
HOUSE BILL 2551

State of Washington

54th Legislature

1996 Regular Session

By Representatives Cairnes, Patterson, Ogden, Romero, Tokuda, Mitchell, Quall and K. Schmidt

Read first time 01/12/96. Referred to Committee on Transportation.

1 AN ACT Relating to the regulation of limousines and for hire
2 vehicles carrying passengers; amending RCW 46.72.010; reenacting and
3 amending RCW 46.63.020; adding new sections to chapter 46.04 RCW;
4 adding new sections to chapter 46.72 RCW; adding a new chapter to Title
5 46 RCW; creating a new section; repealing RCW 81.90.010, 81.90.020,
6 81.90.030, 81.90.040, 81.90.050, 81.90.060, 81.90.070, 81.90.080,
7 81.90.090, 81.90.100, 81.90.110, 81.90.120, 81.90.130, 81.90.140,
8 81.90.150, and 81.90.160; and prescribing penalties.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.04 RCW
11 to read as follows:

12 "Chauffeur" means a person authorized by the department under this
13 title to drive a limousine, and, if operating in a port district that
14 regulates limousines under section 6(2) of this act, meets the
15 licensing requirements of that port district.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.04 RCW
17 to read as follows:

1 "Limousine" means a category of for hire, chauffeur-driven,
2 unmetered, unmarked luxury motor vehicles that meets one of the
3 following definitions:

4 (1) "Stretch limousine" means an automobile with a seating capacity
5 of not more than twelve passengers in the rear seating area. The
6 wheelbase has been factory or otherwise altered beyond the original
7 manufacturer's specifications and meets standards of the United States
8 department of transportation. The automobile is equipped with
9 amenities in the rear seating area not normally found in passenger
10 cars. These amenities may include, but are not limited to a
11 television, musical sound system, telephone, ice storage, power-
12 operated dividers, or additional interior lighting. The term "stretch
13 limousine" excludes trucks, auto transportation companies, excursion
14 buses, charter buses, minibuses, vehicles regulated under chapter 81.66
15 RCW, taxicabs, executive sedans, funeral home vehicles, station wagons,
16 executive vans, vans, minivans, and courtesy vans.

17 (2) "Executive sedan" means a four-door sedan automobile having a
18 seating capacity of not more than three passengers behind the driver
19 and a minimum wheelbase of 114.5 inches. An executive sedan is
20 equipped with standard factory amenities, and the wheelbase may not be
21 altered. The term "executive sedan" excludes trucks, auto
22 transportation companies, excursion buses, minibuses, charter buses,
23 vehicles regulated under chapter 81.66 RCW, taxicabs, stretch
24 limousines, funeral home vehicles, station wagons, executive vans,
25 vans, minivans, and courtesy vans.

26 (3) "Executive van" means a van, minivan, or minibus having a
27 seating capacity of not less than seven passengers and not more than
28 fourteen passengers behind the driver. The term "executive van"
29 excludes trucks, auto transportation companies, excursion buses,
30 charter buses, vehicles regulated under chapter 81.66 RCW, taxicabs,
31 stretch limousines, executive sedans, funeral home vehicles, station
32 wagons, and courtesy vans.

33 (4) "Classic car" means a fine or distinctive, American or foreign
34 automobile that is thirty years old or older.

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.04 RCW
36 to read as follows:

37 "Limousine carrier" means a person engaged in the transportation of
38 a person or group of persons, who, under a single contract, acquires,

1 on a prearranged basis, the use of a limousine to travel to a specified
2 destination or for a particular itinerary. The term "prearranged
3 basis" refers to the manner in which the carrier dispatches vehicles.

4 NEW SECTION. **Sec. 4.** The legislature finds and declares that
5 privately operated limousine transportation service is a vital part of
6 the transportation system within the state and provides prearranged
7 transportation services to state residents, tourists, and out-of-state
8 business people. Consequently, the safety, reliability, and stability
9 of privately operated limousine transportation services are matters of
10 state-wide importance. The regulation of privately operated limousine
11 transportation services is thus an essential governmental function.
12 Therefore, it is the intent of the legislature to permit the department
13 and a port district in a county with a population of one million or
14 more to regulate limousine transportation services without liability
15 under federal antitrust laws.

