

**WAC 480-30-016 Determination of authority.** (1) In some instances, a person desiring to transport passengers may be subject to regulation as an auto transportation company under the provisions of chapter 81.68 RCW, a charter and excursion carrier under the provisions of chapter 81.70 RCW, or both chapters, depending on the nature of the services offered and provided.

(2) When determining whether operations require an auto transportation or charter and excursion certificate the commission will consider factors including, but not limited to:

(a) What is the nature of the proposed transportation service?

(b) What is the origin and destination of the proposed transportation?

(c) Who will provide the service?

(d) Who will pay for the service?

(e) How will the rates be assessed? (Time of use, mileage or distance, passenger fares, flat fee, other.)

(f) How will the service be provided?

(g) Will the service be offered to the public?

(h) Will a passenger or group of passengers have exclusive use of the vehicle or will there be shared rides or mixed use?

(i) What type and size vehicle(s) will be used to provide the service?

(j) Who will own the vehicle(s)?

(k) Who will be responsible for the operation and control of the vehicle(s)?

(3) Any person may submit to the commission a detailed written description of a proposed service to transport passengers and request an informal staff determination of the authority required to provide the described service.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-016, filed 6/8/06, effective 7/9/06.]