
HOUSE BILL 1510

State of Washington

67th Legislature

2021 Regular Session

By Representatives Hackney, Fey, Sutherland, Eslick, and Riccelli

Read first time 02/08/21. Referred to Committee on Transportation.

1 AN ACT Relating to establishing an exemption from certain highway
2 use requirements by nonemergency medical transportation vehicles;
3 amending RCW 46.61.165 and 47.52.025; and adding a new section to
4 chapter 46.16A RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.16A
7 RCW to read as follows:

8 (1) A for hire nonemergency medical transportation vehicle is a
9 vehicle that is a "for hire vehicle" under RCW 46.04.190 that
10 provides nonemergency medical transportation, including for life-
11 sustaining transportation purposes, to meet the medical
12 transportation needs of individuals traveling to medical practices
13 and clinics, cancer centers, dialysis facilities, hospitals, and
14 other care providers.

15 (2) The owner of a for hire nonemergency medical transportation
16 vehicle may apply to the department, county auditor or other agent,
17 or subagent appointed by the director, for a high occupancy vehicle
18 exempt decal for a for hire nonemergency medical transportation
19 vehicle. The high occupancy vehicle exempt decal allows the for hire
20 nonemergency medical transportation vehicle to use a high occupancy
21 vehicle lane as specified in RCW 46.61.165 and 47.52.025.

1 (3) For the exemption in this subsection to apply to a for hire
2 nonemergency medical transportation vehicle, the decal:

3 (a) Must be displayed on the vehicle so that it is clearly
4 visible from outside the vehicle;

5 (b) Must identify that the vehicle is exempt from the high
6 occupancy vehicle requirements; and

7 (c) Must be visible from the rear of the vehicle.

8 (4) The owner of a for hire nonemergency medical transportation
9 vehicle or the owner's representative must apply for a high occupancy
10 vehicle exempt decal on a form provided or approved by the
11 department. The application must include:

12 (a) The name and address of the person who is the owner of the
13 vehicle;

14 (b) A full description of the vehicle, including its make, model,
15 year, and the vehicle identification number;

16 (c) The purpose for which the vehicle is principally used; and

17 (d) Other information as required by the department upon
18 application.

19 (5) The department, county auditor or other agent, or subagent
20 appointed by the director shall collect the fee required under
21 subsection (6) of this section when issuing a high occupancy vehicle
22 exempt decal.

23 (6) The department, county auditor or other agent, or subagent,
24 is required to collect a \$5 fee when issuing a decal under this
25 section, in addition to any other fees and taxes required by law.

26 (7) A high occupancy vehicle exempt decal may not be renewed. The
27 status as an exempt vehicle continues until suspended or revoked for
28 misuse, or when the vehicle is no longer used as a for hire
29 nonemergency medical transportation vehicle.

30 (8) The department may adopt rules to implement this section.

31 **Sec. 2.** RCW 46.61.165 and 2019 c 467 s 3 are each amended to
32 read as follows:

33 (1) The state department of transportation and the local
34 authorities are authorized to reserve all or any portion of any
35 highway under their respective jurisdictions, including any
36 designated lane or ramp, for the exclusive or preferential use of one
37 or more of the following: (a) Public transportation vehicles; (b)
38 motorcycles; (c) private motor vehicles carrying no fewer than a
39 specified number of passengers; (~~(e)~~) (d) for hire nonemergency

1 medical transportation vehicles, when in use for medical purposes, as
2 described in section 1 of this act; or (e) the following private
3 transportation provider vehicles if the vehicle has the capacity to
4 carry eight or more passengers, regardless of the number of
5 passengers in the vehicle, and if such use does not interfere with
6 the efficiency, reliability, and safety of public transportation
7 operations: (i) Auto transportation company vehicles regulated under
8 chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated
9 under chapter 81.70 RCW, except marked or unmarked stretch limousines
10 and stretch sport utility vehicles as defined under department of
11 licensing rules; (iii) private nonprofit transportation provider
12 vehicles regulated under chapter 81.66 RCW; and (iv) private employer
13 transportation service vehicles, when such limitation will increase
14 the efficient utilization of the highway or will aid in the
15 conservation of energy resources.