16 NEW SECTION. **Sec. 5.** All limousine carriers must operate from a
17 main office and may have satellite offices. However, no office may be
18 solely in a vehicle of any type. All arrangements for the carrier's
19 services must be made through its offices and dispatched to the
20 carrier's vehicles. Under no circumstances may customers or customers'
21 agents make arrangements for immediate rental of a carrier's vehicle
22 with the driver of the vehicle, even if the driver is an owner or
23 officer of the company, with the single exception of stand-hail
24 limousines only at a facility owned and operated by a port district in
25 a county with a population of one million or more that are licensed and
26 restricted by the rules and policies set forth by the port district.

27 NEW SECTION. **Sec. 6.** (1) The department, in conjunction with the
28 Washington state patrol, shall regulate limousine carriers with respect
29 to entry, safety of equipment, chauffeur qualifications, and
30 operations. The department shall adopt rules and require such reports
31 as are necessary to carry out this chapter.

32 (2) In addition, a port district in a county with a population of
33 one million or more may regulate limousine carriers with respect to
34 entry, safety of equipment, chauffeur qualifications, and operations.
35 The county in which the port district is located may adopt ordinances
36 and rules to assist the port district in enforcement of limousine

1 regulations only at port facilities. In no event may this be construed
2 to grant the county the authority to regulate limousines within its
3 jurisdiction. The port district may not set limousine rates, but the
4 limousine carriers shall file their rates and schedules with the port
5 district.

6 (3) The department, a port district in a county with a population
7 of at least one million, or a county in which the port district is
8 located may enter into cooperative agreements for the joint regulation
9 of limousines.

10 (4) The Washington state patrol shall annually conduct a vehicle
11 inspection of each limousine licensed under this chapter, except when
12 a port district regulates limousine carriers under subsection (2) of
13 this section, that port district or county in which the port is located
14 shall conduct the annual vehicle inspection. The patrol, the port
15 district, or the county may impose an annual vehicle inspection fee.

16 NEW SECTION. **Sec. 7.** Except when a port district regulates
17 limousine carriers under section 6(2) of this act, the state of
18 Washington fully occupies and preempts the entire field of regulation
19 over limousine carriers as regulated by this chapter. Cities, towns,
20 and counties or other municipalities may enact only those laws and
21 ordinances relating to limousine carriers that are consistent with this
22 chapter.

23 NEW SECTION. **Sec. 8.** No limousine carrier may operate a limousine
24 upon the highways of this state without first obtaining a business
25 license from the department. The applicant shall forward an
26 application for a business license to the department along with a fee
27 established by rule. Upon approval of the application, the department
28 shall issue a business license and unified business identifier
29 authorizing the carrier to operate limousines upon the highways of this
30 state.

31 In addition, a limousine carrier shall annually obtain, upon
32 payment of the appropriate fee, a vehicle certificate for each
33 limousine operated by the carrier.

34 NEW SECTION. **Sec. 9.** The department shall require limousine
35 carriers to obtain and continue in effect, liability and property
36 damage insurance from a company licensed to sell liability insurance in

1 this state for each limousine used to transport persons for
2 compensation.

3 The department shall fix the amount of the insurance policy or
4 policies, giving consideration to the character and amount of traffic,
5 the number of persons affected, and the degree of danger that the
6 proposed operation involves. The limousine carrier must maintain the
7 liability and property damage insurance in force on each motor-
8 propelled vehicle while so used.

9 Failure to file and maintain in effect this insurance is a gross
10 misdemeanor.

11 NEW SECTION. **Sec. 10.** If the limousine carrier substitutes a
12 liability and property damage insurance policy after a vehicle
13 certificate has been issued, a new vehicle certificate is required.
14 The limousine carrier shall submit the substituted policy to the
15 department for approval, together with a fee. If the department
16 approves the substituted policy, the department shall issue a new
17 vehicle certificate.

