

Chapter 308-83 WAC

LIMOUSINE SERVICES

WAC

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PART 1 DEFINITIONS AND FEES

WAC 308-83-010 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter and chapter 46.72A RCW.

(1) "Amenities" means equipment or features added to a vehicle for the comfort or convenience of the occupants:

(a) "Standard amenities" means standard factory amenities normally found in passenger cars;

(b) "Nonstandard amenities" means amenities not normally found in passenger cars. These amenities may include, but are not limited to, a television, musical sound system, telephone, ice storage, refrigerator, power-operated dividers, or additional interior lighting.

(2) "Business license" or "limousine carrier business license" means a license issued under chapter 19.02 RCW, which contains an endorsement indicating the business to which the license is issued is authorized to provide limousine carrier services.

(3) "Business licensing service" means the program within the Washington state department of revenue authorized by chapter 19.02 RCW to issue the business license.

(4) "Business office" refers to the physical location where a limousine carrier business maintains its business records, as defined in WAC 308-83-130. The business office is the physical address on file with the business licensing service.

The business office is the place where the business license is posted.

(5) "Business owner" means an individual, partnership, corporation, association, or other person(s), or group that holds a substantial interest in a limousine carrier business.

(6) "Chauffeur" means a person with a valid Washington state driver license, who is also certified to drive a limousine under chapter 46.72A RCW and WAC 308-83-145. As provided by WAC 308-83-145(1), a business owner cannot assume the duties of a chauffeur unless the owner is also certified as a chauffeur.

(7) "Decal" means a sticker issued by the department to indicate the vehicle displaying the decal has a valid limousine vehicle certificate.

(8) "Department" means the Washington state department of licensing.

(9) "Dispatch log" refers to a paper or electronic record of assignments made to chauffeurs, and includes all information from the passenger manifest(s) for a given period, as well as the time each ride was arranged, passenger and carrier phone numbers used to make the arrangement, limousine, and the chauffeur assigned to the customer. The dispatch log also documents passengers referred by or to other drivers or businesses.

(10) "Disqualification" means a prohibition against driving a limousine.

(11) "Drugs" are those substances as defined by RCW 69.04.009 including, but not limited to, those substances defined by 49 C.F.R. 40.3.

(12) "Limousine" has the same meaning as in RCW 46.04.274 and includes vehicles that meet one of the following definitions:

(a) "Stretch limousine" means an automobile with a seating capacity behind the driver of not less than four passengers and not more than fourteen passengers, and a maximum wheelbase of two hundred eighty-five inches. The wheelbase has been factory or otherwise altered beyond the original manufacturer's specifications and meets standards of the United States Department of Transportation. A stretch limousine must be equipped with nonstandard amenities in the rear seating area.

(b) "Executive sedan" means a four-door sedan or crossover automobile having a seating capacity behind the driver of not more than three passengers, and a minimum wheelbase of one hundred fourteen and one-half inches. An executive sedan must at a minimum be equipped with standard amenities, and the wheelbase may not be altered.

(c) "Executive van" means a van or minivan, having a seating capacity behind the driver of not less than seven passengers and not more than fourteen passengers.

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

(e) "Executive sport utility vehicle" means a sport utility vehicle with a seating capacity behind the driver of not less than three passengers and not more than six passengers, and a minimum wheelbase of one hundred sixteen inches that has not been altered.

(f) "Stretch sport utility vehicle" means a sport utility vehicle with a seating capacity behind the driver of not less than four and not more than fourteen passengers, and a maximum wheelbase of three hundred twenty-five inches that has been factory or otherwise altered beyond the original manufacturer's specifications and meets standards of the United States Department of Transportation. A stretch sport utility vehicle must be equipped with nonstandard amenities in the rear seating area.

(13) "Limousine carrier" or "carrier" is a business licensed, or required to be licensed by the department to provide limousine services, in accordance with RCW 46.04.276 and department regulations.

(14) "Nonresident limousine carrier" refers to a limousine carrier or vehicle owner whose place of business is not in Washington state, and does not have a valid Washington state limousine carrier license.

(15) "Operate" refers to a person engaging in the business of a limousine and includes driving, occupying, or otherwise using a limousine to wait for, pick up, transport, or drop off a passenger for compensation. Specific activities included in the definition of operating a limousine are contained in WAC 308-83-210.

