

HOUSE BILL REPORT

SSB 6699

As Reported By House Committee On:

Transportation

Title: An act relating to transportation of persons with special transportation needs.

Brief Description: Facilitating transportation of persons with special transportation needs.

Sponsors: Senate Committee on Transportation (originally sponsored by Senator Prince).

Brief History:

Committee Activity:

Transportation: 2/15/96, 2/20/96 [DPA].

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended. Signed by 25 members: Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Buck; Cairnes; Chopp; Elliot; Hankins; Horn; Johnson; McMahan; Ogden; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott; Sterk and Tokuda.

Staff: Mary McLaughlin (786-7309).

Background: There are two types of ride sharing, commuter ride sharing and ride sharing for the elderly and handicapped. Ride sharing for the elderly and handicapped is provided by a public social service agency or private, nonprofit transportation provider in a car pool or van pool with a seating capacity of 15 persons, including the driver. A ride-sharing vehicle is a passenger vehicle with a seating capacity of not more than 15, including the driver, used for commuter ride sharing or ride sharing for the handicapped or elderly.

A private, nonprofit transportation provider transports the elderly (60 years old) and handicapped and their assistants for compensation. Handicapped persons fall into three categories: (1) ambulatory persons who are blind, deaf, have a mental disability such as mental retardation or emotional illness, or a physical disability that still allows the individual to walk comfortably; (2) semiambulatory persons who require special

aids such as canes, crutches, walkers, respirators or human assistance; and (3) nonambulatory persons who must use wheelchairs.

Nonprofit transportation providers are regulated by the Utilities and Transportation Commission (UTC) under the most relaxed entry standard of fit, willing and able. Nonprofit providers are subject to the insurance and safety requirements of the commission. There is no rate regulation; however, if the carrier charges fees for transportation services, a tariff must be filed. Few nonprofit providers charge a fee because their main source of operating revenue is contracts with transit agencies; local area organizations, such as the Council on Aging; the Department of Social and Health Services; Medicare and Medicaid. Capital grants from the Federal Transit Administration are used for the purchase of vehicles.

Vehicles operated as ride-sharing vehicles are exempt from the retail sales tax and motor vehicle excise tax (MVET) when used for (1) commuter ride sharing by not fewer than five people, including the driver, or no fewer than four persons, including the driver when at least two of those persons are confined to wheelchairs; or (2) ride sharing for the elderly and handicapped. The MVET exemption applies to vehicles with a gross weight of 10,000 pounds or less. Because of special rider equipment required by the Americans with Disabilities Act (ADA), some vehicles exceed the 10,000 pound limit. Nonprofit transportation providers are eligible for gas and diesel fuel tax rebates.

Liability insurance ("reasonable and ordinary standard of care") is required for ride-sharing operations. Operators are exempt from regulations governing drivers and owners of for-hire vehicles, common carriers, or public transit carriers. This same language is duplicated in the private, nonprofit transportation providers statutes, even though nonprofits are part of the ride-sharing statutes.

Summary of Amended Bill: The term "elderly or handicapped" is replaced with "persons with special transportation needs," and the terms "elderly" and "handicapped" are removed from the definition of ride sharing and private, nonprofit transportation providers. "Persons with special transportation needs" are individuals (and personal attendants) who, because of physical or mental disability, income status, or age, are unable to transport themselves or to purchase appropriate transportation.

"Commuter ride sharing" is conducted in a passenger vehicle with (1) a gross weight not to exceed 10,000 pounds, excluding special rider equipment; and (2) a seating capacity not to exceed 15 persons that is used by (a) no fewer than five people, including the driver, or (b) four persons, including the driver, when at least two persons are confined to wheelchairs (current language used for the ride-sharing MVET and sales tax exemption).

The Department of Licensing (DOL) is charged with developing a definition of "ride sharing for persons with special transportation needs." The definition is to include small buses, cutaways, and modified vans that are a maximum of 28 feet in length.

The language setting forth the liability insurance provisions and driver/owner qualifications is (1) repealed for nonprofit transportation providers as this is already addressed in other nonprofit transportation provider statutes; and (2) modified in the commuter ride-sharing statutes to clarify that the provisions apply to commuter ride sharing only.

Amended Bill Compared to Substitute Bill: The striking amendment makes technical changes to further clarify original intent and current law. Commuter ride-sharing vehicles weigh less than 10,001 pounds, and ride sharing vehicles for persons with special transportation needs are 28 feet or less in length. Liability insurance requirements apply only to commuter ride sharing (nonprofit providers are addressed in a different statute).

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill updates the ride share statutes to reflect the provisions of the ADA and provides consistency in the MVET, sales tax, and fuel tax exemptions.

Testimony Against: None.

Testified: Cathy Silins, Department of Transportation.