18 If a vehicle certificate has been lost, destroyed, or stolen, a
19 duplicate vehicle certificate may be obtained by filing an affidavit of
20 loss and paying a fee. A limousine carrier who operates a vehicle
21 without first having received a vehicle certificate as required by this
22 chapter is guilty of a misdemeanor on the first offense and a gross
23 misdemeanor on a second or subsequent offense.

24 NEW SECTION. **Sec. 11.** (1) No limousine carrier may advertise
25 without listing the carrier's unified business identifier issued by the
26 department in the advertisement and specifying the type of service
27 offered as provided in section 2 of this act. No limousine carrier may
28 advertise or hold itself out to the public as providing taxicab
29 transportation services.

30 (2) All advertising, contracts, correspondence, cards, signs,
31 posters, papers, and documents that show a limousine carrier's name or
32 address shall list the carrier's unified business identifier and the
33 type of service offered. The alphabetized listing of limousine
34 carriers appearing in the advertising sections of telephone books or
35 other directories and all advertising that shows the carrier's name or
36 address must show the carrier's current unified business identifier.

1 (3) Advertising by electronic transmission need not contain the
2 carrier's unified business identifier if the carrier provides it to the
3 person selling the advertisement and it is recorded in the advertising
4 contract.

5 (4) It is a gross misdemeanor for a person to (a) falsify a unified
6 business identifier or use a false or inaccurate unified business
7 identifier; (b) fail to specify the type of service offered; or (c)
8 advertise or otherwise hold itself out to the public as providing
9 taxicab transportation services in connection with a solicitation or
10 identification as an authorized limousine carrier.

11 NEW SECTION. **Sec. 12.** The limousine carrier shall certify to the
12 appropriate regulating authority that each chauffeur hired to operate
13 a limousine meets the following criteria: (1) Is at least twenty-one
14 years of age; (2) holds a valid Washington state driver's license; (3)
15 has successfully completed a training course approved by the
16 department; (4) has successfully passed a written examination; (5) has
17 successfully completed a background check performed by the Washington
18 state patrol; and (6) has submitted a medical certificate certifying
19 the individual's fitness as a chauffeur. Upon initial application and
20 every three years thereafter, a chauffeur must file a physician's
21 certification with the limousine carrier validating the individual's
22 fitness to drive a limousine. The department shall determine the scope
23 of the examination. The director may require a chauffeur to be
24 reexamined at any time.

25 The limousine carrier shall keep on file and make available for
26 inspection all documents required by this section.

27 NEW SECTION. **Sec. 13.** The department may suspend, revoke, or
28 refuse to issue a license if it has good reason to believe that one of
29 the following is true of a chauffeur hired to drive a limousine: (1)
30 The person has been convicted of an offense of such a nature as to
31 indicate that he or she is unfit to qualify as a chauffeur; (2) the
32 person is guilty of committing two or more offenses for which mandatory
33 revocation of a driver's license is provided by law; (3) the person has
34 been convicted of vehicular homicide or vehicular assault; (4) the
35 person is intemperate or addicted to narcotics.

1 NEW SECTION. **Sec. 14.** The department shall transmit all fees
2 received under this chapter, together with a proper identifying report,
3 to the state treasurer to be deposited by the state treasurer in the
4 master license fund.

5 NEW SECTION. **Sec. 15.** The department may adopt and enforce such
6 rules, including the setting of fees, as may be consistent with and
7 necessary to carry out this chapter. The fees must approximate the
8 cost of administration.

9 NEW SECTION. **Sec. 16.** A vehicle operated as a limousine under
10 chapter 81.90 RCW before April 1, 1996, may continue to operate as a
11 limousine even though it may not meet the definition of limousine in
12 section 2 of this act as long as the owner is the same as the
13 registered owner on April 1, 1996, and the vehicle and limousine
14 carrier otherwise comply with this chapter.

15 NEW SECTION. **Sec. 17.** A new section is added to chapter 46.72 RCW
16 to read as follows:

17 The legislature finds and declares that privately operated for hire
18 transportation service is a vital part of the transportation system
19 within the state. Consequently, the safety, reliability, and stability
20 of privately operated for hire transportation services are matters of
21 state-wide importance. The regulation of privately operated for hire
22 transportation services is thus an essential governmental function.
23 Therefore, it is the intent of the legislature to permit political
24 subdivisions of the state to regulate for hire transportation services
25 without liability under federal antitrust laws.

