an  
25 interlocal agreement under this section.

26 **Sec. 11.** RCW 7.84.020 and 2012 c 176 s 2 are each amended to  
27 read as follows:

28 The definition in this section applies throughout this chapter  
29 unless the context clearly requires otherwise.

30 "Infraction" means an offense which, by the terms of Title 76,  
31 77, 79, or 79A RCW or RCW 7.84.030(2)(b) or 70A.200.060, and rules  
32 adopted under these titles and sections, is declared not to be a  
33 criminal offense or a civil infraction and is subject to the  
34 provisions of this chapter.

35 **Sec. 12.** RCW 70A.200.070 and 1996 c 263 s 2 are each amended to  
36 read as follows:

1           The director may prescribe the procedures for the collection of  
2 penalties, costs, and other charges allowed by chapters 7.80 and 7.84  
3 RCW for violations of this chapter.

--- **END** ---