16 (2) Any transit-only lanes that allow other vehicles to access
17 abutting businesses that are authorized pursuant to subsection (1) of
18 this section may not be authorized for the use of private
19 transportation provider vehicles as described under subsection (1) of
20 this section.

21 (3) The state department of transportation and the local
22 authorities authorized to reserve all or any portion of any highway
23 under their respective jurisdictions, for exclusive or preferential
24 use, may prohibit the use of a high occupancy vehicle lane by the
25 following private transportation provider vehicles: (a) Auto
26 transportation company vehicles regulated under chapter 81.68 RCW;
27 (b) passenger charter carrier vehicles regulated under chapter 81.70
28 RCW, and marked or unmarked limousines and stretch sport utility
29 vehicles as defined under department of licensing rules; (c) private
30 nonprofit transportation provider vehicles regulated under chapter
31 81.66 RCW; and (d) private employer transportation service vehicles,
32 when the average transit speed in the high occupancy vehicle lane
33 fails to meet department of transportation standards and falls below
34 forty-five miles per hour at least ninety percent of the time during
35 the peak hours, as determined by the department of transportation or
36 the local authority, whichever operates the facility.

37 (4) Regulations authorizing such exclusive or preferential use of
38 a highway facility may be declared to be effective at all times or at
39 specified times of day or on specified days. Violation of a
40 restriction of highway usage prescribed by the appropriate authority

1 under this section is a traffic infraction. A person who commits a
2 traffic infraction under this section is also subject to additional
3 monetary penalties as defined in this subsection. The additional
4 monetary penalties are separate from the base penalty, fees, and
5 assessments issued for the traffic infraction and are intended to
6 raise awareness, and improve the efficiency, of the high occupancy
7 vehicle lane system.

8 (a) Whenever a person commits a traffic infraction under this
9 section, an additional monetary penalty of fifty dollars must be
10 collected, and, in the case that a person has already committed a
11 violation under this section within two years of committing this
12 violation, then an additional one hundred fifty dollars must be
13 collected.

14 (b) Any time a person commits a traffic infraction under this
15 section and is using a dummy, doll, or other human facsimile to make
16 it appear that an additional person is in the vehicle, the person
17 must be assessed a two hundred dollar penalty, which is in addition
18 to the penalties in (a) of this subsection.

19 (c) The monetary penalties under (a) and (b) of this subsection
20 are additional, separate, and distinct penalties from the base
21 penalty and are not subject to fees or assessments specified in RCW
22 46.63.110, 3.62.090, and 2.68.040.

23 (d) (i) The additional penalties collected under (a) of this
24 subsection must be distributed as follows:

25 (A) Twenty-five percent must be deposited into the congestion
26 relief and traffic safety account created under RCW 46.68.398; and

27 (B) Seventy-five percent must be deposited into the motor vehicle
28 fund created under RCW 46.68.070.

29 (ii) The additional penalty collected under (b) of this
30 subsection must be deposited into the congestion relief and traffic
31 safety account created under RCW 46.68.398.

32 (e) Violations committed under this section are excluded from
33 eligibility as a moving violation for driver's license suspension
34 under RCW 46.20.289 when a person subsequently fails to respond to a
35 notice of traffic infraction for this moving violation, fails to
36 appear at a requested hearing for this moving violation, violates a
37 written promise to appear in court for a notice of infraction for
38 this moving violation, or fails to comply with the terms of a notice
39 of traffic infraction for this moving violation.

1 (5) Local authorities are encouraged to establish a process for
2 private transportation providers, as described under subsections (1)
3 and (3) of this section, to apply for the use of public
4 transportation facilities reserved for the exclusive or preferential
5 use of public transportation vehicles. The application and review
6 processes should be uniform and should provide for an expeditious
7 response by the local authority. Whenever practicable, local
8 authorities should enter into agreements with such private
9 transportation providers to allow for the reasonable use of these
10 facilities.

