
HOUSE BILL 3326

State of Washington 60th Legislature 2008 Regular Session

By Representatives Simpson, Hudgins, Pedersen, Kenney, and Ormsby

Read first time 01/31/08. Referred to Committee on Technology,
Energy & Communications.

1 AN ACT Relating to requiring publishers or distributors of
2 commercial telephone directories to provide persons a means to avoid
3 receiving commercial telephone directories; amending RCW 70.93.060;
4 adding a new section to chapter 80.36 RCW; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 80.36 RCW
7 to read as follows:

8 (1) Any person or business that publishes or distributes commercial
9 directories must offer to each recipient of the commercial directory an
10 opportunity to opt out of receiving future commercial directories.

11 (2) Any person or business that distributes commercial directories
12 must develop opt out procedures and provide clear instructions to
13 recipients regarding how they may opt out. Opt out instructions must
14 be printed on the front or back page of the commercial directory.
15 Recipients may notify commercial directory publishers or distributors
16 of their preference to opt out electronically, by telephone, or by
17 mail.

18 (3) Any person or business that distributes a commercial directory

1 to a recipient after receiving an opt out notification from that
2 recipient is in violation of RCW 70.93.060.

3 (4) For the purposes of this section, "commercial directory" means
4 a directory of telephone numbers compiled for a fee, advertisements,
5 and other commercial listings that are published and distributed to
6 homes, businesses, and other locations.

7 **Sec. 2.** RCW 70.93.060 and 2003 c 337 s 3 are each amended to read
8 as follows:

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

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

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

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

26 (b) It is a misdemeanor for a person to litter in an amount greater
27 than one cubic foot but less than one cubic yard. The person shall
28 also pay a litter cleanup restitution payment equal to twice the actual
29 cost of cleanup, or fifty dollars per cubic foot of litter, whichever
30 is greater. The court shall distribute one-half of the restitution
31 payment to the landowner and one-half of the restitution payment to the
32 law enforcement agency investigating the incident. The court may, in
33 addition to or in lieu of part or all of the cleanup restitution
34 payment, order the person to pick up and remove litter from the
35 property, with prior permission of the legal owner or, in the case of
36 public property, of the agency managing the property. The court may

1 suspend or modify the litter cleanup restitution payment for a first-
2 time offender under this section, if the person cleans up and properly
3 disposes of the litter.

4 (c) It is a gross misdemeanor for a person to litter in an amount
5 of one cubic yard or more. The person shall also pay a litter cleanup
6 restitution payment equal to twice the actual cost of cleanup, or one
7 hundred dollars per cubic foot of litter, whichever is greater. The
8 court shall distribute one-half of the restitution payment to the
9 landowner and one-half of the restitution payment to the law
10 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 (d) If a junk vehicle is abandoned in violation of this section,
19 RCW 46.55.230 governs the vehicle's removal, disposal, and sale, and
20 the penalties that may be imposed against the person who abandoned the
21 vehicle.

22 (3) If the violation occurs in a state park, the court shall, in
23 addition to any other penalties assessed, order the person to perform
24 twenty-four hours of community restitution in the state park where the
25 violation occurred if the state park has stated an intent to
26 participate as provided in RCW 79A.05.050.

27 (4) It is a class 1 civil infraction as provided in RCW 7.80.120
28 for a person to discard, in violation of this section, potentially
29 dangerous litter in any amount.

30 (5) It is a class 1 civil infraction as provided under RCW 7.80.120
31 for a person or business to distribute a commercial directory to a
32 recipient after receiving an opt out notification for the commercial
33 directory from that recipient as described under section 1 of this act.

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