

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1429

Chapter 159, Laws of 1997

55th Legislature
1997 Regular Session

UNLAWFUL DISCARDING OF TOBACCO PRODUCTS CAPABLE OF STARTING FIRES

EFFECTIVE DATE: 7/27/97

Passed by the House March 11, 1997
Yeas 97 Nays 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate April 10, 1997
Yeas 45 Nays 0

BRAD OWEN
President of the Senate

Approved April 23, 1997

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1429** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

April 23, 1997 - 4:14 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1429

Passed Legislature - 1997 Regular Session

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Sump, O'Brien, Sullivan, Mielke, Mulliken and Sherstad)

Read first time 02/17/97.

1 AN ACT Relating to littering; amending RCW 70.93.060 and 7.80.120;
2 and prescribing penalties.

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

4 **Sec. 1.** RCW 70.93.060 and 1996 c 263 s 1 are each amended to read
5 as follows:

6 (1) No person shall throw, drop, deposit, discard, or otherwise
7 dispose of litter upon any public property in the state or upon private
8 property in this state not owned by him or her or in the waters of this
9 state whether from a vehicle or otherwise including but not limited to
10 any public highway, public park, beach, campground, forest land,
11 recreational area, trailer park, highway, road, street, or alley
12 except:

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

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

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

4 (b) It is a class 1 civil infraction as ((defined)) provided in RCW
5 7.80.120 for a person to litter in an amount greater than one cubic
6 foot. Unless suspended or modified by a court, the person shall also
7 pay a litter cleanup fee of twenty-five dollars per cubic foot of
8 litter. The court may, in addition to or in lieu of part or all of the
9 cleanup fee, order the person to pick up and remove litter from the
10 property, with prior permission of the legal owner or, in the case of
11 public property, of the agency managing the property.

12 (3) If the violation occurs in a state park, the court shall, in
13 addition to any other penalties assessed, order the person to perform
14 twenty-four hours of community service in the state park where the
15 violation occurred if the state park has stated an intent to
16 participate as provided in RCW 43.51.048(2).

17 (4) It is a class 1 civil infraction as provided in RCW 7.80.120
18 for a person to discard, in violation of this section, a cigarette,
19 cigar, or other tobacco product that is capable of starting a fire.

20 **Sec. 2.** RCW 7.80.120 and 1987 c 456 s 20 are each amended to read
21 as follows:

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

24 (a) The maximum penalty and the default amount for a class 1 civil
25 infraction shall be two hundred fifty dollars, not including statutory
26 assessments, except for an infraction of state law involving tobacco
27 products as specified in RCW 70.93.060(4), in which case the maximum
28 penalty and default amount is five hundred dollars;

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

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

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

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

4 (3) Whenever a monetary penalty is imposed by a court under this
5 chapter it is immediately payable. If the person is unable to pay at
6 that time the court may grant an extension of the period in which the
7 penalty may be paid. If the penalty is not paid on or before the time
8 established for payment, the court may proceed to collect the penalty
9 in the same manner as other civil judgments and may notify the
10 prosecuting authority of the failure to pay.

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

Passed the House March 11, 1997.

Passed the Senate April 10, 1997.

Approved by the Governor April 23, 1997.

Filed in Office of Secretary of State April 23, 1997.