(16) "Passenger capacity" means the maximum number of passengers that may be carried in a vehicle as determined by using the information found on the label that is required by the United States Department of Transportation to be affixed to the vehicle under 49 C.F.R., parts 567 and 568. This label must be affixed to the vehicle in accordance to 49 C.F.R., parts 567 and 568. In absence of the label, a member of the Washington state patrol or the department may determine the passenger capacity upon visual inspection of the vehicle.

(17) "Passenger manifest" refers to a daily record that verifies prearranged trips. Specific requirements for the passenger manifest are contained in WAC 308-83-200.

(18) "Person" or "persons" means an individual, a corporation, association, sole proprietorship, joint stock association, partnership, limited liability partnership, limited liability company, or other association of people organized to conduct business. It also includes their lessees, trustees, or receivers.

(19) "Prearranged" refers to a customer or customer's agent having secured and agreed to the services and fare. Prearranged means the agreement was made prior to the time of departure and at a place different than the place of departure.

(20) "Public highway" includes every public street, road, or highway in this state.

(21) "Substance abuse professional" means an alcohol and drug specialist meeting the credentials, knowledge, training, and continuing education requirements of 49 C.F.R. 40.281.

(22) "Unified business identifier" or "UBI" is a nine digit number that registers a business with several state agencies and allows an entity to do business in Washington state. It is

sometimes called a tax registration number, a business registration number, or a business license number.

(23) "Vehicle certificate" is a document issued by the department, indicating that the vehicle is registered as a limousine. The vehicle certificate must be carried in the limousine at all times. The vehicle certificate is not the vehicle registration document.

[Statutory Authority: Chapters 46.72A, 46.04 RCW, RCW 43.24.086 and 2011 c 374. 12-02-035, § 308-83-010, filed 12/29/11, effective 2/1/12.]

WAC 308-83-020 Fees. (1) The limousine fees authorized in chapter 46.72A RCW are:

Limousine carrier business license application	\$350.00
Limousine carrier business license renewal	350.00
Vehicle certificate	75.00
Vehicle certificate renewal	75.00
Change of vehicle certificate	20.00
Duplicate vehicle certificate	20.00
Training course application	25.00

(2) Applications and renewals submitted to the business licensing service must also include the fees authorized in RCW 19.02.075 and 19.02.085.

[Statutory Authority: Chapters 46.72A, 46.04 RCW, RCW 43.24.086 and 2011 c 374. 12-02-035, § 308-83-020, filed 12/29/11, effective 2/1/12.]

PART 2 CARRIERS

WAC 308-83-100 License. (1) Applicants for a limousine carrier business license must apply through business licensing service. The department will issue a limousine carrier license only to a person who meets the requirements established in chapter 46.72A RCW and this chapter.

(2) All applications for a limousine carrier business license must be on a form approved by the business license service, and include the appropriate addendum form, chauffeur certification addendum, vehicle registration, vehicle inspection report and insurance documents. The application must be accompanied by the appropriate filing fee, as listed in WAC 308-83-020 and RCW 19.02.075.

(3) A limousine carrier business license may not be leased, assigned, or otherwise transferred.

(4) A limousine carrier business license expires annually. The department will charge additional fees when a limousine carrier business license is renewed after the expiration date, as provided under RCW 19.02.085.

(5) A limousine carrier must have a valid limousine license before it can advertise, sell, or provide limousine services.

(6) A limousine carrier conducting business under a name other than the business owner's full legal name must register its business name as a trade name with business licensing service and pay the fees as required under WAC 308-300-230 and 308-300-280.

(7) The limousine carrier business license must be posted in a conspicuous place at the business office.

[Statutory Authority: Chapters 46.72A, 46.04 RCW, RCW 43.24.086 and 2011 c 374. 12-02-035, § 308-83-100, filed 12/29/11, effective 2/1/12.]

WAC 308-83-105 Nonresident limousine carrier.

Nonresident limousine carrier business owners are subject to the same requirements and restrictions that apply to resident limousine carriers. Nonresident owners may not pick up passengers in Washington state without a valid Washington state limousine carrier business license and Washington state vehicle certificate. The department will accept nonresident insurance certificates, provided the insurance company is approved by the Washington state office of the insurance commissioner. The coverage must be valid in the state of Washington and meet, at least, the levels established in WAC 308-83-115.

