

CHAPTER 105.

[ House Bill No. 348. ]

GARBAGE AND REFUSE COLLECTION COMPANIES.

AN Act relating to public service companies; amending section 4, chapter 295, Laws of 1961 and RCW 81.77.030; adding two new sections to chapter 295, Laws of 1961 and to chapter 81.77 RCW; amending section 81.08.010, chapter 14, Laws of 1961 and RCW 81.08.010; amending section 81.12.010, chapter 14, Laws of 1961, as amended by section 5, chapter 59, Laws of 1963, and RCW 81.12.010.

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

SECTION 1. Section 4, chapter 295, Laws of 1961 and RCW 81.77.030 are each amended to read as follows:

RCW 81.77.030 amended.

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

Garbage and refuse collection companies. Supervision and regulation by commission.

- (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, 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

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least one year preceding the filing of the complaint, may suspend, revoke, alter, or amend any certificate issued under the provisions of this chapter.

*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 certificate holder has had notice and an opportunity to be heard, and at which it shall be proven that the holder has failed to operate as a garbage and refuse collection company in part of the area or territory covered by such certificate for a period of at least one year preceding the filing of the complaint, may alter or amend such certificate by deleting such area or territory therefrom if such area or territory is being served pursuant to a certificate held by another garbage and refuse collection company.*

New section.

SEC. 2. There is added to chapter 295, Laws of 1961 and to chapter 81.77 RCW a new section to read as follows:

Temporary  
certificates—  
Conditions on  
issuance—Fee.

The commission may with or without a hearing issue temporary certificates to engage in the business of operating a garbage and refuse collection company, but only after it finds that the issuance of such temporary certificate is consistent with the public interest. Such temporary certificate may be issued for a period up to one hundred eighty days where the area or territory covered thereby is not contained in the certificate of any other garbage and refuse collection company. In all other cases such temporary certificate may be issued for a period not to exceed one hundred twenty days. The commission may prescribe such special rules and regulations and impose such special terms and conditions with reference thereto as in its judgment are reasonable and necessary in carrying out the provisions of this chapter. The commission shall

collect a fee of twenty-five dollars for an application for such temporary certificate.

SEC. 3. Section 81.08.010, chapter 14, Laws of 1961 and RCW 81.08.010 are each amended to read as follows:

RCW 81.08.010  
amended.

The term "public service company", as used in this chapter, shall mean every company now or hereafter engaged in business in this state as a public utility and subject to regulation as to rates and service by the utilities and transportation commission under the provisions of this title: *Provided*, That it shall not include any such company the issuance of stocks and securities of which is subject to regulation by the Interstate Commerce Commission: *Provided further*, That it shall not include any "motor carrier" as that term is defined in RCW 81.80.010 or any "storage warehouse", "storage warehouseman" or "warehouseman" as those terms are defined in RCW 81.92.010 or any "garbage and refuse collection company" subject to the provisions of chapter 81.77 RCW.

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service  
companies—  
Securities.  
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SEC. 4. Section 81.12.010, chapter 14, Laws of 1961, as amended by section 5, chapter 59, Laws of 1963, and RCW 81.12.010 are each amended to read as follows:

RCW 81.12.010  
amended.

The term "public service company," as used in this chapter, shall mean every company now or hereafter engaged in business in this state as a public utility and subject to regulation as to rates and service by the utilities and transportation commission under the provisions of this title or Title 22: *Provided*, That it shall not include common carriers subject to regulation by the Interstate Commerce Commission: *Provided further*, That it shall not include motor freight carriers subject to the provisions of chapter 81.80 or garbage and refuse collection companies subject to the provisions of chap-

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companies—  
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property.  
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ter 81.77 RCW: *Provided further*, That nothing contained in this chapter shall relieve public service companies from the necessity for compliance with the provisions of RCW 81.80.270.

"Garbage and refuse" defined.

SEC. 5. Whenever in this chapter the phrase "garbage and refuse" is used as a qualifying phrase or otherwise it shall be construed as meaning "garbage and/or refuse."

Passed the House March 19, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965, with the exception of a certain item in Section 1, which was vetoed.

Veto message. NOTE: Governor's explanation of partial veto is as follows:

"The bill amends certain laws relating to garbage and refuse collection companies. The last paragraph of Section 1 would permit the Utilities and Transportation Commission to alter or amend a certificate held by a garbage and refuse collection company if such a company had failed for at least one year to operate in a part of the area or territory covered by the certificate.

"It is possible that a company might fail to operate in a certain territory because a competitor had all of the available customers; and a deletion of this territory would thus eliminate any chance of competition in the future.

"Moreover, this bill does not require a showing that the company in question had refused service to any potential customer.

"I have vetoed the last paragraph of Section 1 because I fear that it will have the effect of reducing competition in the garbage and refuse collection industry which would not be in the best interests of the public.

"The remainder of House Bill 348 is approved."

DANIEL J. EVANS,  
Governor.