

CHAPTER 295.

[S. B. 217.]

COLLECTION AND TRANSPORTATION OF GARBAGE
AND REFUSE.

AN ACT relating to the business of collecting and transporting garbage and refuse; adding a new chapter to Title 81 RCW; levying certain fees; providing penalties; and making an effective date.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. There is added to Title 81 RCW a new chapter to read as set forth in sections 2 through 13 of this act. New chapter.

SEC. 2. As used in this chapter:

(1) "Motor vehicle" means any truck, trailer, semitrailer, tractor or any self-propelled or motor driven vehicle used upon any public highway of this state for the purpose of transporting garbage and refuse, for the collection and/or disposal thereof; Definitions.
"Motor vehicle".

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

(3) "Common carrier" means any person who undertakes to transport garbage and refuse, for the collection and/or disposal thereof, by motor vehicle for compensation, whether over regular or irregular routes, or regular or irregular schedules; "Common carrier".

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

(5) "Private carrier" means a person who, in his own vehicle, transports garbage or refuse purely as an incidental adjunct to some other established private business owned or operated by him in good faith; "Private carrier".

“Vehicle”.

(6) “Vehicle” means every device capable of being moved upon a public highway and in, upon, or by which any garbage or refuse is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rail or tracks;

“Garbage and refuse collection company”.

(7) “Garbage and refuse collection company” means every person or his lessees, receivers, or trustees, owning, controlling, operating or managing vehicles used in the business of transporting garbage and refuse for collection and/or disposal for compensation, except septic tank pumpers, over any public highway in this state whether as a “common carrier” thereof or as a “contract carrier” thereof.

Garbage and refuse collection companies to operate under act—Exception.

SEC. 3. No person, his lessees, receivers, or trustees, shall engage in the business of operating as a garbage and refuse collection company in this state, except in accordance with the provisions of this chapter: *Provided*, That the provisions of this chapter shall not apply to the operations of any garbage and refuse collection company under a contract of garbage or refuse disposal with any city or town, nor to any city or town which itself undertakes the disposal of garbage or refuse.

Commission to regulate—Scope.

SEC. 4. The commission shall supervise and regulate every garbage and refuse collection company in this state,

(1) By fixing and altering its rates, charges, classifications, rules and regulations;

(2) By regulating the accounts, service, and safety of operations;

(3) By requiring the filing of annual and other reports and data;

(4) By supervising and regulating such persons or companies in all other matters affecting the relationship between them and the public which they serve.

The commission, at any time, after the holding of a hearing of which the holder of any certificate has had notice and an opportunity to be heard, and at which it shall be proven that the holder has wilfully violated or refused to observe any of the commission's orders, rules, or regulations, may suspend, revoke, alter, or amend any certificate issued under the provisions of this chapter.

SEC. 5. No garbage and refuse collection company shall hereafter operate for the hauling of garbage and refuse for compensation without first having obtained from the commission a certificate declaring that public convenience and necessity require such operation.

Certificates of necessity. Required for operating.

Issuance of the certificate of necessity shall be determined upon, but not limited to, the following factors: The present service and the cost thereof for the contemplated area to be served; an estimate of the cost of the facilities to be utilized in the plant for garbage and refuse collection and disposal, sworn to before a notary public; a statement of the assets on hand of the person, firm, association or corporation which will be expanded on the purported plant for garbage and refuse collection and disposal, sworn to before a notary public; a statement of prior experience, if any, in such field by the petitioner, sworn to before a notary public; and sentiment in the community contemplated to be served as to the necessity for such a service.

Factors influencing issuance.

When an applicant requests a certificate to operate in a territory already served by a certificate holder under this chapter, the commission may, after hearing, issue the certificate only if the existing garbage and refuse collection company or companies serving the territory will not provide service to the satisfaction of the commission.

In all other cases, the commission may, with or without hearing, issue certificates, or for good

cause shown refuse to issue them, or issue them for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted such terms and conditions as, in its judgment, the public convenience and necessity may require.

Transfers of certificates authorized.

Any right, privilege, certificate held, owned, or obtained by a garbage and refuse collection company may be sold, assigned, leased, transferred, or inherited as other property, but only upon authorization by the commission.

Companies operating under chapter 81.80 RCW, procedure to obtain certificate.

Any garbage and refuse collection company which upon the effective date of this act is operating under authority of a common carrier or contract carrier permit issued under the provisions of chapter 81.80 RCW shall be granted a certificate of necessity without hearing upon compliance with the provisions of this chapter. Such garbage and refuse collection company which has paid the plate fee and gross weight fees required by chapter 81.80 RCW for the year 1961 shall not be required to pay additional like fees under the provisions of this chapter for the remainder of such year.

Fees.

SEC. 6. The commission shall collect the following miscellaneous fees from garbage and refuse collection companies:

Application for a certificate of public convenience and necessity or to amend a certificate, twenty-five dollars; application to sell, lease, mortgage, or transfer a certificate of public convenience and necessity or any interest therein, ten dollars.