[Statutory Authority: Chapters 46.72A, 46.04 RCW, RCW 43.24.086 and 2011 c 374. 12-02-035, § 308-83-105, filed 12/29/11, effective 2/1/12.]

WAC 308-83-110 Vehicle certificate and reports. (1)

A limousine carrier must obtain a vehicle certificate for each vehicle to be operated as a limousine. An application for a new vehicle certificate must include a copy of the vehicle registration. All applications for new vehicle certificates and vehicle certificate renewals must also include:

(a) A valid certificate of insurance issued in the exact name of the legal entity that appears or will appear on the business license;

(b) A current vehicle inspection report no older than four months; and

(c) The fees specified in WAC 308-83-020 and 204-95-030.

(2) The department will issue the vehicle certificate in the name of the limousine carrier. The department may allow continued operation of a limousine for up to sixty calendar days if there is a minor error (for example, misspelling) in the vehicle registration, to allow time for the department to correct the registration document.

(3) Each limousine must display a decal permanently affixed to the back of the vehicle. The decal must be located to the left of the rear license plate, easily observable, and within twelve inches of the plate. The decal must not be affixed to the license plate or a light. The carrier must remove the decal upon the transfer of vehicle ownership, or the termination of the limousine vehicle certificate.

(4) The vehicle registration must have the use class recorded as "F/H."

(5) Vehicle certificates expire. Failure to renew prior to the expiration date may result in penalty fees as provided by chapter 19.02 RCW. A limousine with an expired vehicle certificate may not continue to operate as a limousine.

(6) A request to add a new vehicle, and procure a new vehicle certificate, must be made in writing to the business licensing service and include the fee as specified in WAC 308-83-020.

(7) A request for a duplicate vehicle certificate may be made by contacting the department. A fee as specified in WAC 308-83-020 will be charged for duplicate vehicle certificates.

(8) A copy of the vehicle certificate must be carried in the vehicle at all times and must be displayed on request to any law enforcement officer or department representative.

(9) A limousine carrier must:

(a) Within four business days following a traffic collision involving any of its limousines, report the collision to

the department's regulatory office if an accident report is required or was made under the provisions of RCW 46.52.030. Before a limousine involved in a collision may return to service, the limousine carrier must forward to the department a new vehicle inspection report that was performed after the collision. This inspection may be performed by the Washington state patrol or other agency authorized by chapter 46.72A RCW to perform limousine inspections. Alternatively, the department may accept a structural inspection by an ASE Certified Master Collision Repair Technician. The department will not accept an ASE inspection for the initial or annual limousine inspection required under WAC 308-83-120.

(b) Report to the department within ten calendar days when any limousine that has been issued a vehicle certificate is taken out of service.

[Statutory Authority: Chapters 46.72A, 46.04 RCW, RCW 43.24.086 and 2011 c 374. 12-02-035, § 308-83-110, filed 12/29/11, effective 2/1/12.]

WAC 308-83-115 Insurance. (1) Limousine carriers are required to maintain liability and property damage insurance for each vehicle used by their company as noted below:

Type of Coverage	Minimum Coverage Amount
Combined single limit for bodily injury liability and property damage for one accident	\$1,050,000.00

(2) The certificate of insurance shall include the:

(a) Limousine carrier as the insured in the same manner as does or will appear on the business license;

(b) Effective and expiration dates of coverage;

(c) Name of the insurer;

(d) Name of producer;

(e) Coverage and limits;

(f) Thirty-day department notification clause;

(g) Department as certificate holder;

(h) Policy number; and

(i) Year, make, model, and vehicle identification number (VIN) of each vehicle.

(3) The insurance policy may not:

(a) Contain a deductible clause for any amount deductible, unless the policy clearly states that all claims under the policy will be paid by the insurer directly to the claimant, in full and including the deductible amount;

(b) Contain a clause restricting the insured's age in regard to insurance validity; or

(c) Be a "surplus line" policy, as determined by the office of the insurance commissioner and as described in RCW 48.15.040.

(4) In the event of cancellation of the coverage noted on the policy, the insuring company shall notify the department's limousine regulatory office not less than thirty calendar days prior to the cancellation date.

(5) All liability and property damage insurance policies issued to limousine carrier businesses shall carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(6) A copy of the certificate of insurance must be carried in the vehicle at all times.

[Statutory Authority: Chapters 46.72A, 46.04 RCW, RCW 43.24.086 and 2011 c 374. 12-02-035, § 308-83-115, filed 12/29/11, effective 2/1/12.]