26 **Sec. 18.** RCW 46.72.010 and 1991 c 99 s 1 are each amended to read
27 as follows:

28 When used in this chapter:

29 (1) The term "for hire vehicle" includes all vehicles used for the
30 transportation of passengers for compensation, except auto stages,
31 school buses operating exclusively under a contract to a school
32 district, ride-sharing vehicles under chapter 46.74 RCW, ((and))
33 limousine ((charter party)) carriers licensed under chapter ((81.90))
34 46.-- RCW ((whose sole use as a for hire vehicle is that of a limousine
35 charter party carrier)) (sections 4 through 16 of this act), vehicles

1 used by nonprofit transportation providers for elderly or handicapped
2 persons and their attendants under chapter 81.66 RCW, vehicles used by
3 auto transportation companies licensed under chapter 81.68 RCW,
4 vehicles used to provide courtesy transportation at no charge to and
5 from parking lots, hotels, and rental offices, and vehicles used by
6 charter party carriers of passengers and excursion service carriers
7 licensed under chapter 81.70 RCW;

8 (2) The term "for hire operator" means and includes any person,
9 concern, or entity engaged in the transportation of passengers for
10 compensation in for hire vehicles.

11 NEW SECTION. Sec. 19. A new section is added to chapter 46.72 RCW
12 to read as follows:

13 Cities, counties, and port districts may license, control, and
14 regulate all for hire vehicles operating within their respective
15 jurisdictions. The power to regulate includes:

16 (1) Regulating entry into the business of providing for hire
17 vehicle transportation services;

18 (2) Requiring a license to be purchased as a condition of operating
19 a for hire vehicle and the right to revoke, cancel, or refuse to
20 reissue a license for failure to comply with regulatory requirements;

21 (3) Controlling the rates charged for providing for hire vehicle
22 transportation service and the manner in which rates are calculated and
23 collected;

24 (4) Regulating the routes and operations of for hire vehicles,
25 including restricting access to airports;

26 (5) Establishing safety and equipment requirements; and

27 (6) Any other requirements adopted to ensure safe and reliable for
28 hire vehicle transportation service.

29 NEW SECTION. Sec. 20. A new section is added to chapter 46.72 RCW
30 to read as follows:

31 The department, a city, county, or port district may enter into
32 cooperative agreements with any other city, town, county, or port
33 district for the joint regulation of for hire vehicles. Cooperative
34 agreements may provide for, but are not limited to, the granting,
35 revocation, and suspension of joint for hire vehicle licenses.

1 **Sec. 21.** RCW 46.63.020 and 1995 1st sp.s. c 16 s 1, 1995 c 332 s
2 16, and 1995 c 256 s 25 are each reenacted and amended to read as
3 follows:

4 Failure to perform any act required or the performance of any act
5 prohibited by this title or an equivalent administrative regulation or
6 local law, ordinance, regulation, or resolution relating to traffic
7 including parking, standing, stopping, and pedestrian offenses, is
8 designated as a traffic infraction and may not be classified as a
9 criminal offense, except for an offense contained in the following
10 provisions of this title or a violation of an equivalent administrative
11 regulation or local law, ordinance, regulation, or resolution:

12 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
13 vehicle while under the influence of intoxicating liquor or a
14 controlled substance;

15 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

16 (3) RCW 46.10.090(2) relating to the operation of a snowmobile
17 while under the influence of intoxicating liquor or narcotics or
18 habit-forming drugs or in a manner endangering the person of another;

19 (4) RCW 46.10.130 relating to the operation of snowmobiles;

20 (5) Chapter 46.12 RCW relating to certificates of ownership and
21 registration and markings indicating that a vehicle has been destroyed
22 or declared a total loss;

23 (6) RCW 46.16.010 relating to initial registration of motor
24 vehicles;

25 (7) RCW 46.16.011 relating to permitting unauthorized persons to
26 drive;

27 (8) RCW 46.16.160 relating to vehicle trip permits;

28 (9) RCW 46.16.381 (6) or (9) relating to unauthorized use or
29 acquisition of a special placard or license plate for disabled persons'
30 parking;

