
SUBSTITUTE SENATE BILL 6699

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Transportation (originally sponsored by Senator Prince)

Read first time 02/06/96.

1 AN ACT Relating to transportation of persons with special
2 transportation needs; amending RCW 81.66.010, 46.74.010, 82.08.0287,
3 82.36.285, 82.38.080, and 82.44.015; and repealing RCW 81.66.070.

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

5 **Sec. 1.** RCW 81.66.010 and 1979 c 111 s 4 are each amended to read
6 as follows:

7 The definitions set forth in this section shall apply throughout
8 this chapter, unless the context clearly indicates otherwise.

9 (1) "Corporation" means a corporation, company, association, or
10 joint stock association.

11 (2) "Person" means an individual, firm, or a copartnership.

12 (3) "Private, nonprofit transportation provider" means any private,
13 nonprofit corporation providing transportation services for
14 compensation solely to ~~((elderly or handicapped persons and their~~
15 ~~attendants))~~ persons with special transportation needs.

16 (4) ~~(("Elderly" means any person sixty years of age or older.~~

17 ~~(5) "Handicapped" means all persons who, by reason of illness,~~
18 ~~injury, age, congenital malfunction, or other permanent or temporary~~
19 ~~incapacity or disability, are unable without special facilities or~~

1 ~~special planning or design to use mass transportation facilities and~~
2 ~~services as efficiently as persons who are not so affected.~~
3 ~~Handicapped people include (a) ambulatory persons whose capacities are~~
4 ~~hindered by sensory disabilities such as blindness or deafness, mental~~
5 ~~disabilities such as mental retardation or emotional illness, physical~~
6 ~~disability which still permits the person to walk comfortably, or a~~
7 ~~combination of these disabilities; (b) semiambulatory persons who~~
8 ~~require special aids to travel such as canes, crutches, walkers,~~
9 ~~respirators, or human assistance; and (c) nonambulatory persons who~~
10 ~~must use wheelchairs or wheelchair-like equipment to travel))~~ "Persons
11 with special transportation needs" means those persons, including their
12 personal attendants, who because of physical or mental disability,
13 income status, or age are unable to transport themselves or to purchase
14 appropriate transportation.

15 **Sec. 2.** RCW 46.74.010 and 1979 c 111 s 1 are each amended to read
16 as follows:

17 The definitions set forth in this section shall apply throughout
18 this chapter, unless the context clearly indicates otherwise.

19 (1) "Commuter ride sharing" means a car pool or van pool
20 arrangement whereby a fixed group not exceeding fifteen persons
21 including passengers and driver, is transported between their places of
22 abode or termini near such places, and their places of employment or
23 educational or other institutions, in a single daily round trip where
24 the driver is also on the way to or from his or her place of employment
25 or educational or other institution.

26 (2) "Ride sharing for ~~((the elderly and the handicapped))~~ persons
27 with special transportation needs" means a car pool or van pool
28 arrangement whereby a group of ~~((elderly and/or handicapped))~~ persons
29 with special transportation needs, and their attendants, ~~((not~~
30 ~~exceeding fifteen persons including passengers and driver,))~~ is
31 transported by a public social service agency or a private, nonprofit
32 transportation provider as defined in RCW 81.66.010(3): PROVIDED, That
33 the driver need not be ~~((neither elderly nor handicapped))~~ a person
34 with special transportation needs.

35 (3) "Ride-sharing vehicle" means a passenger motor vehicle ~~((with~~
36 ~~a seating capacity not exceeding fifteen persons including the driver))~~
37 as defined by the department to include small buses, cutaways, and
38 modified vans not more than twenty-eight feet long, while being used

1 (a) for commuter ride sharing by not fewer than five persons, including
2 the driver, or not fewer than four persons including the driver, when
3 at least two of those persons are confined to wheelchairs when riding,
4 or (b) for ride sharing for ((the elderly and the handicapped)) persons
5 with special transportation needs.

6 (4) "Ride-sharing operator" means the person, entity, or concern,
7 not necessarily the driver, responsible for the existence and
8 continuance of commuter ride sharing or ride sharing for ((the elderly
9 and the handicapped)) persons with special transportation needs.

10 (5) (~~"Elderly" means any person sixty years of age or older.~~

11 ~~(6) "Handicapped" means all persons who, by reason of illness,~~
12 ~~injury, age, congenital malfunction, or other permanent or temporary~~
13 ~~incapacity or disability, are unable without special facilities or~~
14 ~~special planning or design to use mass transportation facilities and~~
15 ~~services as efficiently as persons who are not so affected.~~
16 ~~Handicapped people include (a) ambulatory persons whose capacities are~~
17 ~~hindered by sensory disabilities such as blindness or deafness, mental~~
18 ~~disabilities such as mental retardation or emotional illness, physical~~
19 ~~disability which still permits the person to walk comfortably, or a~~
20 ~~combination of these disabilities; (b) semiambulatory persons who~~
21 ~~require special aids to travel such as canes, crutches, walkers,~~
22 ~~respirators, or human assistance; and (c) nonambulatory persons who~~
23 ~~must use wheelchairs or wheelchair-like equipment to travel)) "Persons~~
24 with special transportation needs" means those persons defined in RCW
25 81.66.010(4).

