

WAC 480-62-278 Contract crew transportation vehicle and driver safety requirements. (1) Every contract crew transportation company must operate its vehicles in compliance with state law, no matter where the vehicle is operated. Drivers must operate vehicles in a careful and prudent manner, at reasonable and proper speeds, with due regard to circumstances or conditions at the time of operation.

(2) Companies must comply with the parts of 49 C.F.R. adopted by reference that are shown in the chart in subsection (4) of this section. Information about 49 C.F.R. including the version adopted by the commission and where to obtain copies is set out in WAC 480-62-999.

(3) The commission will place out-of-service any motor vehicle having safety defects identified in the *North American Uniform Out-Of-Service Criteria*. Information about the *North American Uniform Out-Of-Service Criteria* including the version adopted and where to obtain copies is set out in WAC 480-62-999. A company must not operate any vehicle placed out-of-service until proper repairs have been completed.

(4) The commission will place out-of-service any driver meeting criteria identified in the *North American Uniform Out-Of-Service Criteria*. A company must not allow a driver who has been placed out-of-service to operate a motor vehicle until the conditions causing the driver to be placed out-of-service have been corrected.

49 C.F.R. Part:		Notes:
Part 379 -	Preservation of Records	Entire Part 379 is adopted and applies to Washington intrastate operations.
Part 385 -	Safety Fitness Procedures	Entire Part 385 is adopted and applies to Washington intrastate operations.
Part 390 -	Safety Regulations, General	Entire Part 390 is adopted and applies to Washington intrastate operations, with the following exceptions:
		(1) The terms "motor vehicle," "commercial motor vehicle," and "private vehicle" are not adopted. Instead, where those terms are used in Title 49 C.F.R., they have the meanings assigned to "contract crew transportation vehicle" in WAC 480-62-125 (Definitions).
		(2) Whenever the term "director" is used in Title 49 C.F.R., it means the commission.
Part 391 -	Qualification of Drivers	Entire Part 391 is adopted, with the following exceptions:
		(1) Part 391.49 (alternative physical qualification standards for the loss or impairment of limbs) is not adopted for drivers who operate vehicles exclusively in intrastate commerce. Instead refer to WAC 480-62-281 for intrastate medical waivers.
Part 392 -	Driving of Motor Vehicles	Entire Part 392 is adopted and applies to Washington intrastate operations.
Part 393 -	Parts and Accessories Necessary for Safe Operation	Entire Part 393 is adopted and applies to Washington intrastate operations.
Part 395 -	Hours of Service of Drivers	Entire Part 395 is adopted and applies to Washington intrastate operations.
Part 396 -	Inspection, Repair, and Maintenance	Entire Part 396 is adopted and applies to Washington intrastate operations.
Part 397 -	Transportation of Hazardous Materials, Driving and Parking Rules	Entire Part 397 is adopted and applies to Washington intrastate operations.

(5) Companies operating a contract crew transportation vehicle must:

(a) Comply with all state and local laws and rules governing licensing, vehicle safety, and driver safety.

(b) Maintain all motor vehicles in a safe and sanitary condition.

(c) Ensure that vehicles are free of defects likely to result in an accident or breakdown.

(6) Persons who drive for companies operating a contract crew transportation vehicle must be immediately and automatically disqualified from operating a contract crew transportation vehicle for a period of three years if:

(a) The person is convicted of, or is found to have committed, two or more traffic violations that result in suspension or revocation of the person's driver's license within a three-year period for a reason other than failure to pay fines.

(b) The person is convicted of, or is found to have committed, any of the following offenses:

(i) Any drug or alcohol-related traffic offense.

(ii) Using a vehicle to commit a felony.

(iii) Leaving the scene of an accident.

(iv) Prohibited passing of another vehicle.

(v) A railroad-highway grade crossing offense identified in RCW 46.25.090(8).

(vi) Driving with a suspended, revoked, or canceled license.

(7) Persons who drive for companies operating a contract crew transportation vehicle that sustain a conviction or traffic violation as outlined in subsection (5) of this section, must report the conviction or infraction to the company within ten days of the date of the conviction or infraction.

(8) No company operating a contract crew transportation vehicle, its agents, officers, or employees, will allow any article, commodity, or substance to be loaded in or on any vehicle used by the company to transport passengers that is:

(a) Dangerous to the lives and safety of passengers.

(b) Prohibited by the hazardous materials rules in Title 49 C.F.R. from being transported on passenger-carrying vehicles.

(9) No company operating a contract crew transportation vehicle may carry more passengers than the vehicle was originally manufactured to carry.

(10) All vehicles operated under the provisions of this chapter are at all times subject to inspection by the commission or its duly authorized representatives.

(11) All contract crew transportation companies must implement a controlled substance and alcohol testing program to include:

(a) Preemployment testing: A preemployment controlled substance and alcohol test must be administered prior to a driver performing a safety-sensitive function.

(b) Postaccident testing.

(i) An alcohol test must be administered as soon as practicable but no longer than eight hours following an accident where the accident involved the loss of human life, a driver receives a citation for a moving traffic violation arising from the accident if the accident involved bodily injury to any person who, as a result of the injury immediately receives medical treatment away from the scene of the accident or one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(ii) A controlled substance test must be administered within thirty-two hours following an accident where the accident involved the loss of human life, a driver receives a citation for a moving traffic violation arising from the accident if the accident involved bodily

injury to any person who, as a result of the injury immediately receives medical treatment away from the scene of the accident or one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(c) Random testing.

(i) Every driver shall submit to random alcohol and controlled substance testing.

(ii) The minimum annual percentage rate for random alcohol testing shall be ten percent of the average number of driver positions.

(iii) The minimum annual percentage rate for random controlled substances testing shall be twenty-five percent of the average number of driver positions.

(d) Reasonable suspicion testing.

(i) All persons designated to supervise drivers shall receive at least sixty minutes of training on alcohol misuse and receive at least an additional sixty minutes of training on controlled substances use.

(ii) The training will be used by supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

[Statutory Authority: RCW 80.01.040, 81.04.160, and 81.61.050. WSR 18-10-001 (Docket TR-170780, General Order R-591), § 480-62-278, filed 4/18/18, effective 5/19/18.]