

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6699

54th Legislature
1996 Regular Session

Passed by the Senate March 4, 1996
YEAS 44 NAYS 0

President of the Senate

Passed by the House February 27, 1996
YEAS 98 NAYS 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6699** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6699

AS AMENDED BY THE HOUSE

Passed Legislature - 1996 Regular Session

State of Washington 54th Legislature 1996 Regular Session

By Senate Committee on Transportation (originally sponsored by Senator Prince)

Read first time 02/06/96.

1 AN ACT Relating to transportation of persons with special
2 transportation needs; amending RCW 81.66.010, 46.74.010, 46.74.030,
3 82.08.0287, 82.36.285, 82.38.080, and 82.44.015; and repealing RCW
4 81.66.070.

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

6 "**Sec. 1.** RCW 81.66.010 and 1979 c 111 s 4 are each amended to read
7 as follows:

8 The definitions set forth in this section shall apply throughout
9 this chapter, unless the context clearly indicates otherwise.

10 (1) "Corporation" means a corporation, company, association, or
11 joint stock association.

12 (2) "Person" means an individual, firm, or a copartnership.

13 (3) "Private, nonprofit transportation provider" means any private,
14 nonprofit corporation providing transportation services for
15 compensation solely to ~~((elderly or handicapped persons and their~~
16 attendants)) persons with special transportation needs.

17 (4) ~~("Elderly" means any person sixty years of age or older.~~

18 (5) ~~"Handicapped" means all persons who, by reason of illness,~~
19 ~~injury, age, congenital malfunction, or other permanent or temporary~~

1 incapacity or disability, are unable without special facilities or
2 special planning or design to use mass transportation facilities and
3 services as efficiently as persons who are not so affected.
4 Handicapped people include (a) ambulatory persons whose capacities are
5 hindered by sensory disabilities such as blindness or deafness, mental
6 disabilities such as mental retardation or emotional illness, physical
7 disability which still permits the person to walk comfortably, or a
8 combination of these disabilities; (b) semiambulatory persons who
9 require special aids to travel such as canes, crutches, walkers,
10 respirators, or human assistance; and (c) nonambulatory persons who
11 must use wheelchairs or wheelchair-like equipment to travel)) "Persons
12 with special transportation needs" means those persons, including their
13 personal attendants, who because of physical or mental disability,
14 income status, or age are unable to transport themselves or to purchase
15 appropriate transportation.

16 **Sec. 2.** RCW 46.74.010 and 1979 c 111 s 1 are each amended to read
17 as follows:

18 The definitions set forth in this section shall apply throughout
19 this chapter, unless the context clearly indicates otherwise.

20 (1) "Commuter ride sharing" means a car pool or van pool
21 arrangement whereby a fixed group not exceeding fifteen persons
22 including ~~((passengers and))~~ the driver, and (a) not fewer than five
23 persons including the driver, or (b) not fewer than four persons
24 including the driver where at least two of those persons are confined
25 to wheelchairs when riding, is transported in a passenger motor vehicle
26 with a gross vehicle weight not exceeding ten thousand pounds,
27 excluding special rider equipment, between their places of abode or
28 termini near such places, and their places of employment or educational
29 or other institutions, in a single daily round trip where the driver is
30 also on the way to or from his or her place of employment or
31 educational or other institution.

32 (2) "Ride sharing for ~~((the elderly and the handicapped))~~ persons
33 with special transportation needs" means ~~((a car pool or van pool))~~ an
34 arrangement whereby a group of ((elderly and/or handicapped)) persons
35 with special transportation needs, and their attendants, ((not
36 exceeding fifteen persons including passengers and driver,)) is
37 transported by a public social service agency or a private, nonprofit
38 transportation provider as defined in RCW 81.66.010(3) in a passenger

1 motor vehicle as defined by the department to include small buses,
2 cutaways, and modified vans not more than twenty-eight feet long:
3 PROVIDED, That the driver need not be ~~((neither elderly nor~~
4 ~~handicapped))~~ a person with special transportation needs.

5 ~~(3) ("Ride-sharing vehicle" means a passenger motor vehicle with~~
6 ~~a seating capacity not exceeding fifteen persons including the driver,~~
7 ~~while being used for commuter ride sharing or for ride sharing for the~~
8 ~~elderly and the handicapped.~~

9 ~~(4))~~ "Ride-sharing operator" means the person, entity, or concern,
10 not necessarily the driver, responsible for the existence and
11 continuance of commuter ride sharing or ride sharing for ~~((the elderly~~
12 ~~and the handicapped))~~ persons with special transportation needs.

