

~~(b) The injured person is a worker as defined under this title;
 (c) The employer has secured payment of compensation; and
 (d) The employer has made election to cover all such persons in the manner provided by RCW 51.12.110.))~~

NEW SECTION. Sec. 2. There is added to chapter 51.12 RCW a new section to read as follows:

(1) Common or contract carriers domiciled in this state that are engaged exclusively in interstate or foreign commerce, or any combination thereof, may elect coverage under this title in the manner provided by RCW 51.12.110 for their employees.

(2) A person who is domiciled in this state and who owns and operates a truck engaged in intrastate, interstate, or foreign commerce, or any combination thereof, may elect coverage under this title in the manner provided by RCW 51.32.030, whether or not the truck is leased to a common or contract carrier.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 20, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 171

[Substitute House Bill No. 44]

COUNTY-OWNED SOLID WASTE FACILITIES—IMPACT ON CITIES— MITIGATION—NEGOTIATIONS, MEDIATION, ARBITRATION

AN ACT Relating to solid waste facilities; and amending section 8, chapter 175, Laws of 1982 and RCW 36.58.080.

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

Sec. 1. Section 8, chapter 175, Laws of 1982 and RCW 36.58.080 are each amended to read as follows:

County-owned solid waste facilities shall not be subject to any tax or excise imposed by any city or town. Cities or towns may charge counties to mitigate impacts directly attributable to the solid waste facility: **PROVIDED**, That any city or town establishes that such charges are reasonably necessary to mitigate such impacts and that revenue generated from such charges is expended only to mitigate such impacts. Impacts resulting from commercial and residential solid waste collection within any city or town shall not be considered to be directly attributable to the solid waste facility. In the event that no agreement can be reached between the city or town and

the county following a reasonable period of good faith negotiations, including mediation where appropriate, the matter shall be resolved by a board of arbitrators, to be convened at the request of either party, such board of arbitrators to consist of a representative from the city or town involved, a representative of the county, and a third representative to be appointed by the other two representatives. If no agreement can be reached with regard to said third representative, the third representative shall be appointed by a judge of the superior court of the county of the jurisdiction owning the solid waste facility. The determination by the board of arbitrators of the sum to be paid by the county shall be binding on all parties. Each party shall pay the costs of their individual representatives on the board of arbitrators and they shall pay one-half of the cost of the third representative.

Passed the House April 22, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 172

[Substitute House Bill No. 64]

HAZARDOUS WASTE DISPOSAL—VIOLATIONS—CIVIL ACTIONS FOR DAMAGES—ATTORNEY FEES—PENALTIES

AN ACT Relating to hazardous waste disposal; amending section 8, chapter 101, Laws of 1975-'76 2nd ex. sess. and RCW 70.105.080; amending section 9, chapter 101, Laws of 1975-'76 2nd ex. sess. and RCW 70.105.090; and adding new sections to chapter 70.105 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 70.105 RCW a new section to read as follows:

A person injured as a result of a violation of this chapter or the rules adopted thereunder may bring an action in superior court for the recovery of the damages. A conviction or imposition of a penalty under this chapter is not a prerequisite to an action under this section.

The court may award reasonable attorneys' fees to a prevailing injured party in an action under this section.

Sec. 2. Section 8, chapter 101, Laws of 1975-'76 2nd ex. sess. and RCW 70.105.080 are each amended to read as follows:

(1) Every person who fails to comply with any provision of (~~RCW 70-105-010 through 70.105.090~~) this chapter or of the rules adopted thereunder shall be subjected to a penalty in an amount of not more than ~~((one))~~ ten thousand dollars per day for every such violation. Each and every such violation shall be a separate and distinct offense. In case of continuing violation, every day's continuance shall be a separate and distinct violation. Every person who, through an act of commission or omission, procures, aids,