WAC 308-83-120 Vehicle inspections. The vehicle inspection report must certify that the vehicle meets the following standards:

(1) The legal definition of a limousine, as defined in WAC 308-83-010; and

(2) The standards and criteria set by the Washington state patrol for vehicle inspections, as established under chapter 204-95 WAC.

[Statutory Authority: Chapters 46.72A, 46.04 RCW, RCW 43.24.086 and 2011 c 374. 12-02-035, § 308-83-120, filed 12/29/11, effective 2/1/12.]

WAC 308-83-125 Leased vehicles. (1) Prior to using a leased or rented vehicle as a limousine, the lessee must provide the department with a release-of-interest letter from the lessor.

(2) A leased or rented limousine must meet all of the requirements for a limousine vehicle certificate, as described in this chapter. The department will issue a short term, or special needs vehicle certificate that the business may use for a consecutive thirty-day period during the following consecutive four months or upon expiration of the business' limousine carrier license, whichever end date occurs sooner. The department may approve a rental or lease of less than thirty calendar days. The department may waive the required vehicle inspection for these short-term rentals or leases. However, these vehicles must be in such a condition, regarding safety, legality and appearance, as to be able to pass a WSP limousine vehicle inspection.

[Statutory Authority: Chapters 46.72A, 46.04 RCW, RCW 43.24.086 and 2011 c 374. 12-02-035, § 308-83-125, filed 12/29/11, effective 2/1/12.]

WAC 308-83-130 Records. (1) Each limousine carrier business must maintain business records, which must include, at a minimum:

- (a) Vehicle inspection reports;
- (b) Vehicle ownership registration records, including copies of records required for rental or leased vehicles;
- (c) The certificate of vehicle insurance;
- (d) Chauffeur records, as identified in WAC 308-83-140;
- (e) Records of advertising activities including, but not limited to, any contracts entered into with companies that provide advertising services;
- (f) Passenger manifests;
- (g) Dispatch logs;
- (h) Contracts for related services;
- (i) Customer payment records;
- (j) Vehicle maintenance records;
- (k) Collision and injury reports; and
- (l) Written customer comments or complaints received by the business, and responses to the complaints.

(2) A limousine carrier business must maintain records required under this section for at least three years from the date they are created or from the date they become obsolete, whichever date is later, with the exception of records required by subsection (1)(f) and (g). Records required under subsection

(1)(f) and (g) must be maintained for at least one year from the date they are created.

(3) Upon the sale or transfer of a limousine carrier business, the business records must be transferred to the new owner and become the property and responsibility of the new owner. The new owner must retain these records for at least one year after sale or transfer.

(4) All business records must be available for inspection by department representatives or enforcement officers at the limousine carriers's business office.

[Statutory Authority: Chapters 46.72A, 46.04 RCW, RCW 43.24.086 and 2011 c 374. 12-02-035, § 308-83-130, filed 12/29/11, effective 2/1/12.]

WAC 308-83-135 Audit of carrier records. (1) The department may request a carrier to provide records required by chapter 46.72A RCW and this chapter for department inspection for the purpose of determining compliance with this chapter.

(a) The department may request the business owner send copies of records to the department within fourteen calendar days of the request; or

(b) A department representative may examine the records at the carrier's business office on record with the department, or at a mutually agreed upon location. The records will be examined at a mutually agreed upon date and time that is within three business days of the department's request.

(2) Failure to provide requested records to the department shall be subject to administrative action under chapter 18.235 RCW.

[Statutory Authority: Chapters 46.72A, 46.04 RCW, RCW 43.24.086 and 2011 c 374. 12-02-035, § 308-83-135, filed 12/29/11, effective 2/1/12.]

WAC 308-83-140 Verifying chauffeur qualifications.

(1) A limousine carrier must obtain the information listed below and required under RCW 46.72A.090 for each of its chauffeurs. As provided under subsection (2)(e), (g), and (h) of this section, additional documentation will be required for all chauffeurs six months after the effective date of these rules.

(2) The documentation for each chauffeur must include:

- (a) A clear photocopy of both front and back of the chauffeur's valid Washington state driver license;
- (b) A certificate of completed chauffeur training signed by a training provider approved by the department;
- (c) Test scores for both the written and driving portions of the chauffeur training certified by the training provider;
- (d) The results of a criminal background check obtained through the Washington state patrol;
- (e) A medical certificate, from a licensed physician, validating the chauffeur's fitness to drive a limousine, using department examination criteria on a two-year renewal cycle.

