

HOUSE BILL REPORT

SHB 1409

As Passed Legislature

Title: An act relating to littering.

Brief Description: Defining "potentially dangerous litter" and making it a civil infraction to improperly dispose of potentially dangerous litter.

Sponsors: By House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Upthegrove, Hunt and Clibborn).

Brief History:

Committee Activity:

Fisheries, Ecology & Parks: 2/7/03, 2/13/03 [DPS].

Floor Activity:

Passed House: 3/11/03, 93-0.

Senate Amended.

Passed Senate: 4/15/03, 48-0.

House Concurred.

Passed House: 4/21/03, 97-0.

Passed Legislature.

Brief Summary of Substitute Bill

- Increases the penalty for the littering of potentially dangerous materials.
- Repeals the section of code that requires the owners of vehicles and watercraft to keep a litter bag in his or her car or boat and for the Department of Ecology to provide litter bags.
- Permits counties to declare and abate nuisances.

HOUSE COMMITTEE ON FISHERIES, ECOLOGY & PARKS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Cooper, Chair; Berkey, Vice Chair; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck, Hatfield, O'Brien, Pearson and Upthegrove.

Staff: Jason Callahan (786-7117).

Background:

Littering, or the illegal dumping of waste material, is unlawful in Washington. Littering regulations are enforced on a sliding scale, with the amount of litter discarded dictating the level of penalty assessed.

Littering one cubic yard of material or more is a gross misdemeanor. Littering of less than one cubic yard, but more than one cubic foot, is a misdemeanor. Along with criminal sanctions, these violations may also require the litterer to pay a restitution of twice the actual cost to clean up the illegally dumped waste, or \$50, whichever is greater.

Littering of most items in an amount of one cubic foot or less is a class 3 civil infraction. Class 3 civil infractions are subject to a fine of up to \$50, plus a court assessment. Littering of a cigarette, cigar, or other tobacco product that is capable of starting a fire is a class 1 civil infraction. A person found to be in violation of that section of law is subject to a fine of up to \$500, plus court assessments.

In addition to being a littering violation, it is a traffic code infraction to throw onto any highway glass bottles, glass, nails, tacks, wires, cans, or any other substance likely to injure a person, animal, or vehicle. This violation of the traffic code is subject to a civil fine of up to \$171.

It is also a fineable offense for the owner of a vehicle or watercraft to fail to keep a litter bag inside of his or her vehicle or vessel.

Summary of Substitute Bill:

The maximum penalty for improperly disposing of potentially dangerous litter is \$500.

Potentially dangerous litter is defined as litter that is likely to injure a person or cause damage to a vehicle or other property, and means: (1) cigarettes, cigars, or other tobacco products that are capable of starting a fire; (2) glass; (3) containers and other products made of glass; (4) hypodermic needles and other sharp medical instruments; (5) raw human waste; and (6) nails and tacks.

It is no longer a traffic infraction to deposit substances likely to damage persons, animals, or vehicles onto a state highway, and it is no longer a fineable offense if owners of vehicles and watercraft fail to keep a litter bag in their car or boat.

Counties have the express authority to declare a nuisance by ordinance, and abate the nuisance at the owner's expense. The county may levy a special assessment on the property to reimburse the county for any expenses incurred in removing the nuisance.

The assessment is a lien on the property.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Washington's streets and highways should be kept not only safe, but clean as well. The Department of Ecology's Youth Corps (Youth Corps) hires good kids to pick up litter, but they often come across dangerous substances, including biohazards such as human feces, bottles of urine, and hypodermic needles. Bicyclists also complain of popping their tires on both broken glass littered on roadways and on tacks that are maliciously distributed on recreational trails.

The Youth Corps crews have been picking up an increasing amount of litter, but the roadways just keep getting dirtier. To prevent future littering the state needs to concentrate on prevention. One element of prevention is deterrence. And high penalties are a deterrence.

Testimony Against: None.

Testified: Representative Upthegrove, prime sponsor; and Cullen Stephenson, Department of Ecology.