

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2207

68th Legislature
2024 Regular Session

Passed by the House March 5, 2024
Yeas 93 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate March 1, 2024
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2207** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2207

AS AMENDED BY THE SENATE

Passed Legislature - 2024 Regular Session

State of Washington **68th Legislature** **2024 Regular Session**

By House Environment & Energy (originally sponsored by
Representatives Ramos, Low, Chapman, Couture, and Reed)

READ FIRST TIME 01/31/24.

1 AN ACT Relating to providing tools designed to reduce the impacts
2 of unlawful solid waste dumping; amending RCW 70A.200.060, 7.84.100,
3 7.84.140, and 7.84.020; creating a new section; and prescribing
4 penalties.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that, despite a
7 modern waste disposal infrastructure, the occurrences of unlawful
8 solid waste dumping are an increasing problem on open spaces such as
9 privately and publicly owned forestlands. This irresponsible waste
10 dumping, which often includes hazardous materials, asbestos, derelict
11 boats, junk vehicles, appliances, furniture, and household garbage
12 not only creates significant costs for the landowner, but also
13 creates immediate, and sometimes lasting, environmental and habitat
14 damage and degradation of recreational and aesthetic opportunities.

15 (2) The legislature further finds that the current enforcement
16 system, which relies on the criminalization of illegal dumping, may
17 not be the most effective, efficient, or just penalty system.
18 Converting all but the most egregious illegal dumping from a criminal
19 act to a civil infraction creates a system of deterrence and
20 penalties that better reflects the magnitude of the act, avoids
21 criminal records for individuals who may be unable to afford

1 appropriate waste management options, and reduces the burden on local
2 criminal justice systems and infrastructures.

3 **Sec. 2.** RCW 70A.200.060 and 2003 c 337 s 3 are each amended to
4 read as follows:

5 (1) It is a violation of this section to ~~((abandon))~~:

6 (a) Abandon a junk vehicle upon any property ~~((~~. In addition, no~~~~
7 ~~person shall throw,))~~;

8 (b) Throw, drop, deposit, discard, or otherwise dispose of litter
9 upon any public property in the state or upon private property in
10 this state not owned by him or her or in the waters of this state
11 whether from a vehicle or otherwise including but not limited to any
12 public highway, public park, beach, campground, forestland,
13 recreational area, trailer park, highway, road, street, or alley
14 except:

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

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

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

26 (b) It is a misdemeanor for a person to litter in an amount
27 greater than one cubic foot but less than ~~((one cubic yard. The~~
28 ~~person shall also pay a litter cleanup restitution payment equal to~~
29 ~~twice the actual cost of cleanup, or fifty dollars per cubic foot of~~
30 ~~litter, whichever is greater. The court shall distribute one-half of~~
31 ~~the restitution payment to the landowner and one-half))~~ 10 cubic
32 yards. A violation of this subsection may alternatively be punished
33 with a notice of a natural resource infraction under chapter 7.84
34 RCW.

35 (c) It is a gross misdemeanor for a person to litter more than 10
36 cubic yards.

37 (d) (i) A person found liable or guilty under this section shall,
38 in addition to the penalties provided for misdemeanors, gross
39 misdemeanors, or for natural resource infractions as provided in RCW

1 7.84.100, also pay a litter clean-up restitution payment equal to
2 four times the actual cost of cleanup for natural resource
3 infractions and misdemeanors and two times the actual cost of cleanup
4 for gross misdemeanors. The court shall distribute an amount of the
5 litter clean-up restitution payment that equals the actual cost of
6 cleanup to the landowner where the littering incident occurred and
7 the remainder of the restitution payment to the law enforcement
8 agency investigating the incident.

9 (ii) The court may, in addition to or in lieu of part or all of
10 the cleanup restitution payment, order the person to pick up and
11 remove litter from the property, with prior permission of the legal
12 owner or, in the case of public property, of the agency managing the
13 property.

14 (iii) The court may suspend or modify the litter cleanup
15 restitution payment for a first-time offender under this section, if
16 the person cleans up and properly disposes of the litter.