Six months after the effective date of this rule, the medical certificate must be a U.S. Department of Transportation Medical Examiner's Certificate completed within the previous ninety calendar days by an examiner meeting the U.S. Department of Transportation standards under 49 C.F.R. 391.41-391.49. For chauffeurs with an approved medical examination on file, this requirement will be effective at the time of renewal, in accordance with a two-year renewal cycle;

(f) An employment record driving abstract issued by the department which is not more than sixty days old at the time of hire. If the chauffeur has resided in another state within the past five years, the chauffeur must also provide a complete driving record from the previous state(s) of residence;

(g) Six months after the effective date of this rule, documentation must include a drug test report obtained within the previous ninety days from a facility meeting the U.S. Department of Transportation standards under 49 C.F.R. 40;

(h) Six months after the effective date of this rule, documentation must include a report or certificate from a drug testing facility meeting the U.S. Department of Transportation standards under 49 C.F.R. 382.305 stating that the chauffeur is participating in a random testing program. The carrier must obtain an updated report each year before recertifying the chauffeur with the annual license renewal application under WAC 308-83-145(2).

[Statutory Authority: Chapters 46.72A, 46.04 RCW, RCW 43.24.086 and 2011 c 374, 12-02-035, § 308-83-140, filed 12/29/11, effective 2/1/12.]

WAC 308-83-145 Certifying chauffeur qualifications. (1) Any person who is hired, assumes the duties of, or acts as a chauffeur either full-time, part-time, or in an intermittent hire capacity in Washington state, including a business owner, must meet the criteria listed in RCW 46.72A-.090.

(2) Before a chauffeur operates a limousine, the limousine carrier must submit to the business licensing service a signed statement on a form provided by the department certifying that the carrier possesses the required documentation under WAC 308-83-140. The carrier must also submit a copy of both the front and back of the chauffeur's valid Washington state driver license. With each annual carrier business renewal application, the limousine carrier must submit to the business licensing service an updated chauffeur certification statement listing each chauffeur employed by or driving for the carrier.

(3) Failure to submit a chauffeur's name and required identification on the certification statement form will result in the removal of a chauffeur from the carrier's limousine license record.

(4) No limousine carrier may allow, permit, or authorize a driver to drive a limousine motor vehicle during any period:

(a) In which the carrier does not have the required proof of all items under WAC 308-83-140;

(b) In which the chauffeur has a driver license suspended, revoked, or canceled by the state, has lost the privilege to drive a limousine in this state, or has been disqualified from driving a limousine; or

(c) In which the chauffeur has more than one driver license.

[Statutory Authority: Chapters 46.72A, 46.04 RCW, RCW 43.24.086 and 2011 c 374, 12-02-035, § 308-83-145, filed 12/29/11, effective 2/1/12.]

WAC 308-83-150 Disqualification of chauffeurs. As provided under RCW 46.72A.100, a person may be disqualified from driving as a chauffeur and the director may impose any of the sanctions specified in RCW 18.235.110 on the limousine carrier if the carrier employs someone whose documentation indicates that person is not qualified. Disqualifica-

tion by the limousine carrier or the department is warranted if any of the following is true:

(1) A chauffeur fails to provide proof of meeting all of the criteria in RCW 46.72A.090 in the form and format described in WAC 308-83-140;

(2) A chauffeur is convicted of, or is found to have committed in the previous two years, two or more serious traffic violations, as defined under RCW 46.25.010(1) and WAC 308-100-130, while driving a motor vehicle of any kind;

(3) The chauffeur has had, within the previous five years, a conviction of a crime pertaining to:

(a) Prostitution;

(b) Gambling;

(c) Physical violence;

(d) Use of a machine gun in a felony (RCW 9A.12.225);

(e) Felonies not defined by Title 9A RCW, if the maximum sentence of imprisonment authorized by law upon the first conviction of such felony is twenty years or more (RCW 9.94A.035);

(f) Criminal attempt when the crime attempted is murder in the first, murder in the second, or arson in the first (RCW 9A.28.020);

(g) Criminal conspiracy when the object of the conspiratorial agreement is murder in the first (RCW 9A.28.040);