11 (6) For the purposes of this section, "private employer
12 transportation service" means regularly scheduled, fixed-route
13 transportation service that is similarly marked or identified to
14 display the business name or logo on the driver and passenger sides
15 of the vehicle, meets the annual certification requirements of the
16 department of transportation, and is offered by an employer for the
17 benefit of its employees.

18 **Sec. 3.** RCW 47.52.025 and 2013 c 26 s 3 are each amended to read
19 as follows:

20 (1) Highway authorities of the state, counties, and incorporated
21 cities and towns, in addition to the specific powers granted in this
22 chapter, shall also have, and may exercise, relative to limited
23 access facilities, any and all additional authority, now or hereafter
24 vested in them relative to highways or streets within their
25 respective jurisdictions, and may regulate, restrict, or prohibit the
26 use of such limited access facilities by various classes of vehicles
27 or traffic. Such highway authorities may reserve any limited access
28 facility or portions thereof, including designated lanes or ramps for
29 the exclusive or preferential use of (a) public transportation
30 vehicles~~((τ))~~; (b) privately owned buses~~((τ))~~; (c) motorcycles~~((τ))~~;
31 (d) for hire nonemergency medical transportation vehicles, as
32 described in section 1 of this act, when in use for medical purposes;
33 (e) private motor vehicles carrying not less than a specified number
34 of passengers~~((τ))~~; or ~~((e))~~ (f) the following private
35 transportation provider vehicles if the vehicle has the capacity to
36 carry eight or more passengers, regardless of the number of
37 passengers in the vehicle, and if such use does not interfere with
38 the efficiency, reliability, and safety of public transportation
39 operations: (i) Auto transportation company vehicles regulated under

1 chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated
2 under chapter 81.70 RCW, except marked or unmarked stretch limousines
3 and stretch sport utility vehicles as defined under department of
4 licensing rules; (iii) private nonprofit transportation provider
5 vehicles regulated under chapter 81.66 RCW; and (iv) private employer
6 transportation service vehicles, when such limitation will increase
7 the efficient utilization of the highway facility or will aid in the
8 conservation of energy resources. Regulations authorizing such
9 exclusive or preferential use of a highway facility may be declared
10 to be effective at all time or at specified times of day or on
11 specified days.

12 (2) Any transit-only lanes that allow other vehicles to access
13 abutting businesses that are reserved pursuant to subsection (1) of
14 this section may not be authorized for the use of private
15 transportation provider vehicles as described under subsection (1) of
16 this section.

17 (3) Highway authorities of the state, counties, or incorporated
18 cities and towns may prohibit the use of limited access facilities by
19 the following private transportation provider vehicles: (a) Auto
20 transportation company vehicles regulated under chapter 81.68 RCW;
21 (b) passenger charter carrier vehicles regulated under chapter 81.70
22 RCW, and marked or unmarked limousines and stretch sport utility
23 vehicles as defined under department of licensing rules; (c) private
24 nonprofit transportation provider vehicles regulated under chapter
25 81.66 RCW; and (d) private employer transportation service vehicles,
26 when the average transit speed in the high occupancy vehicle travel
27 lane fails to meet department standards and falls below forty-five
28 miles per hour at least ninety percent of the time during the peak
29 hours for two consecutive months.

30 (4) (a) Local authorities are encouraged to establish a process
31 for private transportation providers, described under subsections (1)
32 and (3) of this section, to apply for the use of limited access
33 facilities that are reserved for the exclusive or preferential use of
34 public transportation vehicles.

35 (b) The process must provide a list of facilities that the local
36 authority determines to be unavailable for use by the private
37 transportation provider and must provide the criteria used to reach
38 that determination.

39 (c) The application and review processes must be uniform and
40 should provide for an expeditious response by the authority.

1 (5) For the purposes of this section, "private employer
2 transportation service" means regularly scheduled, fixed-route
3 transportation service that is similarly marked or identified to
4 display the business name or logo on the driver and passenger sides
5 of the vehicle, meets the annual certification requirements of the
6 department, and is offered by an employer for the benefit of its
7 employees.

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