
Transportation Committee

SSB 5502

Brief Description: Concerning the regulation, operations, and safety of limousine carriers.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators White, Nelson, Keiser, Ranker, Kohl-Welles, Rockefeller, Murray, Litzow, Harper, Fain, Swecker, Delvin and Shin).

Brief Summary of Substitute Bill

- Allows cities with a population of 500,000 or more to enter into cooperative agreements with the Department of Licensing (DOL) to regulate limousines, including the transfer of fee and fine revenue to offset city enforcement costs.
- Removes the requirement that a limousine carrier must operate from an office that is not solely in a vehicle.
- Clarifies the types of documents that suffice to prove that a trip has been prearranged and clarifies where the documents must be stored.
- Creates civil infractions related to retaining documents, meeting vehicle standards, operating without a carrier license or vehicle certificate, and soliciting customers.
- Allows cities with a population of 500,000 or more to conduct both annual and random limousine vehicle inspections.
- Requires the suspension of a vehicle certificate if the required insurance is not maintained on the vehicle.
- Modifies provisions related to requirements for advertising limousine services to provide for a fine, rather than a gross misdemeanor charge.
- Adds requirements to qualify as a limousine chauffeur.
- Limits the fee for limousine vehicle certificates to \$75, the fee for a limousine carrier license to \$350, and the fee for vehicle inspections to \$25.
- Requires the DOL to convene an internal work group regarding the issuance of a chauffeur license.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Hearing Date: 3/16/11

Staff: Wendy Malkin (786-7114).

Background:

In 1996 the regulation of limousines was transferred from the Utilities and Transportation Commission (UTC) to the Department of Licensing (DOL). The DOL regulates entry, equipment, chauffeur qualifications, and operations. In addition, the Port of Seattle regulates limousines with regard to entry, chauffeur qualifications, operations, and equipment at SeaTac International Airport. Unlike the regulation of limousines, the regulation of taxi cabs and for-hire vehicles is with the cities, counties, and port districts. The for-hire vehicle statute explicitly excludes limousines.

A limousine is a for-hire, chauffeur-driven, unmetered, unmarked luxury motor vehicle that meets one of the following definitions:

- "stretch limousine" is an automobile whose wheelbase has been altered, has a seating capacity of no more than 12 passengers, and is equipped with amenities;
- "executive sedan" is a four-door sedan with a minimum wheelbase of 114.5 inches, a seating capacity of no more than three passengers behind the driver, and standard factory amenities;
- "executive van" is a van, minivan, or minibus with a seating capacity of seven to 14 passengers behind the driver;
- "classic car" is a fine and distinctive automobile that is 30 years old or older;
- "executive sport utility vehicle" means an automobile with a seating capacity of not less than three passengers and not more than six passengers behind the driver, and a minimum wheelbase of 116 inches that has not been altered, which does not fall into one of the other categories; or
- "stretch sport utility vehicle" is an automobile whose wheelbase has been altered, has a seating capacity of no more than 14 passengers, and is equipped with amenities, which does not fall into one of the other categories.

A limousine carrier must obtain a carrier license from the DOL, and a carrier must obtain a vehicle certificate for each vehicle it operates. The current fees are \$40 for a carrier license and \$25 for a vehicle certificate. The Washington State Patrol (WSP) conducts annual vehicle inspections of each limousine licensed by the DOL, except when a port district that regulates limousines conducts the annual vehicle inspections. The WSP's current inspection fee is \$25.

A limousine carrier must have an office; a vehicle cannot solely be used as an office. Arrangements for service must be prearranged through the carrier's office and dispatched to the limousine. Customers cannot make arrangements with the driver for immediate rental of a limousine, even if the driver is the owner. A limousine carrier must certify that each chauffeur: (1) is 21 years of age, (2) holds a valid Washington driver's license, (3) has successfully completed a training course and written exam approved by the DOL, (4) has passed a background check performed by the WSP, and (5) submits a medical certificate upon initial application and every three years thereafter validating the driver's fitness.

Limousine carriers must list their unified business identifier when advertising and specify the type of service offered. A limousine carrier cannot advertise as a taxicab company. Unlawful operation of a limousine without a certificate is a misdemeanor on first offense and a gross misdemeanor thereafter. Violation of the insurance provisions related to limousines and false advertising are gross misdemeanors.

Summary of Bill:

The requirement that a limousine carrier must operate from an office that is not solely in a vehicle is removed. However, customers must arrange for limousine service at a time and place different from the customer's time and place of departure, and limousine carriers must list a physical address on their business license where records substantiating prearrangement may be viewed by a law enforcement officer. In addition, limousine carriers and limousine chauffeurs must list a telephone or pager number that is used to prearrange the carrier's services.

The types of documents that suffice to prove that a trip has been prearranged are clarified and where the documents must be stored is changed, and a civil infraction associated with the failure to retain or provide these documents is created.

Cities with a population of 500,000 or more are permitted to do annual vehicle inspections, and these cities and certain port districts are permitted to do random vehicle inspections so long as customers are not in the vehicle. The cities and port districts may charge inspections fees that are consistent with state inspection fees. A civil infraction is created for violations of vehicle standards, and a vehicle certificate must be suspended for violation of safety standards.

The suspension of a limousine vehicle certificate is mandated if the required insurance is not maintained on the vehicle while it is licensed with the DOL, and a civil infraction is created for each day a carrier operates a limousine with a suspended certificate.

The prohibitions related to advertising limousine services are modified to provide for a fine, rather than a gross misdemeanor charge. A civil infraction is created for chauffeurs who solicit or assign customers directly or through a third party for nonprearranged limousine service. In addition, a civil infraction is created for chauffeurs who offer payment to a third party to solicit customers for limousine service without a written contract in the limousine and on file at the third party's business. Civil infractions are also created for individuals who accept payment to solicit or assign customers on behalf of a chauffeur for nonprearranged limousine service or who accept payment to solicit customers for limousine service without a written contract.

A satisfactory driving record and participation in a random drug testing program are added to the requirements to qualify as a limousine chauffeur. A failed drug test is included in the list of items for which the DOL may impose sanctions for unprofessional conduct.

A civil infraction is created for operating a limousine without a limousine carrier license or limousine vehicle certificate. Any fee related to a limousine vehicle certificate is limited to \$75, any fee related to a limousine carrier license is limited to \$350, and any fee related to vehicle inspections is limited to \$25.

All cities with a population of 500,000 or more may enter into cooperative agreements with the DOL to regulate limousines in a manner consistent with state law, which may include provisions for the transfer of fee and fine revenue to offset city enforcement costs. Cities that enter into cooperative agreements may enact ordinances that are consistent with state law to regulate limousines and may issue civil infractions as allowed under state law.

The DOL is required to convene an internal work group regarding the issuance of a chauffeur license, with a report to the Transportation committees of the Legislature containing the DOL's recommendation due by November 15, 2012.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Sections 1-12 take effect January 1, 2013, section 13 takes effect 90 days after adjournment of the session in which the bill is passed, and section 14 of the bill takes effect July 1, 2012.