
ENGROSSED SUBSTITUTE HOUSE BILL 2399

State of Washington

61st Legislature

2010 Regular Session

By House Ecology & Parks (originally sponsored by Representatives Upthegrove, Rodne, Finn, Armstrong, Rolfes, Haler, Driscoll, Chase, Morrell, Maxwell, Simpson, and Hudgins)

READ FIRST TIME 01/21/10.

1 AN ACT Relating to penalties for engaging in, or advertising to
2 engage in, solid waste collection without a solid waste collection
3 certificate; amending RCW 81.77.040 and 81.77.090; prescribing
4 penalties; and providing an effective date.

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

6 **Sec. 1.** RCW 81.77.040 and 2007 c 234 s 66 are each amended to read
7 as follows:

8 A solid waste collection company shall not operate for the hauling
9 of solid waste for compensation without first having obtained from the
10 commission a certificate declaring that public convenience and
11 necessity require such operation. Operating for the hauling of solid
12 waste for compensation includes advertising, soliciting, offering, or
13 entering into an agreement to provide that service. To operate a solid
14 waste collection company in the unincorporated areas of a county, the
15 company must comply with the solid waste management plan prepared under
16 chapter 70.95 RCW in the company's franchise area.

17 Issuance of the certificate of necessity must be determined on, but
18 not limited to, the following factors: The present service and the
19 cost thereof for the contemplated area to be served; an estimate of the

1 cost of the facilities to be utilized in the plant for solid waste
2 collection and disposal, set out in an affidavit or declaration; a
3 statement of the assets on hand of the person, firm, association, or
4 corporation that will be expended on the purported plant for solid
5 waste collection and disposal, set out in an affidavit or declaration;
6 a statement of prior experience, if any, in such field by the
7 petitioner, set out in an affidavit or declaration; and sentiment in
8 the community contemplated to be served as to the necessity for such a
9 service.

10 When an applicant requests a certificate to operate in a territory
11 already served by a certificate holder under this chapter, the
12 commission may, after notice and an opportunity for a hearing, issue
13 the certificate only if the existing solid waste collection company or
14 companies serving the territory will not provide service to the
15 satisfaction of the commission or if the existing solid waste
16 collection company does not object.

17 In all other cases, the commission may, with or without hearing,
18 issue certificates, or for good cause shown refuse to issue them, or
19 issue them for the partial exercise only of the privilege sought, and
20 may attach to the exercise of the rights granted such terms and
21 conditions as, in its judgment, the public convenience and necessity
22 may require.

23 Any right, privilege, certificate held, owned, or obtained by a
24 solid waste collection company may be sold, assigned, leased,
25 transferred, or inherited as other property, only if authorized by the
26 commission.

27 For purposes of issuing certificates under this chapter, the
28 commission may adopt categories of solid wastes as follows: Garbage,
29 refuse, recyclable materials, and demolition debris. A certificate may
30 be issued for one or more categories of solid waste. Certificates
31 issued on or before July 23, 1989, shall not be expanded or restricted
32 by operation of this chapter.

33 **Sec. 2.** RCW 81.77.090 and 1961 c 295 s 10 are each amended to read
34 as follows:

35 (1) Every person who violates or fails to comply with, or who
36 procures, aids, or abets in the violation of any provisions of this

1 chapter, or who fails to obey, or comply with any order, decision,
2 rule, regulation, direction, demand, or requirement of the commission,
3 or any part or provision thereof, is guilty of a gross misdemeanor.

4 (2) Each advertisement reproduced, broadcast, or displayed via a
5 particular medium constitutes a separate violation under this chapter.

6 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2010.

--- END ---