

# SENATE BILL REPORT

## ESHB 2399

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As Reported by Senate Committee On:  
Environment, Water & Energy, February 19, 2010

**Title:** An act relating to penalties for engaging in, or advertising to engage in, solid waste collection without a solid waste collection certificate.

**Brief Description:** Prohibiting and prescribing penalties for engaging in, or advertising to engage in, solid waste collection without a solid waste collection certificate.

**Sponsors:** House Committee on Ecology & Parks (originally sponsored by Representatives Upthegrove, Rodne, Finn, Armstrong, Rolfes, Haler, Driscoll, Chase, Morrell, Maxwell, Simpson and Hudgins).

**Brief History:** Passed House: 2/15/10, 97-0.

**Committee Activity:** Environment, Water & Energy: 2/19/10 [DP].

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### SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

**Majority Report:** Do pass.

Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford, Ranking Minority Member; Delvin, Fraser, Holmquist, Marr, Morton, Oemig and Ranker.

**Staff:** Sam Thompson (786-7413)

**Background:** Solid waste collection companies – including persons hauling solid waste for compensation over public highways, except septic tank pumpers – must be certified by the Utilities and Transportation Commission (UTC). The UTC may issue cease and desist orders to persons operating without necessary certification. Persons violating solid waste hauling standards or UTC directives are guilty of a gross misdemeanor, punishable by imprisonment up to one year, a fine of \$5,000 or less, or both.

**Summary of Bill:** Hauling of solid waste for compensation is clarified to include advertising, soliciting, offering, or entering into an agreement to provide that service. A gross misdemeanor penalty provision applying to persons violating solid waste hauling standards or UTC directives is revised to provide that each advertisement reproduced, broadcasted, or displayed constitutes a separate violation.

**Appropriation:** None.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Fiscal Note:** Requested on February 17, 2010.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill takes effect on July 1, 2010.

**Staff Summary of Public Testimony:** PRO: This legislation, allowing the UTC to bring an enforcement action against an uncertificated hauler advertising its services, will better enable the agency to prevent uncertificated haulers from operating. The legislation is similar to a 2009 enactment, HB 1536, regarding unpermitted movers of household goods. The fiscal note is somewhat inaccurate: the UTC anticipates collecting \$1,000 to \$2,000 per year in fines.

**Persons Testifying:** PRO: Vicki Christopherson, Washington Refuse & Recycling Association; Dave Danner, UTC.