
HOUSE BILL 2401

State of Washington 58th Legislature 2004 Regular Session

By Representatives McMahan, Lantz, Mielke, Crouse, Bush, Newhouse,
Carrell and Moeller

Read first time 01/13/2004. Referred to Committee on Fisheries,
Ecology & Parks.

1 AN ACT Relating to the unlawful discarding of burning tobacco
2 products; and amending RCW 70.93.060.

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

4 **Sec. 1.** RCW 70.93.060 and 2003 c 337 s 3 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. In addition, no person shall throw, drop, deposit,
8 discard, or otherwise dispose of litter upon any public property in the
9 state or upon private property in this state not owned by him or her or
10 in the waters of this state whether from a vehicle or otherwise
11 including but not limited to any public highway, public park, beach,
12 campground, forest land, recreational area, trailer park, highway,
13 road, street, or alley except:

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

17 (b) Into a litter receptacle in a manner that will prevent litter
18 from being carried away or deposited by the elements upon any part of
19 the 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 provided in RCW 7.80.120 for a person to
3 litter in an amount less than or equal to one cubic foot.

4 (b) It is a misdemeanor for a person to litter in an amount greater
5 than one cubic foot but less than one cubic yard. The person shall
6 also pay a litter cleanup restitution payment equal to twice the actual
7 cost of cleanup, or fifty dollars per cubic foot of litter, whichever
8 is greater. The court shall distribute one-half of the restitution
9 payment to the landowner and one-half of the restitution payment to the
10 law enforcement agency investigating the incident. The court may, in
11 addition to or in lieu of part or all of the cleanup restitution
12 payment, order the person to pick up and remove litter from the
13 property, with prior permission of the legal owner or, in the case of
14 public property, of the agency managing the property. The court may
15 suspend or modify the litter cleanup restitution payment for a first-
16 time offender under this section, if the person cleans up and properly
17 disposes of the litter.

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

32 (d) If a junk vehicle is abandoned in violation of this section,
33 RCW 46.55.230 governs the vehicle's removal, disposal, and sale, and
34 the penalties that may be imposed against the person who abandoned the
35 vehicle.

36 (3) If the violation occurs in a state park, the court shall, in
37 addition to any other penalties assessed, order the person to perform

1 twenty-four hours of community restitution in the state park where the
2 violation occurred if the state park has stated an intent to
3 participate as provided in RCW 79A.05.050.

4 (4) It is a class 1 civil infraction as provided in RCW 7.80.120
5 for a person to discard, in violation of this section, potentially
6 dangerous litter in any amount. Potentially dangerous litter includes
7 a tobacco product that was lit or burning and was not fully
8 extinguished before it was discarded in violation of this section.

9 (5) If the violation involves a tobacco product that was lit or
10 burning and was not fully extinguished before it was discarded, the
11 court may, in addition to any other penalties assessed, order the
12 person to perform from eighty to four hundred eighty hours of community
13 service in volunteer fire fighter service.

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