13 ~~((5) "Elderly" means any person sixty years of age or older.~~

14 ~~(6) "Handicapped" means all persons who, by reason of illness,~~
15 ~~injury, age, congenital malfunction, or other permanent or temporary~~
16 ~~incapacity or disability, are unable without special facilities or~~
17 ~~special planning or design to use mass transportation facilities and~~
18 ~~services as efficiently as persons who are not so affected.~~
19 ~~Handicapped people include (a) ambulatory persons whose capacities are~~
20 ~~hindered by sensory disabilities such as blindness or deafness, mental~~
21 ~~disabilities such as mental retardation or emotional illness, physical~~
22 ~~disability which still permits the person to walk comfortably, or a~~
23 ~~combination of these disabilities; (b) semiambulatory persons who~~
24 ~~require special aids to travel such as canes, crutches, walkers,~~
25 ~~respirators, or human assistance; and (c) nonambulatory persons who~~
26 ~~must use wheelchairs or wheelchair-like equipment to travel))~~

27 (4) "Persons with special transportation needs" means those persons
28 defined in RCW 81.66.010(4).

29 **Sec. 3.** RCW 46.74.030 and 1979 c 111 s 3 are each amended to read
30 as follows:

31 ~~((A ride-sharing))~~ The operator and the driver of a commuter
32 ride-sharing vehicle shall be held to a reasonable and ordinary
33 standard of care, and are not subject to ordinances or regulations
34 which relate exclusively to the regulation of drivers or owners of
35 motor vehicles operated for hire, or other common carriers or public
36 transit carriers.

1 **Sec. 4.** RCW 82.08.0287 and 1995 c 274 s 2 are each amended to read
2 as follows:

3 The tax imposed by this chapter shall not apply to sales of
4 passenger motor vehicles which are to be used ~~((as))~~ for commuter
5 ride((-))sharing ((vehicles)) or ride sharing for persons with special
6 transportation needs, as defined in RCW 46.74.010~~((3))~~, ~~by not less~~
7 ~~than five persons, including the driver, with a gross vehicle weight~~
8 ~~not to exceed 10,000 pounds where the primary usage is for commuter~~
9 ~~ride sharing, as defined in RCW 46.74.010(1), or by not less than four~~
10 ~~persons including the driver when at least two of those persons are~~
11 ~~confined to wheelchairs when riding, or passenger motor vehicles where~~
12 ~~the primary usage is for ride sharing for the elderly and the~~
13 ~~handicapped, as defined in RCW 46.74.010(2))~~, if the ride-sharing
14 vehicles are exempt under RCW 82.44.015 for thirty-six consecutive
15 months beginning within thirty days of application for exemption under
16 this section. If used as a ride-sharing vehicle for less than thirty-
17 six consecutive months, the registered owner of one of these vehicles
18 shall notify the department of revenue upon termination of primary use
19 of the vehicle as a ride-sharing vehicle and is liable for the tax
20 imposed by this chapter.

21 To qualify for the tax exemption, those passenger motor vehicles
22 with five or six passengers, including the driver, used for commuter
23 ride-sharing, must be operated either within the state's eight largest
24 counties that are required to develop commute trip reduction plans as
25 directed by chapter 70.94 RCW or in other counties, or cities and towns
26 within those counties, that elect to adopt and implement a commute trip
27 reduction plan. Additionally at least one of the following conditions
28 must apply: (1) The vehicle must be operated by a public
29 transportation agency for the general public; or (2) the vehicle must
30 be used by a major employer, as defined in RCW 70.94.524 as an element
31 of its commute trip reduction program for their employees; or (3) the
32 vehicle must be owned and operated by individual employees and must be
33 registered either with the employer as part of its commute trip
34 reduction program or with a public transportation agency serving the
35 area where the employees live or work. Individual employee owned and
36 operated motor vehicles will require certification that the vehicle is
37 registered with a major employer or a public transportation agency.
38 Major employers who own and operate motor vehicles for their employees
39 must certify that the commuter ride-sharing arrangement conforms to a

1 carpool/vanpool element contained within their commute trip reduction
2 program.

3 **Sec. 5.** RCW 82.36.285 and 1983 c 108 s 3 are each amended to read
4 as follows:

5 A private, nonprofit transportation provider (~~certified~~)
6 regulated under chapter 81.66 RCW shall receive a refund of the amount
7 of the motor vehicle fuel tax paid on each gallon of motor vehicle fuel
8 used to provide (~~transit~~) transportation services for (~~only elderly~~
9 ~~or handicapped persons, or both~~) persons with special transportation
10 needs, whether the vehicle fuel tax has been paid either directly to
11 the vendor from whom the motor vehicle fuel was purchased or indirectly
12 by adding the amount of the tax to the price of the fuel.

13 **Sec. 6.** RCW 82.38.080 and 1993 c 141 s 2 are each amended to read
14 as follows:

15 There is exempted from the tax imposed by this chapter, the use of
16 fuel for: (1) Street and highway construction and maintenance purposes
17 in motor vehicles owned and operated by the state of Washington, or any
18 county or municipality; (2) publicly owned fire fighting equipment; (3)
19 special mobile equipment as defined in RCW 46.04.552; (4) power pumping
20 units or other power take-off equipment of any motor vehicle which is
21 accurately measured by metering devices that have been specifically
22 approved by the department or which is established by either of the
23 following formulae: (a) Pumping propane, or fuel or heating oils or
24 milk picked up from a farm or dairy farm storage tank by a power take-
25 off unit on a delivery truck, at the rate of three-fourths of one
26 gallon for each one thousand gallons of fuel delivered or milk picked
27 up: PROVIDED, That claimant when presenting his claim to the
28 department in accordance with the provisions of this chapter, shall
29 provide to said claim, invoices of propane, or fuel or heating oil
30 delivered, or such other appropriate information as may be required by
31 the department to substantiate his claim; or (b) operating a power
32 take-off unit on a cement mixer truck or a load compactor on a garbage
33 truck at the rate of twenty-five percent of the total gallons of fuel
34 used in such a truck; and (c) the department is authorized to establish
35 by rule additional formulae for determining fuel usage when operating
36 other types of equipment by means of power take-off units when direct
37 measurement of the fuel used is not feasible. The department is also

