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LC004635

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS

Introduced By: Representatives Finn, Walsh, Cimini, and Handy

Date Introduced: February 27, 2014

Referred To: House Corporations

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 5 of the General Laws entitled "BUSINESSES AND PROFESSIONS"

2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 89

4 WASTE TRANSPORTATION

5 **5-89-1. Policy and purpose.** -- It is the policy of the state and the purpose of this chapter  
6 to:

7 (1) Ensure that all residents and businesses in Rhode Island have equal access to waste  
8 services that include, but are not limited to, collection of refuse and recyclables;

9 (2) Ensure that collection of refuse and recyclables is consistent with established law,  
10 rules and regulations regarding segregation of mandated recyclables at the point of generation;  
11 and

12 (3) Make waste haulers part of the solution for increasing recycling within the  
13 commercial sector and encourage businesses to separate recyclable material from solid waste.

14 **5-89-2. Definitions.** -- As used in this chapter:

15 (1) "Director" means the director of the department of business regulation, or his or her  
16 authorized representative.

17 (2) "Commercial hauler" means any person that transports solid waste for compensation  
18 in a vehicle having a rated capacity of more than one ton.

19 (3) "Solid waste" means garbage, refuse, sludge from a waste treatment plant, water

1 supply treatment plant, or air pollution control facility and other discarded materials, including  
2 solid, liquid, semisolid, or contained gaseous material generated by residential, institutional,  
3 commercial, industrial, and agricultural sources, but does not include solids or dissolved materials  
4 in domestic sewage.

5 (4) "Person" means any individual, partnership, company, corporation, association,  
6 unincorporated association, joint venture, trust, municipality, the state of Rhode Island or any  
7 agency, department, or subdivision of the state, federal agency, or any other legal or commercial  
8 entity.

9 (5) "Transport" or "transportation" means the movement of materials by air, rail, road, or  
10 water.

11 (6) "Facility" means all contiguous land, structures, other appurtenances, and  
12 improvements on the land, used for treating, storing, or disposing of waste. A facility may consist  
13 of several treatment, storage, or disposal operational units.

14 (7) "Commercial hauler" means any person that transports:

15 (i) Regulated quantities of hazardous waste; or

16 (ii) Construction and demolition debris for compensation in a motor vehicle having a  
17 rated capacity of more than one ton; or

18 (iii) Solid waste for compensation in a motor vehicle having a rated capacity of more than  
19 one ton.

20 (8) "Source separated" or "source separation" means the separation of compostable and  
21 recyclable materials from noncompostable, nonrecyclable materials at the point of generation.

22 (9) "Mandated recyclable" means all materials mandated for recycling by the department  
23 of environmental management.

24 **5-89-3. License required. --** (a) A commercial hauler desiring to transport solid waste  
25 within the state shall apply to the director for a license to do so, by submitting an application on a  
26 form prepared for this purpose by the director.

27 (b) The license shall have a duration of five (5) years and shall be updated annually, by  
28 January 31, by the commercial hauler by submitting to the department:

29 (1) Any change of information; and

30 (2) How much waste and source separated waste was transported by the hauler the  
31 previous calendar year.

32 (c) The commercial hauler required to obtain a license under this section is the legal or  
33 commercial entity that is transporting the waste, rather than the individual employees and  
34 subcontractors of the legal or commercial entity. In the case of a sole proprietorship, the sole

1 proprietor is the commercial entity.

2 (d) A commercial hauler licensed under this section that offers the collection of solid  
3 waste to any person in Rhode Island shall:

4 (1) Beginning July 1, 2015, offer to collect mandated recyclables separated from other  
5 solid waste and deliver mandated recyclables to a facility maintained and operated for the  
6 management and recycling of mandated recyclables from any person who contracts with the  
7 licensed hauler for waste collection.

8 (2) Beginning the following year from enactment, offer to collect source separated wastes  
9 that are mandated by law, rule or regulation of any agency, and deliver them to a facility  
10 maintained and operated for the management of said source separated waste from any person who  
11 contracts with the licensed hauler for waste collection.

12 (3) Maintain and disseminate regularly to customers a regular schedule for collection of  
13 solid waste and segregated waste.

14 (e) In a municipality that has adopted licensing ordinance addressing the collection of  
15 mandated recyclables, a commercial hauler in that municipality is not required to comply with the  
16 requirements of subsection (d) of this section if the ordinance:

17 (1) Is applicable to all persons;

18 (2) Includes, at a minimum, all source separated materials required by subsection (d) of  
19 this section; and

20 (3) Requires a resident who contracts with a commercial hauler for waste services to use  
21 the hauler for the collection of both source separated material required by subsection (d) of this  
22 section and household generated solid waste.

23 (f) A transporter licensed under this section that offers the collection of solid waste may  
24 not charge a separate line item fee on a bill to a customer for the collection of mandated  
25 recyclables, provided that a transporter may charge a fee for all service calls, stops, or collections  
26 at a property and a transporter may charge a tiered or variable fee based on the size of the  
27 collection container provided to a customer or the amount of waste collected from a customer. A  
28 transporter licensed under this section may incorporate the cost of the collection of mandated  
29 recyclables into the cost of the collection of solid waste and may adjust the charge for the  
30 collection of solid waste. A transporter licensed under this section that offers the collection of  
31 solid waste may charge a separate fee for the collection of leaf and yard waste or food residuals  
32 from a customer.

33 (g) The department shall submit a brief report by March 1 of every year to the governor,  
34 speaker of the house and senate president, regarding the amount of waste and source separated

1 waste that was transported by licensed haulers by this program.

2 **5-89-4. Application for license.** -- (a) The application shall indicate:

3 (1) The nature of the waste to be hauled;

4 (2) How mandated recyclables shall be segregated from waste; and

5 (3) How records will be kept tracking the tonnage of collected waste, mandated  
6 recyclables and other types of waste that are segregated for disposal in a manner other than  
7 landfilling or incineration either in Rhode Island or out of state.

8 (b) The director may specify conditions that the director deems necessary to assure  
9 compliance with state law.

10 (c) The applicant shall include an application fee to be set by the department to recover  
11 reasonable costs of administering this licensing program by the department.

12 **5-89-5. Display of license.** -- All commercial haulers must keep the original license on  
13 file at their corporate headquarters and a copy with their registered agent. All vehicles covered by  
14 the license must carry a copy of the license in the vehicle at all times and be able to produce said  
15 license to local or state law enforcement upon request.

16 **5-89-6. Penalty for violations.** -- (a) It shall be unlawful for any person to operate a  
17 motor vehicle subject to the provisions of this section upon any public highway in the state  
18 without first obtaining a license from the director, or operating the vehicle without having a copy  
19 of the license as required by this chapter.

20 (b) A violation of this section shall be considered a traffic offense and adjudicated in a  
21 manner consistent with title 31 of the general laws.

22 (d) Any person who violates any provision of this chapter shall be subject to a penalty of  
23 not more than two hundred dollars (\$200) for a traffic violation. The penalties imposed by this  
24 subsection shall be in addition to other penalties imposed by the general laws.

25 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO BUSINESSES AND PROFESSIONS

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1           This act would require all commercial haulers desiring to transport solid waste within the  
2 state be licensed by the director of the department of business regulation. Licenses would be  
3 renewable every five (5) years. The act would also provide penalties for violations of the act.

4           This act would take effect upon passage.

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