17 ~~((c) It is a gross misdemeanor for a person to litter in an~~
18 ~~amount of one cubic yard or more. The person shall also pay a litter~~
19 ~~cleanup restitution payment equal to twice the actual cost of~~
20 ~~cleanup, or one hundred dollars per cubic foot of litter, whichever~~
21 ~~is greater. The court shall distribute one-half of the restitution~~
22 ~~payment to the landowner and one-half of the restitution payment to~~
23 ~~the law enforcement agency investigating the incident. The court may,~~
24 ~~in 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~~
30 ~~properly disposes of the litter.~~

31 ~~(d))~~ (3) If a junk vehicle is abandoned in violation of this
32 section, RCW 46.55.230 governs the vehicle's removal, disposal, and
33 sale, and the penalties that may be imposed against the person who
34 abandoned the vehicle.

35 ~~((3))~~ (4) If the violation occurs in a state park, the court
36 shall, in addition to any other penalties assessed, order the person
37 to perform ~~((twenty-four))~~ 24 hours of community restitution in the
38 state park where the violation occurred if the state park has stated
39 an intent to participate as provided in RCW 79A.05.050.

1 (~~(4)~~) (5) It is a class 1 civil infraction as provided in RCW
2 7.80.120 for a person to discard, in violation of this section,
3 potentially dangerous litter in any amount.

4 **Sec. 3.** RCW 7.84.100 and 2020 c 268 s 1 are each amended to read
5 as follows:

6 (1) A person found to have committed an infraction shall be
7 assessed a monetary penalty. No penalty may exceed (~~(five hundred~~
8 ~~dollars)~~) \$500 for each offense unless specifically authorized by
9 statute.

10 (2) The supreme court may prescribe by rule a schedule of
11 monetary penalties for designated infractions. The legislature
12 requests the supreme court to adjust this schedule every two years
13 for inflation. (~~The~~) Except as otherwise provided, the maximum
14 penalty imposed by the schedule shall be (~~(five hundred dollars)~~)
15 \$500 per infraction and the minimum penalty imposed by the schedule
16 shall be (~~(ten dollars)~~) \$10 per infraction. This schedule may be
17 periodically reviewed by the legislature and is subject to its
18 revision.

19 (3) Penalties for violations of RCW 70A.200.060 that are natural
20 resource infractions are as follows:

21 (a) Up to \$250 for a person found liable of littering between one
22 cubic foot and one cubic yard of material;

23 (b) Up to \$750 for a person found liable of littering more than
24 one cubic yard and less than seven cubic yards of material;

25 (c) Up to \$1,000 for a person found liable of littering between
26 seven and 10 cubic yards of material.

27 (4) Whenever a monetary penalty is imposed by a court under this
28 chapter, it is immediately payable. If the person is unable to pay at
29 that time, the court may, in its discretion, grant an extension of
30 the period in which the penalty may be paid.

31 (~~(4)~~) (5)(a) The county treasurer shall remit (~~(seventy-five)~~)
32 75 percent of the money received under RCW 79A.80.080(5) to the state
33 treasurer.

34 (b) Money remitted under this subsection to the state treasurer
35 must be deposited in the recreation access pass account established
36 under RCW 79A.80.090. The balance of the noninterest money received
37 by the county treasurer must be deposited in the county current
38 expense fund.

1 **Sec. 4.** RCW 7.84.140 and 2011 c 320 s 13 are each amended to
2 read as follows:

3 (1) The director chosen by the state parks and recreation
4 commission, the commissioner of public lands, and the director of the
5 department of fish and wildlife are each authorized to delegate and
6 accept enforcement authority over natural resource infractions to or
7 from the other agencies through an agreement entered into under the
8 interlocal cooperation act, chapter 39.34 RCW.

9 (2) Any person specified in RCW 70A.200.050 may initiate
10 enforcement of RCW 70A.200.060 for those infractions that are natural
11 resource infractions under this chapter, with or without an
12 interlocal agreement under this section.

13 **Sec. 5.** RCW 7.84.020 and 2012 c 176 s 2 are each amended to read
14 as follows:

15 The definition in this section applies throughout this chapter
16 unless the context clearly requires otherwise.

17 "Infraction" means an offense which, by the terms of Title 76,
18 77, 79, or 79A RCW or RCW 7.84.030(2)(b) or 70A.200.060, and rules
19 adopted under these titles and sections, is declared not to be a
20 criminal offense or a civil infraction and is subject to the
21 provisions of this chapter.

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