(h) Murder in the first (RCW 9A.32.030);

(i) Murder in the second (RCW 9A.32.050);

(j) Homicide by abuse (RCW 9A.32.055);

(k) Manslaughter in the first (RCW 9A.32.060);

(l) Assault in the first (RCW 9A.36.011);

(m) Assault of a child in the first (RCW 9A.36.120);

(n) Kidnapping in the first (RCW 9A.40.020);

(o) Rape in the first (RCW 9A.44.040);

(p) Rape in the second (RCW 9A.44.050);

(q) Rape of a child in the first (RCW 9A.44.073);

(r) Rape of a child in the second (RCW 9A.44.076);

(s) Child molestation in the first (RCW 9A.44.083);

(t) Arson in the first (RCW 9A.48.020);

(u) Burglary in the first (RCW 9A.52.020);

(v) Robbery in the first (RCW 9A.56.200);

(w) Rendering criminal assistance in the first if to a person who has committed or is being sought for murder in the first or any class A felony or equivalent juvenile offense (RCW 9A.76.070);

(x) Bail jumping if the person was held for, charged with, or convicted of murder in the first (RCW 9A.76.170);

(y) Leading organized crime as defined under RCW 9A.82.060 (1)(a);

(z) Malicious placement of an explosive in the first (RCW 70.74.270);

(aa) Malicious explosion of a substance in the first (RCW 70.74.280);

(bb) Malicious explosion of a substance in the second (RCW 70.74.280);

(cc) Homicide by watercraft (RCW 79A.60.050); or

(dd) Any crime directly related to the occupation of chauffeur, including: Crimes concerning honesty and integrity including, but not limited to, fraud, larceny, burglary, and extortion;

(4) A chauffeur is a registered sex offender;

(5) A chauffeur has been found to have exhibited past conduct in driving or operating a limousine that would lead

the director to reasonably conclude that the applicant will not comply with the provisions of the chapter related to driver and operator conduct and the safe operation of the vehicle;

(6) The medical examiner's certificate is expired or is incomplete or the chauffeur's physical fitness has been called into question; or

(7) A report has been received by the department under RCW 46.72A.090 that the chauffeur has received a verified positive drug test or positive alcohol confirmation test as part of the testing program conducted under 49 C.F.R. 40. A report that a chauffeur has refused a drug test, under circumstances that constitute the refusal of a federal department of transportation drug test under 49 C.F.R. 40, will be considered equivalent to a report of a verified positive drug test for the purposes of this section.

[Statutory Authority: Chapters 46.72A, 46.04 RCW, RCW 43.24.086 and 2011 c 374. 12-02-035, § 308-83-150, filed 12/29/11, effective 2/1/12.]

WAC 308-83-151 Reinstatement after disqualification. (1) The department may reinstate a chauffeur when a limousine carrier contacts the department to request reinstatement.

(2) A disqualification under WAC 308-83-150(7) remains in effect until the person undergoes a drug and alcohol assessment by a substance abuse professional meeting the requirements of 49 CFR 40, and the person presents evidence of satisfactory participation in or successful completion of a drug or alcohol treatment or education program as recommended by the substance abuse professional, and until the person has met the requirements of RCW 46.72A.090. The substance abuse professional must forward a diagnostic evaluation and treatment recommendation to the department for use in determining the person's eligibility for driving a limousine.

(3) When a chauffeur has been disqualified from operating a limousine based on a medical report under WAC 308-83-150(6), the person is not entitled to operate a limousine until the limousine carrier has received a medical examiner's certificate completed within the previous ninety calendar days by an examiner meeting the U.S. Department of Transportation standards under 49 C.F.R. 391.41-391.49. If at any time the chauffeur's physical fitness has been called into question, the department may require the person to undergo an additional physical medical examination.

(4) All costs associated with compliance with orders issued under this section are the responsibility of the chauffeur.

[Statutory Authority: Chapters 46.72A, 46.04 RCW, RCW 43.24.086 and 2011 c 374. 12-02-035, § 308-83-151, filed 12/29/11, effective 2/1/12.]

WAC 308-83-155 Reporting an unfit chauffeur. A limousine carrier must:

(1) Within four business days, report in writing to the department any driving or traffic-related incidents involving a chauffeur associated with the business. The report must include:

- (a) The chauffeur's name and driver license number;
- (b) The carrier's name, UBI number, and phone number.

