
SENATE BILL 6521

State of Washington

64th Legislature

2016 Regular Session

By Senators Ericksen and Chase

Read first time 01/25/16. Referred to Committee on Energy,
Environment & Telecommunications.

1 AN ACT Relating to clarifying the application of chapter 81.77
2 RCW as it relates to recyclable materials collected from residential
3 sources; and amending RCW 81.77.010 and 81.77.140.

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

5 **Sec. 1.** RCW 81.77.010 and 2007 c 234 s 65 are each amended to
6 read as follows:

7 As used in this chapter:

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

12 (2) "Public highway" means every street, road, or highway in this
13 state;

14 (3) "Common carrier" means any person who collects and transports
15 solid waste for disposal by motor vehicle for compensation, whether
16 over regular or irregular routes, or by regular or irregular
17 schedules;

18 (4) "Contract carrier" means all solid waste transporters not
19 included under the terms "common carrier" and "private carrier," as
20 defined in this section, and further, includes any person who under

1 special and individual contracts or agreements transports solid waste
2 by motor vehicle for compensation;

3 (5) "Private carrier" means a person who, in his or her own
4 vehicle, transports solid waste purely as an incidental adjunct to
5 some other established private business owned or operated by the
6 person in good faith. A person who transports solid waste from
7 residential sources in a vehicle designed or used primarily for the
8 transport of solid waste is not a private carrier;

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

14 (7) "Solid waste collection company" means every person or his or
15 her lessees, receivers, or trustees, owning, controlling, operating,
16 or managing vehicles used in the business of transporting solid waste
17 for collection or disposal, or both, for compensation, except septic
18 tank pumpers, over any public highway in this state as a "common
19 carrier" or as a "contract carrier";

20 (8) "Solid waste collection" does not include collecting or
21 transporting recyclable materials from a drop-box or recycling buy-
22 back center, or collecting or transporting recyclable materials by or
23 on behalf of a commercial or industrial generator of recyclable
24 materials to a recycler for use or reclamation. Transportation of
25 these materials is regulated under chapter 81.80 RCW;

26 (9) "Solid waste" means the same as defined under RCW 70.95.030,
27 except for the purposes of this chapter "solid waste" does not
28 include recyclable materials except for source separated recyclable
29 materials specifically identified in the minimum levels of service
30 established in a local solid waste management plan under RCW
31 70.95.092 and that are collected from residences on a scheduled or
32 routine basis; and

33 (10) When the phrase "garbage and refuse" is used as a qualifying
34 phrase or otherwise, it means "solid waste."

35 **Sec. 2.** RCW 81.77.140 and 1989 c 431 s 31 are each amended to
36 read as follows:

37 Nothing in this chapter shall prevent a recycling company or
38 nonprofit entity from collecting and transporting recyclable
39 materials from a buy-back center(~~(τ)~~) or drop-box, (~~(œ)~~) from a

1 commercial or industrial generator of recyclable materials, on an
2 unscheduled and nonroutine basis from a residential generator of
3 recyclable materials when the recyclable materials collected are not
4 specifically identified in the minimum levels of service established
5 in a local solid waste management plan under RCW 70.95.092, or upon
6 agreement with a solid waste collection company.

7 Nothing in this chapter shall be construed as prohibiting a
8 commercial or industrial generator of commercial recyclable materials
9 from selling, conveying, or arranging for transportation of such
10 material to a recycler for reuse or reclamation.

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