1 authorized to adopt rules regarding the usage of on board computers for
2 the production of records required by this chapter; (5) motor vehicles
3 owned and operated by the United States government; (6) heating
4 purposes; (7) moving a motor vehicle on a public highway between two
5 pieces of private property when said moving is incidental to the
6 primary use of the motor vehicle; (8) ~~((transit))~~ transportation
7 services for ((only elderly or handicapped persons, or both,)) persons
8 with special transportation needs by a private, nonprofit
9 transportation provider ~~((certified))~~ regulated under chapter 81.66
10 RCW; and (9) notwithstanding any provision of law to the contrary,
11 every urban passenger transportation system and carriers as defined by
12 chapters 81.68 and 81.70 RCW shall be exempt from the provisions of
13 this chapter requiring the payment of special fuel taxes. For the
14 purposes of this section "urban passenger transportation system" means
15 every transportation system, publicly or privately owned, having as its
16 principal source of revenue the income from transporting persons for
17 compensation by means of motor vehicles and/or trackless trolleys, each
18 having a seating capacity for over fifteen persons over prescribed
19 routes in such a manner that the routes of such motor vehicles and/or
20 trackless trolleys, either alone or in conjunction with routes of other
21 such motor vehicles and/or trackless trolleys subject to routing by the
22 same transportation system, shall not extend for a distance exceeding
23 twenty-five road miles beyond the corporate limits of the county in
24 which the original starting points of such motor vehicles are located:
25 PROVIDED, That no refunds or credits shall be granted on fuel used by
26 any urban transportation vehicle or vehicle operated pursuant to
27 chapters 81.68 and 81.70 RCW on any trip where any portion of said trip
28 is more than twenty-five road miles beyond the corporate limits of the
29 county in which said trip originated.

30 **Sec. 7.** RCW 82.44.015 and 1993 c 488 s 3 are each amended to read
31 as follows:

32 For the purposes of this chapter, in addition to the exclusions
33 under RCW 82.44.010, "motor vehicle" shall not include~~((:—(1)))~~
34 passenger motor vehicles used primarily ((as ride-sharing vehicles))
35 for commuter ride sharing and ride sharing for persons with special
36 transportation needs, as defined in RCW 46.74.010~~((3), by not fewer~~
37 ~~than five persons, including the driver, or not fewer than four persons~~
38 ~~including the driver, when at least two of those persons are confined~~

1 to wheelchairs when riding; or (2) vehicles with a seating capacity
2 greater than fifteen persons which otherwise qualify as ride-sharing
3 vehicles under RCW 46.74.010(3) used exclusively for ride sharing for
4 the elderly or the handicapped by not fewer than seven
5 persons, including the driver. This exemption is restricted to
6 passenger motor vehicles with a gross vehicle weight not to exceed
7 10,000 pounds where the primary usage is for commuter ride-sharing as
8 defined in RCW 46.74.010(1)). The registered owner of one of these
9 vehicles shall notify the department of licensing upon termination of
10 primary use of the vehicle ((as a)) in commuter ride((-)sharing
11 ((vehicle)) or ride sharing for persons with special transportation
12 needs and shall be liable for the tax imposed by this chapter, prorated
13 on the remaining months for which the vehicle is licensed.

14 To qualify for the tax exemption, those passenger motor vehicles
15 with five or six passengers, including the driver, used for commuter
16 ride-sharing, must be operated either within the state's eight largest
17 counties that are required to develop commute trip reduction plans as
18 directed by chapter 70.94 RCW or in other counties, or cities and towns
19 within those counties, that elect to adopt and implement a commute trip
20 reduction plan. Additionally at least one of the following conditions
21 must apply: (1) The vehicle must be operated by a public
22 transportation agency for the general public; or (2) the vehicle must
23 be used by a major employer, as defined in RCW 70.94.524 as an element
24 of its commute trip reduction program for their employees; or (3) the
25 vehicle must be owned and operated by individual employees and must be
26 registered either with the employer as part of its commute trip
27 reduction program or with a public transportation agency serving the
28 area where the employees live or work. Individual employee owned and
29 operated motor vehicles will require certification that the vehicle is
30 registered with a major employer or a public transportation agency.
31 Major employers who own and operate motor vehicles for their employees
32 must certify that the commuter ride-sharing arrangement conforms to a
33 carpool/vanpool element contained within their commute trip reduction
34 program.

35 NEW SECTION. **Sec. 8.** RCW 81.66.070 and 1979 c 111 s 10 are each
36 repealed.

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