

HOUSE BILL REPORT

ESHB 1086

As Amended by the Senate

Title: An act relating to penalties for littering.

Brief Description: Modifying littering penalties.

Sponsors: By House Committee on Environmental Affairs
(originally sponsored by Representatives Valle, Edmondson,
Rust and Kremen.)

Brief History:

Reported by House Committee on:
Environmental Affairs, January 28, 1993, DPS;
Passed House, February 12, 1993, 95-0;
Amended by Senate.

HOUSE COMMITTEE ON ENVIRONMENTAL AFFAIRS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Rust, Chair; J. Kohl, Vice Chair; Horn, Ranking Minority Member; Van Luven, Assistant Ranking Minority Member; Bray; Edmondson; Holm; L. Johnson; Linville; Roland; and Sheahan.

Minority Report: Without recommendation. Signed by 1 member: Representative Hansen.

Staff: Rick Anderson (786-7114).

Background: Misdemeanor offenses are adjudicated through the municipal or county district court system. Civil infractions do not involve adjudication unless the infraction is contested.

Under current state law, littering is a misdemeanor punishable by a fine of not less than \$50 and a requirement to pick up litter for eight to 16 hours. Local government enforcement of the state litter law appears to be quite limited, at least in part due to the time and expense involved in using the district or municipal court system.

From 1975 to 1982, the amount of litter generated per person decreased dramatically. Since 1982 per capita litter generation has increased steadily. Due to population

increases the amount of overall litter is greater than 1975 levels.

The incidence of illegal dumping of solid waste appears to be increasing. There are no state laws, other than the littering penalties, governing the illegal dumping of larger quantities of solid waste.

Summary of Bill: The penalty for littering is reduced from a misdemeanor to a civil infraction. Two levels of litter infractions are created. Littering in amounts of one cubic foot or less is subject to a fine of \$50. Littering in amounts greater than one cubic foot is subject to fine of up to \$250 plus a clean up fee of \$25 per cubic foot of litter. A person who removes the litter within 48 hours of notification is not required to pay a clean up fee.

EFFECT OF SENATE AMENDMENT(S): The Senate amendment removes the provision allowing a person 48 hours to clean up litter before a clean up fee may be imposed. The amendment also gives the court discretion to require the person to remove litter from the property as an alternative to or in addition to the penalty amount.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The amount of litter is increasing. Decriminalization of the state litter laws will help enforcement efforts by reducing the costs of enforcement and adjudication.

Testimony Against: None.

Witnesses: Larry Kegg, Washington State Department of Transportation; Brad Everson, Department of Ecology; Tim Erickson, State Patrol; Bill Fritz, Anheuser Busch; and John Paul Jones, Washington Refuse and Recycling.

VOTE ON FINAL PASSAGE:

Yeas 95; Excused 3

Excused: Representatives Appelwick, Dorn, Fuhrman