Financial responsibility, minimum set.

SEC. 7. The commission, in granting certificates to operate a garbage and refuse collection company, shall require the owner or operator to first procure liability and property damage insurance from a company licensed to make liability insurance in the state or a surety bond of a company licensed to write surety bonds in the state, on each motor propelled vehicle used or to be used in transporting garbage

or refuse for compensation in the amount of not less than twenty-five thousand dollars for any recovery for personal injury by one person, and not less than ten thousand dollars and in such additional amount as the commission shall determine, for all persons receiving personal injury by reason of one act of negligence, and not less than ten thousand dollars for damage to property of any person other than the assured, and to maintain such liability and property damage insurance or surety bond in force on each motor propelled vehicle while so used. Each policy for liability or property damage insurance or surety bond required herein shall be filed with the commission and kept in full force and effect and failure so to do shall be cause for revocation of the delinquent's certificate.

SEC. 8. In all respects in which the commission has power and authority under this chapter, applications and complaints may be made and filed with it, process issued, hearings held, opinions, orders and decisions made and filed, petitions for rehearing filed and acted upon, and petitions for writs of review, to the superior court filed therewith, appeals or mandate filed with the supreme court of this state, considered and disposed of by said courts in the manner, under the conditions, and subject to the limitations, and with the effect specified in this title for public service companies generally.

Procedure applicable to public service companies generally applies.

SEC. 9. In addition to all other fees to be paid by him, every "common carrier" and "contract carrier" shall pay to the commission each year at the time of, in connection with, and before receiving his identification plate, for which the plate fee shall be three dollars, for each motor truck, trailer or semitrailer owned or operated by him, based upon the maximum gross weight thereof as set by the carrier in his application for his regular license plates, the following fees:

Special fees.

Less than 4,000 pounds	\$7.00
4,000 pounds or more and less than 6,000 pounds	8.00
6,000 pounds or more and less than 8,000 pounds	9.00
8,000 pounds or more and less than 10,000 pounds	10.00
10,000 pounds or more and less than 12,000 pounds	11.00
12,000 pounds or more and less than 14,000 pounds	12.00
14,000 pounds or more and less than 16,000 pounds	13.00
16,000 pounds or more and less than 18,000 pounds	14.00
18,000 pounds or more and less than 20,000 pounds	15.00
20,000 pounds or more and less than 22,000 pounds	16.00
22,000 pounds or more and less than 24,000 pounds	17.00
24,000 pounds or more and less than 26,000 pounds	18.00
26,000 pounds or more and less than 28,000 pounds	19.00
28,000 pounds or more and less than 30,000 pounds	20.00
30,000 pounds or more and less than 32,000 pounds	21.00
32,000 pounds or more and less than 34,000 pounds	22.00
34,000 pounds or more and less than 36,000 pounds	23.00

It is the intent of the legislature that the fees collected under the provisions of this chapter shall reasonably approximate the cost of supervising and regulating motor carriers subject thereto, and to that end the public service commission is authorized to decrease the schedule of fees provided in this section by general order entered before November 1st of any year in which it determines that the moneys then in the motor carrier account of the public service revolving fund and the fees currently to be paid will exceed the reasonable cost of supervising and regulating such carriers during the next succeeding calendar year. Whenever the cost accounting records of the commission indicate that the schedule of fees as previously reduced should be increased such increase, not in any event to exceed the schedule set forth in this section, may be effected by a similar general order entered before November 1st. Any decrease or increase of gross weight fees as herein authorized, shall be made on a proportional basis as applied to the various classifications of equipment.

All fees collected under this section or under any other provision of this chapter shall be paid to the commission and shall be by it transmitted to the

Disposition
of fees.

state treasurer within thirty days to be deposited to the credit of the public service revolving fund.

SEC. 10. Every person who violates or fails to comply with, or who procures, aids, or abets in the violation of any provisions of this chapter, or who fails to obey, or comply with any order, decision, rule, regulation, direction, demand, or requirement of the commission, or any part or provision thereof, is guilty of a gross misdemeanor.

Violations—
Gross misde-
meanors.

SEC. 11. Neither this chapter nor any provision thereof shall apply, or be construed to apply, to commerce with foreign nations or commerce among the several states except insofar as the same may be permitted under the provisions of the Constitution of the United States and the acts of congress.

Exempted
commerce.

SEC. 12. The effective date of this act will be July 1, 1961.

Effective date.

Passed the Senate February 11, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 21, 1961.

CHAPTER 296.

[S. B. 453.]

JOINT COMMITTEE ON EDUCATION.

AN ACT relating to the legislature; creating a joint committee on education; providing for the selection, term, and reimbursement of certain expenditures of the members of the committee, and conferring rights, powers, duties and prescribing the functions of the committee; providing for citizen participation; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. As used in this act "committee" means the joint committee on education of the legislature of the state of Washington.

"Committee"
defined.