31 (10) RCW 46.20.021 relating to driving without a valid driver's
32 license;

33 (11) RCW 46.20.336 relating to the unlawful possession and use of
34 a driver's license;

35 (12) RCW 46.20.342 relating to driving with a suspended or revoked
36 license or status;

37 (13) RCW 46.20.410 relating to the violation of restrictions of an
38 occupational driver's license;

1 (14) RCW 46.20.420 relating to the operation of a motor vehicle
2 with a suspended or revoked license;

3 (15) RCW 46.20.750 relating to assisting another person to start a
4 vehicle equipped with an ignition interlock device;

5 (16) RCW 46.25.170 relating to commercial driver's licenses;

6 (17) Chapter 46.29 RCW relating to financial responsibility;

7 (18) RCW 46.30.040 relating to providing false evidence of
8 financial responsibility;

9 (19) RCW 46.37.435 relating to wrongful installation of
10 sunscreening material;

11 (20) RCW 46.44.180 relating to operation of mobile home pilot
12 vehicles;

13 (21) RCW 46.48.175 relating to the transportation of dangerous
14 articles;

15 (22) RCW 46.52.010 relating to duty on striking an unattended car
16 or other property;

17 (23) RCW 46.52.020 relating to duty in case of injury to or death
18 of a person or damage to an attended vehicle;

19 (24) RCW 46.52.090 relating to reports by repairmen, storagemen,
20 and appraisers;

21 (25) RCW 46.52.100 relating to driving under the influence of
22 liquor or drugs;

23 (26) RCW 46.52.130 relating to confidentiality of the driving
24 record to be furnished to an insurance company, an employer, and an
25 alcohol/drug assessment or treatment agency;

26 (27) RCW 46.55.020 relating to engaging in the activities of a
27 registered tow truck operator without a registration certificate;

28 (28) RCW 46.55.035 relating to prohibited practices by tow truck
29 operators;

30 (29) RCW 46.61.015 relating to obedience to police officers,
31 flagmen, or fire fighters;

32 (30) RCW 46.61.020 relating to refusal to give information to or
33 cooperate with an officer;

34 (31) RCW 46.61.022 relating to failure to stop and give
35 identification to an officer;

36 (32) RCW 46.61.024 relating to attempting to elude pursuing police
37 vehicles;

38 (33) RCW 46.61.500 relating to reckless driving;

1 (34) RCW 46.61.502 and 46.61.504 relating to persons under the
2 influence of intoxicating liquor or drugs;
3 (35) RCW (~~46.61.5055~~ ~~(section 5, chapter 332~~ ~~(Substitute Senate~~
4 ~~Bill No. 5141)~~, ~~Laws of 1995~~)) 46.61.503 relating to a person under
5 age twenty-one driving a motor vehicle after consuming alcohol;
6 (36) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
7 (37) RCW 46.61.522 relating to vehicular assault;
8 (38) RCW 46.61.525 relating to negligent driving;
9 (39) RCW 46.61.527(4) relating to reckless endangerment of roadway
10 workers;
11 (40) RCW 46.61.530 relating to racing of vehicles on highways;
12 (41) RCW 46.61.685 relating to leaving children in an unattended
13 vehicle with the motor running;
14 (42) RCW 46.64.010 relating to unlawful cancellation of or attempt
15 to cancel a traffic citation;
16 (43) RCW 46.64.048 relating to attempting, aiding, abetting,
17 coercing, and committing crimes;
18 (44) Chapter 46.65 RCW relating to habitual traffic offenders;
19 (45) Chapter 46.70 RCW relating to unfair motor vehicle business
20 practices, except where that chapter provides for the assessment of
21 monetary penalties of a civil nature;
22 (46) Chapter 46.72 RCW relating to the transportation of passengers
23 in for hire vehicles;
24 (47) Section 9 of this act relating to limousine carrier insurance;
25 (48) Section 10 of this act relating to operation of a limousine
26 without a vehicle certificate;
27 (49) Section 11 of this act relating to false advertising by a
28 limousine carrier;
29 (50) Chapter 46.80 RCW relating to motor vehicle wreckers;
30 (~~(48)~~) (51) Chapter 46.82 RCW relating to driver's training
31 schools;
32 (~~(49)~~) (52) RCW 46.87.260 relating to alteration or forgery of a
33 cab card, letter of authority, or other temporary authority issued
34 under chapter 46.87 RCW;
35 (~~(50)~~) (53) RCW 46.87.290 relating to operation of an
36 unregistered or unlicensed vehicle under chapter 46.87 RCW.