(2) When available, all limousine business owners must also provide to the department notification in writing of any:

- (a) Conviction for a traffic violation; and

(b) Suspension, revocation, cancellation, or denial of driving privileges.

(3) If a limousine carrier knows that a chauffeur in his or her employ has refused to submit to drug or alcohol testing, the carrier shall, within one business day of knowing the fact, notify the department that the driver has refused to submit to the required testing.

(4) Notify the department regarding the employment status of any chauffeur who meets one or more of the conditions specified in RCW 46.72A.100 within one business day of becoming aware of the chauffeur meeting the condition(s).

[Statutory Authority: Chapters 46.72A, 46.04 RCW, RCW 43.24.086 and 2011 c 374. 12-02-035, § 308-83-155, filed 12/29/11, effective 2/1/12.]

PART 3 CHAUFFEURS

WAC 308-83-200 Prearrangement. (1) Chauffeurs must have a passenger manifest in their possession to operate a limousine:

(a) The passenger manifest must be available for immediate examination upon request from an enforcement officer. If the chauffeur is inside the limousine, the manifest must be inside the limousine. If the chauffeur is outside the limousine, the manifest must be carried by the chauffeur;

(b) The chauffeur must document with the limousine carrier business office, and note on the passenger manifest the times, to the hour and minute, when the chauffeur is on duty;

(c) Trips must be prearranged at least fifteen minutes before the passenger is scheduled to be picked up unless dispatched from a limousine carrier's business office.

(2) The passenger manifest may be a paper or electronic record and must contain information to verify prearrangement of limousine services. The records must be in English. The manifest must contain:

(a) The full name and daytime telephone number for the person who prearranged the limousine service;

(b) The time, date, and location where the passenger requested to be picked up;

(c) The destination point; and

(d) If payment was due or was prepaid.

(3) The manifest is to cover all rides that have been scheduled up to that point for that day.

(4) A limousine carrier must ensure that chauffeurs operating limousines do not:

(a) Pick up persons who have not prearranged services;

(b) Load passengers or their luggage into their vehicle without having a passenger manifest that includes the customer information for that passenger;

(c) Ask persons on the street if they want to hire the limousine or try to attract customers for immediate services;

(d) Use a third-party to provide passengers for them as a substitute for prearranging the service. This section does not preclude hotels from contracting with limousine carriers to prearrange rides for guests;

(e) Stand near doors or walkways to businesses or transportation centers in a manner so that persons must walk around them to enter or exit;

(f) Touch members of the public or touch their luggage or packages without consent; or

(g) Park and leave the limousine in a designated passenger load zone or overstay the time limit within a passenger load zone.

[Statutory Authority: Chapters 46.72A, 46.04 RCW, RCW 43.24.086 and 2011 c 374. 12-02-035, § 308-83-200, filed 12/29/11, effective 2/1/12.]

WAC 308-83-210 Operating a limousine. (1) A chauffeur is considered to be engaged in operating a limousine when:

(a) The chauffeur has documented with the limousine carrier business office the times when the chauffeur is on duty, which includes start and end of shift, meal breaks, and personal use of the vehicle;

(b) The chauffeur is displaying a sign showing the name of the passenger for whom the chauffeur is waiting, while sitting in a parked limousine or standing away from the vehicle;

(c) The chauffeur has a passenger manifest showing the prearranged passenger name;

(d) The chauffeur's limousine is parked, stopped, or standing:

(i) In a designated passenger load zone, or public or private short-term parking area located in the same or adjacent block of any transportation company, hotel, restaurant, sport stadium, convention center, or any other business that is regularly serviced by limousines; or

(ii) In a public street located in the same or adjacent block of any transportation company, hotel, restaurant, sport stadium, convention center, or any other business that is regularly serviced by limousines;

(e) The chauffeur is present for more than thirty minutes on the sidewalk or any public place located in the same or adjacent block of any transportation company, hotel, restaurant, sport stadium, convention center, or any other business that is regularly serviced by limousines; or

(f) The chauffeur offers transportation services to persons including, but is not limited to:

(i) Asking whether a person wants or needs a ride; asking whether a person wants or needs a cab, taxi or taxicab;

(ii) Stating to the person that the person can arrange for the chauffeur's service by calling a telephone number;

(iii) Asking whether the person is going to the airport or another destination;

(iv) Informing the person that the chauffeur has a vehicle available;

(v) Stating that the price for a trip is the same as a taxicab;

(vi) Stating a price to a person;

(vii) Reaching for or touching the person's bags or luggage;

(viii) Motioning for a person to come;

(ix) Honking a horn at a person; or

(x) Using any similar action or speech that a reasonable person would interpret as offering transportation services.

