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HOUSE BILL 2212

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State of Washington                      56th Legislature                      1999 Regular Session

By Representatives Mielke, Boldt, Koster, Cairnes, Schindler and Dunn

Read first time 02/19/1999. Referred to Committee on Transportation.

1            AN ACT Relating to solid waste collection companies; amending RCW  
2 81.77.010 and 81.77.180; and repealing RCW 81.77.015, 81.77.020,  
3 81.77.0201, 81.77.030, 81.77.040, 81.77.050, 81.77.060, 81.77.070,  
4 81.77.080, 81.77.090, 81.77.100, 81.77.110, 81.77.120, 81.77.160,  
5 81.77.170, and 81.77.190.

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

7            **Sec. 1.** RCW 81.77.010 and 1989 c 431 s 17 are each amended to read  
8 as follows:

9            As used in this chapter:

10            (1) (~~"Motor vehicle" means any truck, trailer, semitrailer,~~  
11 ~~tractor or any self-propelled or motor driven vehicle used upon any~~  
12 ~~public highway of this state for the purpose of transporting solid~~  
13 ~~waste, for the collection and/or disposal thereof;~~

14            (2) ~~"Public highway" means every street, road, or highway in this~~  
15 ~~state;~~

16            (3) ~~"Common carrier" means any person who undertakes to transport~~  
17 ~~solid waste, for the collection and/or disposal thereof, by motor~~  
18 ~~vehicle for compensation, whether over regular or irregular routes, or~~  
19 ~~regular or irregular schedules;~~

1       ~~(4) "Contract carrier" means all garbage and refuse transporters~~  
2 ~~not included under the terms "common carrier" and "private carrier," as~~  
3 ~~herein defined, and further, shall include any person who under special~~  
4 ~~and individual contracts or agreements transports solid waste by motor~~  
5 ~~vehicle for compensation;~~

6       ~~(5) "Private carrier" means a person who, in his own vehicle,~~  
7 ~~transports solid waste purely as an incidental adjunct to some other~~  
8 ~~established private business owned or operated by him in good faith:~~  
9 ~~PROVIDED, That a person who transports solid waste from residential~~  
10 ~~sources in a vehicle designed or used primarily for the transport of~~  
11 ~~solid waste shall not constitute a private carrier;~~

12       ~~(6) "Vehicle" means every device capable of being moved upon a~~  
13 ~~public highway and in, upon, or by which any solid waste is or may be~~  
14 ~~transported or drawn upon a public highway, excepting devices moved by~~  
15 ~~human or animal power or used exclusively upon stationary rail or~~  
16 ~~tracks;~~

17       ~~(7)) "Solid waste collection company" means every person or his~~  
18 ~~lessees, receivers, or trustees, owning, controlling, operating or~~  
19 ~~managing vehicles used in the business of transporting solid waste for~~  
20 ~~collection and/or disposal for compensation, except septic tank~~  
21 ~~pumpers, over any public highway in this state whether as a "common~~  
22 ~~carrier" thereof or as a "contract carrier" thereof;~~

23       ~~((8))~~ (2) Solid waste collection does not include collecting or  
24 transporting recyclable materials from a drop-box or recycling buy-back  
25 center, nor collecting or transporting recyclable materials by or on  
26 behalf of a commercial or industrial generator of recyclable materials  
27 to a recycler for use or reclamation. Transportation of these  
28 materials is regulated under chapter 81.80 RCW; and

29       ~~((9))~~ (3) "Solid waste" means the same as defined under RCW  
30 70.95.030, except for the purposes of this chapter solid waste does not  
31 include recyclable materials except for source separated recyclable  
32 materials collected from residences.

33       **Sec. 2.** RCW 81.77.180 and 1991 c 319 s 403 are each amended to  
34 read as follows:

35       (1) A solid waste collection company collecting recyclable  
36 materials from residences shall utilize one or more private recycling  
37 businesses when arranging for the processing and marketing of such  
38 materials, if the following conditions are met:

1 (a) A recycling business is located within the county at the time  
2 the collection program commences or at any time that the solid waste  
3 collection company changes its existing processor;

4 (b) A local private recycling business is capable and competent to  
5 provide the processing and marketing service; and

6 (c) A local private recycling business offers to pay a price for  
7 the recyclable materials which is equal to or greater than the price  
8 offered by out-of-county private recyclers, or proposes a charge for  
9 the processing and marketing service which is equal to or less than the  
10 charge for the service available from an out-of-county private  
11 recycler.

12 (2) This section shall not apply to:

13 (a) Cities or towns who exercise their authority under RCW  
14 81.77.130 to provide residential curbside collection of recyclable  
15 materials;

16 (b) A solid waste collection company that is directed by a city,  
17 town, or county to utilize a publicly owned recyclable processing  
18 facility located within such city, town, or county; or

19 (c) Counties which exercise their authority under RCW 36.58.040 to  
20 contract for the residential curbside collection of source separated  
21 recyclables.

22 ~~((This section shall not apply to programs for the collection of  
23 source separated recyclable materials where rates to implement the  
24 programs have been filed with the commission prior to May 21, 1991.))~~

25 (3) For the purposes of this section, "private recycling business"  
26 means any private for-profit or private not-for-profit firm that  
27 engages in the processing and marketing of recyclable materials.

28 ~~((4) This section is not enforceable by complaint filed with the  
29 commission.))~~

30 NEW SECTION. Sec. 3. The following acts or parts of acts are each  
31 repealed:

32 (1) RCW 81.77.015 and 1965 ex.s. c 105 s 5;

33 (2) RCW 81.77.020 and 1989 c 431 s 18 & 1961 c 295 s 3;

34 (3) RCW 81.77.0201 and 1997 c 171 s 4;

35 (4) RCW 81.77.030 and 1989 c 431 s 20, 1987 c 239 s 1, 1965 ex.s.  
36 c 105 s 1, & 1961 c 295 s 4;

37 (5) RCW 81.77.040 and 1989 c 431 s 21, 1987 c 239 s 2, & 1961 c 295  
38 s 5;

- 1 (6) RCW 81.77.050 and 1989 c 431 s 22, 1973 c 115 s 9, & 1961 c 295  
2 s 6;
- 3 (7) RCW 81.77.060 and 1989 c 431 s 23 & 1961 c 295 s 7;
- 4 (8) RCW 81.77.070 and 1961 c 295 s 8;
- 5 (9) RCW 81.77.080 and 1989 c 431 s 24, 1971 ex.s. c 143 s 3, 1969  
6 ex.s. c 210 s 11, 1963 c 59 s 12, & 1961 c 295 s 9;
- 7 (10) RCW 81.77.090 and 1961 c 295 s 10;
- 8 (11) RCW 81.77.100 and 1989 c 431 s 25, 1985 c 436 s 2, & 1961 c  
9 295 s 11;
- 10 (12) RCW 81.77.110 and 1989 c 431 s 26 & 1965 ex.s. c 105 s 2;
- 11 (13) RCW 81.77.120 and 1987 c 239 s 3;
- 12 (14) RCW 81.77.160 and 1997 c 434 s 1 & 1989 c 431 s 30;
- 13 (15) RCW 81.77.170 and 1989 c 431 s 36; and
- 14 (16) RCW 81.77.190 and 1991 c 319 s 406.

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