37 NEW SECTION. Sec. 22. (1) All powers, duties, and functions of
38 the utilities and transportation commission pertaining to the

1 regulation of limousines and limousine charter party carriers are
2 transferred to the department of licensing. All references to the
3 utilities and transportation commission in the Revised Code of
4 Washington shall be construed to mean the director or the department of
5 licensing when referring to the functions transferred in this section.

6 (2)(a) All reports, documents, surveys, books, records, files,
7 papers, or written material in the possession of the utilities and
8 transportation commission pertaining to the powers, functions, and
9 duties transferred shall be delivered to the custody of the department
10 of licensing. All cabinets, furniture, office equipment, motor
11 vehicles, and other tangible property employed by the utilities and
12 transportation commission in carrying out the powers, functions, and
13 duties transferred shall be made available to the department of
14 licensing. All funds, credits, or other assets held in connection with
15 the powers, functions, and duties transferred shall be assigned to the
16 department of licensing.

17 (b) Any appropriations made to the utilities and transportation
18 commission for carrying out the powers, functions, and duties
19 transferred shall, on the effective date of this act, be transferred
20 and credited to the department of licensing.

21 (c) Whenever any question arises as to the transfer of any
22 personnel, funds, books, documents, records, papers, files, equipment,
23 or other tangible property used or held in the exercise of the powers
24 and the performance of the duties and functions transferred, the
25 director of financial management shall make a determination as to the
26 proper allocation and certify the same to the state agencies concerned.

27 (3) All rules and all pending business before the utilities and
28 transportation commission pertaining to the powers, functions, and
29 duties transferred shall be continued and acted upon by the department
30 of licensing. All existing contracts and obligations shall remain in
31 full force and shall be performed by the department of licensing.

32 (4) The transfer of the powers, duties, and functions of the
33 utilities and transportation commission shall not affect the validity
34 of any act performed before the effective date of this act.

35 (5) If apportionments of budgeted funds are required because of the
36 transfers directed by this section, the director of financial
37 management shall certify the apportionments to the agencies affected,
38 the state auditor, and the state treasurer. Each of these shall make

1 the appropriate transfer and adjustments in funds and appropriation
2 accounts and equipment records in accordance with the certification.

3 NEW SECTION. **Sec. 23.** The following acts or parts of acts are
4 each repealed:

- 5 (1) RCW 81.90.010 and 1989 c 283 s 1;
- 6 (2) RCW 81.90.020 and 1989 c 283 s 2;
- 7 (3) RCW 81.90.030 and 1989 c 283 s 3;
- 8 (4) RCW 81.90.040 and 1989 c 283 s 4;
- 9 (5) RCW 81.90.050 and 1989 c 283 s 5;
- 10 (6) RCW 81.90.060 and 1989 c 283 s 6;
- 11 (7) RCW 81.90.070 and 1989 c 283 s 7;
- 12 (8) RCW 81.90.080 and 1989 c 283 s 8;
- 13 (9) RCW 81.90.090 and 1989 c 283 s 9;
- 14 (10) RCW 81.90.100 and 1989 c 283 s 10;
- 15 (11) RCW 81.90.110 and 1989 c 283 s 11;
- 16 (12) RCW 81.90.120 and 1989 c 283 s 12;
- 17 (13) RCW 81.90.130 and 1989 c 283 s 13;
- 18 (14) RCW 81.90.140 and 1989 c 283 s 14;
- 19 (15) RCW 81.90.150 and 1989 c 283 s 15; and
- 20 (16) RCW 81.90.160 and 1989 c 283 s 16.

21 NEW SECTION. **Sec. 24.** Sections 4 through 16 of this act
22 constitute a new chapter in Title 46 RCW.

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