

## CHAPTER 239

[Substitute House Bill No. 238]

## GARBAGE AND REFUSE COLLECTION COMPANIES—COMPLIANCE WITH LOCAL SOLID WASTE MANAGEMENT PLANS IS A CONDITION OF OPERATION—COUNTY DUTIES CONCERNING REVIEW OF COMPANIES

AN ACT Relating to solid waste management; amending RCW 81.77.030 and 81.77.040; and adding a new section to chapter 81.77 RCW.

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

Sec. 1. Section 4, chapter 295, Laws of 1961 as amended by section 1, chapter 105, Laws of 1965 ex. sess. and RCW 81.77.030 are each amended to read as follows:

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;

(5) By reviewing compliance with local solid waste management plans through letters of compliance submitted by the county legislative authority. The compliance letters shall become part of the record in any rate, compliance, or any hearing held by the commission on the issuance, revocation, or reissuance of a certificate as provided for in RCW 81.77.070.

The commission, on complaint made on its own motion or by an aggrieved party, 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, or has failed to operate as a garbage and refuse collection company for a period of at least one year preceding the filing of the complaint, may suspend, revoke, alter, or amend any certificate issued under the provisions of this chapter.

Sec. 2. Section 5, chapter 295, Laws of 1961 and RCW 81.77.040 are each amended to read as follows:

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. A condition of operating a garbage and refuse company in the unincorporated areas of a county shall be complying with the solid waste management plan prepared under chapter 70.95 RCW applicable in the company's franchise area.

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 expended 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.

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.

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.

Any garbage and refuse collection company which upon July 1, 1961 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.

**NEW SECTION.** Sec. 3. A new section is added to chapter 81.77 RCW to read as follows:

A county legislative authority shall periodically comment to the commission in writing concerning the authority's perception of the adequacy of service being provided by regulated franchisees serving the unincorporated areas of the county. The county legislative authority shall also receive and forward to the commission all letters of comment on services provided by regulated franchise holder(s) serving unincorporated areas of the county. Any such written comments or letters shall become part of the record of any

rate, compliance, or any other hearing held by the commission on the issuance, revocation, or reissuance of a certificate provided for in RCW 81.77.040.

Passed the House April 15, 1987.

Passed the Senate April 7, 1987.

Approved by the Governor May 1, 1987.

Filed in Office of Secretary of State May 1, 1987.

**CHAPTER 240**

[House Bill No. 310]

**MOTOR VEHICLE INSURANCE—COLLISION AND COMPREHENSIVE  
COVERAGE SHALL OFFER DEBT AND REFINANCING COVERAGE**

AN ACT Relating to motor vehicle insurance; adding a new section to chapter 48.22 RCW; and providing an effective date.

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

NEW SECTION. Sec. 1. A new section is added to chapter 48.22 RCW to read as follows:

Every insurer that writes collision and comprehensive coverage for loss or damage to a motor vehicle shall provide, upon the insured's request, coverage that will pay, in the event of loss or damage, an amount sufficient to satisfy any outstanding indebtedness secured by and incurred in conjunction with the financing of the purchase of a new motor vehicle.

Nothing in this section prohibits an insurer from denying or excluding such coverage where the insured or someone acting on the insured's behalf acts in a fraudulent manner to obtain or file a claim under such coverage.

NEW SECTION. Sec. 2. The effective date of this act is January 1, 1988.

Passed the House April 20, 1987.

Passed the Senate April 9, 1987.

Approved by the Governor May 1, 1987.

Filed in Office of Secretary of State May 1, 1987.

**CHAPTER 241**

[House Bill No. 815]

**STORM WATER CONTROL FACILITIES—DELINQUENT CHARGES—INTEREST,  
LIENS, OR FORECLOSURE**

AN ACT Relating to interest rates, liens, and foreclosures for delinquent storm water control facility service charges; amending RCW 36.89.090; and adding new sections to chapter 36.89 RCW.

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