

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1163

Chapter 139, Laws of 2001

57th Legislature
2001 Regular Session

JUNK VEHICLES--DISPOSAL

EFFECTIVE DATE: 7/22/01

Passed by the House February 27, 2001
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

CLYDE BALLARD

Speaker of the House of Representatives

Passed by the Senate May 9, 2001
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved May 2, 2001.

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1163** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN

Chief Clerk

CYNTHIA ZEHNDER

Chief Clerk

FILED

May 2, 2001 - 10:30 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1163

Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Eickmeyer, Doumit, Rockefeller, Jackley and Haigh)

READ FIRST TIME 02/15/01.

1 AN ACT Relating to disposal of garbage and junk vehicles; and
2 amending RCW 70.93.060, 70.95.240, and 46.55.230.

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

4 **Sec. 1.** RCW 70.93.060 and 2000 c 154 s 2 are each amended to read
5 as follows:

6 (1) It is a violation of this section to abandon a junk vehicle
7 upon any property (~~located in an unincorporated area of a county~~). In
8 addition, no person shall throw, drop, deposit, discard, or otherwise
9 dispose of litter upon any public property in the state or upon private
10 property in this state not owned by him or her or in the waters of this
11 state whether from a vehicle or otherwise including but not limited to
12 any public highway, public park, beach, campground, forest land,
13 recreational area, trailer park, highway, road, street, or alley
14 except:

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

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

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

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

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

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

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

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

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

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

18 **Sec. 2.** RCW 70.95.240 and 2000 c 154 s 3 are each amended to read
19 as follows:

20 (1) After the adoption of regulations or ordinances by any county,
21 city, or jurisdictional board of health providing for the issuance of
22 permits as provided in RCW 70.95.160, it shall be unlawful for any
23 person to dump or deposit or permit the dumping or depositing of any
24 solid waste onto or under the surface of the ground or into the waters
25 of this state except at a solid waste disposal site for which there is
26 a valid permit. This section does not:

27 (a) Prohibit a person from dumping or depositing solid waste
28 resulting from his or her own activities onto or under the surface of
29 ground owned or leased by him or her when such action does not violate
30 statutes or ordinances, or create a nuisance;

31 (b) Apply to a person using a waste-derived soil amendment that has
32 been approved by the department under RCW 70.95.205; or

33 (c) Apply to the application of commercial fertilizer that has been
34 registered with the department of agriculture as provided in RCW
35 15.54.325, and that is applied in accordance with the standards
36 established in RCW 15.54.800(3).

1 (2)(a) It is a class 3 civil infraction as defined in RCW 7.80.120
2 for a person to litter in an amount less than or equal to one cubic
3 foot.

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

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

28 ~~((d))~~ (c) It is a gross misdemeanor for a person to litter in an
29 amount of one cubic yard or more ~~((in an unincorporated area of a
30 county))~~. The person shall also pay a litter cleanup restitution
31 payment equal to twice the actual cost of cleanup, or one hundred
32 dollars per cubic foot of litter, whichever is greater. The court
33 shall distribute one-half of the restitution payment to the landowner
34 and one-half of the restitution payment to the jurisdictional health
35 department investigating the incident. The court may, in addition to
36 or in lieu of part or all of the cleanup restitution payment, order the
37 person to pick up and remove litter from the property, with prior
38 permission of the legal owner or, in the case of public property, of
39 the agency managing the property. The court may suspend or modify the

1 litter cleanup restitution payment for a first-time offender under this
2 section, if the person cleans up and properly disposes of the litter.
3 ((+e)) (d) If a junk vehicle is abandoned in violation of this
4 chapter, RCW 46.55.230 governs the vehicle's removal, disposal, and
5 sale, and the penalties that may be imposed against the person who
6 abandoned the vehicle.

7 **Sec. 3.** RCW 46.55.230 and 2000 c 154 s 4 are each amended to read
8 as follows:

9 (1) Notwithstanding any other provision of law, any law enforcement
10 officer having jurisdiction, or any employee or officer of a
11 jurisdictional health department acting pursuant to RCW 70.95.240, or
12 any person authorized by the director shall inspect and may authorize
13 the disposal of an abandoned junk vehicle. The person making the
14 inspection shall record the make and vehicle identification number or
15 license number of the vehicle if available, and shall also verify that
16 the approximate value of the junk vehicle is equivalent only to the
17 approximate value of the scrap in it.

18 (2) The law enforcement officer or department representative shall
19 provide information on the vehicle's registered and legal owner to the
20 landowner.

21 (3) Upon receiving information on the vehicle's registered and
22 legal owner, the landowner shall mail a notice to the registered and
23 legal owners shown on the records of the department. The notification
24 shall describe the redemption procedure and the right to arrange for
25 the removal of the vehicle.

26 (4) If the vehicle remains unclaimed more than fifteen days after
27 the landowner has mailed notification to the registered and legal
28 owner, the landowner may dispose of the vehicle or sign an affidavit of
29 sale to be used as a title document.

30 (5) If no information on the vehicle's registered and legal owner
31 is found in the records of the department, the landowner may
32 immediately dispose of the vehicle or sign an affidavit of sale to be
33 used as a title document.

34 (6) ~~((a) It is a class 1 civil infraction as defined in RCW~~
35 ~~7.80.120 for a person to abandon a junk vehicle on property located in~~
36 ~~an incorporated area. If a junk vehicle is abandoned in an~~
37 ~~incorporated area, the landowner of the property upon which the junk~~

1 ~~vehicle is located is entitled to recover from the vehicle's registered~~
2 ~~owner any costs incurred in the removal of the junk vehicle.~~

3 (b)) It is a gross misdemeanor for a person to abandon a junk
4 vehicle on property (~~located in an unincorporated area~~). If a junk
5 vehicle is abandoned (~~in an unincorporated area~~), the vehicle's
6 registered owner shall also pay a cleanup restitution payment equal to
7 twice the costs incurred in the removal of the junk vehicle. The court
8 shall distribute one-half of the restitution payment to the landowner
9 of the property upon which the junk vehicle is located, and one-half of
10 the restitution payment to the law enforcement agency or jurisdictional
11 health department investigating the incident.

12 (7) For the purposes of this section, the term "landowner" includes
13 a legal owner of private property, a person with possession or control
14 of private property, or a public official having jurisdiction over
15 public property.

16 (8) A person complying in good faith with the requirements of this
17 section is immune from any liability arising out of an action taken or
18 omission made in the compliance.

Passed the House February 27, 2001.

Passed the Senate May 9, 2001.

Approved by the Governor May 2, 2001.

Filed in Office of Secretary of State May 2, 2001.