(2) At all times of operation, chauffeurs must carry on their person a valid Washington state driver license and present it upon request to any enforcement officer.

(3) Any chauffeur accepting payment at the time of a trip must provide a written receipt to the payor immediately upon payment or completion of the trip, showing:

(a) The name, UBI number, and phone number of the carrier business;

(12/29/11)

(b) The name of the chauffeur conducting the trip;

(c) All fees and costs charged to the customers for their specific services;

(d) Pickup and drop-off date, time, and location.

[Statutory Authority: Chapters 46.72A, 46.04 RCW, RCW 43.24.086 and 2011 c 374. 12-02-035, § 308-83-210, filed 12/29/11, effective 2/1/12.]

PART 4 TRAINING PROVIDERS

WAC 308-83-300 Training course. Each training provider must have their chauffeur training course approved by the department before engaging in training of chauffeurs. Providers must have their course approved even if they believe it is the same course used by another training provider.

(1) To ensure the quality of the training given, the department will provide written guidelines concerning course content. A training course acceptable to the department must include at least all of the following components:

(a) The National Safety Council Defensive Driving course;

(b) Situational awareness;

(c) Knowledge of local surrounding area;

(d) Laws and regulations pertaining to limousines;

(e) Two hours of riding with a qualified limousine driver as an observer;

(f) Three hours of street driving training during daylight hours;

(g) Three hours of street driving training during hours of darkness;

(h) Comprehensive written examination, administered in the chauffeur's preferred language if practicable; and

(i) Driving skills examination.

(2) Courses which are submitted for approval must include a comprehensive examination(s) and answer key(s) of no fewer than fifteen questions for each training component listed in subsection (1) of this section, for a minimum of sixty questions. The course review submission must include a plan for cycling through the list of sixty questions to alter the examination from time to time, but still present at least five questions from each training component to a trainee at the course examination phase. The plan should also describe methods of keeping the examination questions and answers relatively secure from distribution outside the training environment.

(3) The passing score for each examination must be at least seventy percent correct answers.

(4) The provider's course application shall identify learning objectives and include a detailed course outline with any curriculum revision dates.

(5) Upon request by the department, the provider shall provide copies of materials used in the course such as textbooks and videos.

(6) Changes to course curriculum must be approved by the department prior to use.

[Statutory Authority: Chapters 46.72A, 46.04 RCW, RCW 43.24.086 and 2011 c 374. 12-02-035, § 308-83-300, filed 12/29/11, effective 2/1/12.]

WAC 308-83-310 Training course approval withdrawn. Effective April 30, 2012, the department withdraws

approval of all limousine chauffeur training course applications approved by the department prior to January 1, 2012.

Chauffeurs with training certificates issued by a department-approved provider prior to January 1, 2012, are not required to be retrained as a result of this section.

[Statutory Authority: Chapters 46.72A, 46.04 RCW, RCW 43.24.086 and 2011 c 374. 12-02-035, § 308-83-310, filed 12/29/11, effective 2/1/12.]

WAC 308-83-320 Training records. (1) The training provider must maintain individual student records. Student records shall document for each student:

- (a) Course starting and completion dates;
- (b) The dates and times for each session attended by the student;
- (c) The number of hours spent on each component of instruction covered;
- (d) Scores for both the written and driving examinations; and
- (e) The name and signature of the instructor who provided each session of instruction or training.

(2) Student records must be maintained by the training provider for three years from the date instruction or training ended and must be made available for inspection at the request of the department.

(3) Upon satisfactory completion of all components of the training course, the training provider must issue to the student a dated and numbered certificate of completion on a form prescribed by the department. The certificate must be signed by the training provider. A certificate issued under this subsection must be retained by the student and used to demonstrate to the carrier that the chauffeur has met the minimum requirements required under WAC 308-83-140 (2)(b) and (c).

[Statutory Authority: Chapters 46.72A, 46.04 RCW, RCW 43.24.086 and 2011 c 374. 12-02-035, § 308-83-320, filed 12/29/11, effective 2/1/12.]