

# SENATE BILL REPORT

## SSB 6699

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As Passed Senate, February 9, 1996

**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: 2/5/96, 2/6/96 [DPS].

Passed Senate, 2/9/96, 46-0.

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 6699 be substituted therefor, and the substitute bill do pass.

Signed by Senators Owen, Chair; Goings, Oke, Prentice, Prince, Rasmussen, Sellar and Wood.

**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 a fee for transportation services, a tariff must be filed. Few nonprofit providers charge a fee as their main source of operating revenue is contracts with transit agencies, local area organizations, such as the Council on Aging, and the Department of Social and Health Services. 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 less than five people, including the driver, or not less 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 10,000 pounds or less. Because of special rider equipment required by the Americans with Disabilities Act, 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 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.

The Department of Licensing (DOL) is charged with developing a definition of "ride-sharing vehicle." The definition is to include small buses, cutaways, and modified vans that are a maximum of 28 feet in length that are used for (1) commuter ride sharing by not less than five people, including the driver, or not less than four persons, including the driver when at least two of those persons are confined to wheelchairs; or (2) ride sharing for person with special transportation needs.

The MVET exemption that applies to commuter ride sharing and private nonprofit transportation provider vehicles weighing 10,000 pounds or less, is expanded to exclude special rider equipment.

The language setting forth the liability insurance provisions and driver/owner qualifications is repealed as this same requirement is contained in the ride sharing statutes.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This statute cleanup will better reflect the provisions of the ADA and administration of the ride sharing provisions.

**Testimony Against:** None.

**Testified:** Karl Johanson, Council on Aging (pro); Cathy Silins, WSDOT (pro); Cherie Tessier, People First of WA (pro); Teresa Osinski, WUTC.

**House Amendment(s):** 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).