CERTIFICATION OF ENROLLMENT

HOUSE BILL 2551

54th Legislature 1996 Regular Session

Passed by the House February 5, 1996 Yeas 97 Nays 0

Speaker of the House of Representatives

Passed by the Senate February 28, 1996 Yeas 47 Nays 0

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2551** as passed by the House of Representatives and the Senate on the dates hereon set forth.

President of the Senate

Approved

Chief Clerk

FILED

Governor of the State of Washington

Secretary of State State of Washington

HOUSE BILL 2551

Passed Legislature - 1996 Regular Session

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, 81.90.040, 81.90.050, 81.90.060, 81.90.070, б 81.90.030, 81.90.080, 7 81.90.090, 81.90.100, 81.90.110, 81.90.120, 81.90.130, 81.90.140, 81.90.150, and 81.90.160; and prescribing penalties. 8

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

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

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

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

33 (4) "Classic car" means a fine or distinctive, American or foreign34 automobile that is thirty years old or older.

35 <u>NEW SECTION.</u> 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 of38 a person or group of persons, who, under a single contract, acquires,

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

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

NEW SECTION. Sec. 5. All limousine carriers must operate from a 16 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 services must be made through its offices and dispatched to the 19 carrier's vehicles. Under no circumstances may customers or customers' 20 agents make arrangements for immediate rental of a carrier's vehicle 21 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 restricted by the rules and policies set forth by the port district. 26

27 <u>NEW SECTION.</u> 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.

(2) In addition, a port district in a county with a population of one million or more may regulate limousine carriers with respect to entry, safety of equipment, chauffeur qualifications, and operations. The county in which the port district is located may adopt ordinances 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 <u>NEW SECTION.</u> 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 application for a business license to the department along with a fee 26 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.

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

34 <u>NEW SECTION.</u> **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.

Sec. 10. If the limousine carrier substitutes a 11 NEW SECTION. 12 liability and property damage insurance policy after a vehicle certificate has been issued, a new vehicle certificate is required. 13 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 vehicle certificate. 17

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

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

(2) All advertising, contracts, correspondence, cards, 30 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 carriers appearing in the advertising sections of telephone books or 34 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.

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

The limousine carrier shall keep on file and make available for 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 the following is true of a chauffeur hired to drive a limousine: (1) 29 The person has been convicted of an offense of such a nature as to 30 indicate that he or she is unfit to qualify as a chauffeur; (2) the 31 person is guilty of committing two or more offenses for which mandatory 32 33 revocation of a driver's license is provided by law; (3) the person has been convicted of vehicular homicide or vehicular assault; (4) the 34 35 person is intemperate or addicted to narcotics.

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1 <u>NEW SECTION.</u> 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 <u>NEW SECTION.</u> 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 <u>NEW SECTION.</u> 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 <u>NEW SECTION.</u> 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 transportation service is a vital part of the transportation system 18 within the state. Consequently, the safety, reliability, and stability 19 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 without liability under federal antitrust laws. 25

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:

(1) The term "for hire vehicle" includes all vehicles used for the transportation of passengers for compensation, except auto stages, school buses operating exclusively under a contract to a school district, ride-sharing vehicles <u>under chapter 46.74 RCW</u>, ((and)) limousine ((charter party)) carriers licensed under chapter ((81.90)) <u>46.--</u> RCW ((whose sole use as a for hire vehicle is that of a limousine 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 <u>NEW SECTION.</u> **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 hire17 vehicle transportation services;

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

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

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

26 (5) Establishing safety and equipment requirements; and

(6) Any other requirements adopted to ensure safe and reliable forhire vehicle transportation service.

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

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

Sec. 21. RCW 46.63.020 and 1995 1st sp.s. c 16 s 1, 1995 c 332 s
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 local law, ordinance, regulation, or resolution relating to traffic б 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 regulation or local law, ordinance, regulation, or resolution: 11

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;

(7) RCW 46.16.011 relating to permitting unauthorized persons todrive;

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

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

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

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

(14) RCW 46.20.420 relating to the operation of a motor vehicle 1 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; (16) RCW 46.25.170 relating to commercial driver's licenses; 5 (17) Chapter 46.29 RCW relating to financial responsibility; б 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; (20) RCW 46.44.180 relating to operation of mobile home pilot 11 vehicles; 12 13 (21) RCW 46.48.175 relating to the transportation of dangerous articles; 14 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 of a person or damage to an attended vehicle; 18 19 (24) RCW 46.52.090 relating to reports by repairmen, storagemen, 20 and appraisers; (25) RCW 46.52.100 relating to driving under the influence of 21 22 liquor or drugs; (26) RCW 46.52.130 relating to confidentiality of the driving 23 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, flagmen, or fire fighters; 31 (30) RCW 46.61.020 relating to refusal to give information to or 32 cooperate with an officer; 33 (31) RCW 46.61.022 relating to failure to 34 stop and give 35 identification to an officer; (32) RCW 46.61.024 relating to attempting to elude pursuing police 36 37 vehicles; (33) RCW 46.61.500 relating to reckless driving; 38

(34) RCW 46.61.502 and 46.61.504 relating to persons under the 1 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;

(36) RCW 46.61.520 relating to vehicular homicide by motor vehicle; 6

(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;

(40) RCW 46.61.530 relating to racing of vehicles on highways; 11

(41) RCW 46.61.685 relating to leaving children in an unattended 12 vehicle with the motor running; 13

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;

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(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 monetary penalties of a civil nature; 21

(46) Chapter 46.72 RCW relating to the transportation of passengers 22 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 limousine carrier; 28

29 (50) Chapter 46.80 RCW relating to motor vehicle wreckers;

30 (((48))) (51) Chapter 46.82 RCW relating to driver's training schools; 31

(((49))) (52) RCW 46.87.260 relating to alteration or forgery of a 32 33 cab card, letter of authority, or other temporary authority issued 34 under chapter 46.87 RCW;

35 $\left(\left(\frac{50}{50}\right)\right)$ (53) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW. 36

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.

б (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 All cabinets, furniture, office equipment, motor 10 of licensing. vehicles, and other tangible property employed by the utilities and 11 12 transportation commission in carrying out the powers, functions, and 13 duties transferred shall be made available to the department of licensing. All funds, credits, or other assets held in connection with 14 15 the powers, functions, and duties transferred shall be assigned to the 16 department of licensing.

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

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

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

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

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, 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 each repealed: 4 5 (1) RCW 81.90.010 and 1989 c 283 s 1; (2) RCW 81.90.020 and 1989 c 283 s 2; 6 7 (3) RCW 81.90.030 and 1989 c 283 s 3; 8 (4) RCW 81.90.040 and 1989 c 283 s 4; (5) RCW 81.90.050 and 1989 c 283 s 5; 9 (6) RCW 81.90.060 and 1989 c 283 s 6; 10 (7) RCW 81.90.070 and 1989 c 283 s 7; 11 (8) RCW 81.90.080 and 1989 c 283 s 8; 12 13 (9) RCW 81.90.090 and 1989 c 283 s 9; 14 (10) RCW 81.90.100 and 1989 c 283 s 10; (11) RCW 81.90.110 and 1989 c 283 s 11; 15 (12) RCW 81.90.120 and 1989 c 283 s 12; 16 (13) RCW 81.90.130 and 1989 c 283 s 13; 17 18 (14) RCW 81.90.140 and 1989 c 283 s 14; (15) RCW 81.90.150 and 1989 c 283 s 15; and 19 (16) RCW 81.90.160 and 1989 c 283 s 16. 20

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

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