
**Fisheries, Ecology & Parks
Committee**

HB 1409

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

Sponsors: Representatives Upthegrove, Hunt and Clibborn.

Brief Summary of Bill

- Increases the penalty for the littering of potentially dangerous materials.

Hearing Date: 2/7/03

Staff: Jason Callahan (786-7117).

Background:

Littering, or the illegal dumping of waste material, is unlawful in Washington (RCW 70.93.060). 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 fifty dollars, 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 fifty dollars, 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 five hundred dollars, 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 (RCW 46.61.645). This violation of the traffic code is subject to a civil fine of up to \$171.

Summary of Bill:

The maximum penalty for improperly disposing of potentially dangerous litter is five hundred dollars.

Potentially dangerous litter is defined as litter that is likely to injure a person or cause damage to a vehicle or other property. Potentially dangerous litter includes: 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.

Appropriation: None.

Fiscal Note: Not Requested.

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