26 **Sec. 3.** RCW 82.08.0287 and 1995 c 274 s 2 are each amended to read
27 as follows:

28 The tax imposed by this chapter shall not apply to sales of
29 passenger motor vehicles which are to be used as ride-sharing vehicles,
30 as defined in RCW 46.74.010(3), (~~by not less than five persons,~~
31 ~~including the driver, with a gross vehicle weight not to exceed 10,000~~
32 ~~pounds where the primary usage is for commuter ride sharing, as defined~~
33 ~~in RCW 46.74.010(1), or by not less than four persons including the~~
34 ~~driver when at least two of those persons are confined to wheelchairs~~
35 ~~when riding, or passenger motor vehicles where the primary usage is for~~
36 ~~ride sharing for the elderly and the handicapped, as defined in RCW~~
37 ~~46.74.010(2),)) if the ride-sharing vehicles are exempt under RCW
38 82.44.015 for thirty-six consecutive months beginning within thirty~~

1 days of application for exemption under this section. If used as a
2 ride-sharing vehicle for less than thirty-six consecutive months, the
3 registered owner of one of these vehicles shall notify the department
4 of revenue upon termination of primary use of the vehicle as a ride-
5 sharing vehicle and is liable for the tax imposed by this chapter.

6 To qualify for the tax exemption, those passenger motor vehicles
7 with five or six passengers, including the driver, used for commuter
8 ride-sharing, must be operated either within the state's eight largest
9 counties that are required to develop commute trip reduction plans as
10 directed by chapter 70.94 RCW or in other counties, or cities and towns
11 within those counties, that elect to adopt and implement a commute trip
12 reduction plan. Additionally at least one of the following conditions
13 must apply: (1) The vehicle must be operated by a public
14 transportation agency for the general public; or (2) the vehicle must
15 be used by a major employer, as defined in RCW 70.94.524 as an element
16 of its commute trip reduction program for their employees; or (3) the
17 vehicle must be owned and operated by individual employees and must be
18 registered either with the employer as part of its commute trip
19 reduction program or with a public transportation agency serving the
20 area where the employees live or work. Individual employee owned and
21 operated motor vehicles will require certification that the vehicle is
22 registered with a major employer or a public transportation agency.
23 Major employers who own and operate motor vehicles for their employees
24 must certify that the commuter ride-sharing arrangement conforms to a
25 carpool/vanpool element contained within their commute trip reduction
26 program.

27 **Sec. 4.** RCW 82.36.285 and 1983 c 108 s 3 are each amended to read
28 as follows:

29 A private, nonprofit transportation provider ~~((certified))~~
30 regulated under chapter 81.66 RCW shall receive a refund of the amount
31 of the motor vehicle fuel tax paid on each gallon of motor vehicle fuel
32 used to provide ~~((transit))~~ transportation services for ~~((only elderly~~
33 ~~or handicapped persons, or both))~~ persons with special transportation
34 needs, whether the vehicle fuel tax has been paid either directly to
35 the vendor from whom the motor vehicle fuel was purchased or indirectly
36 by adding the amount of the tax to the price of the fuel.

1 **Sec. 5.** RCW 82.38.080 and 1993 c 141 s 2 are each amended to read
2 as follows:

3 There is exempted from the tax imposed by this chapter, the use of
4 fuel for: (1) Street and highway construction and maintenance purposes
5 in motor vehicles owned and operated by the state of Washington, or any
6 county or municipality; (2) publicly owned fire fighting equipment; (3)
7 special mobile equipment as defined in RCW 46.04.552; (4) power pumping
8 units or other power take-off equipment of any motor vehicle which is
9 accurately measured by metering devices that have been specifically
10 approved by the department or which is established by either of the
11 following formulae: (a) Pumping propane, or fuel or heating oils or
12 milk picked up from a farm or dairy farm storage tank by a power take-
13 off unit on a delivery truck, at the rate of three-fourths of one
14 gallon for each one thousand gallons of fuel delivered or milk picked
15 up: PROVIDED, That claimant when presenting his claim to the
16 department in accordance with the provisions of this chapter, shall
17 provide to said claim, invoices of propane, or fuel or heating oil
18 delivered, or such other appropriate information as may be required by
19 the department to substantiate his claim; or (b) operating a power
20 take-off unit on a cement mixer truck or a load compactor on a garbage
21 truck at the rate of twenty-five percent of the total gallons of fuel
22 used in such a truck; and (c) the department is authorized to establish
23 by rule additional formulae for determining fuel usage when operating
24 other types of equipment by means of power take-off units when direct
25 measurement of the fuel used is not feasible. The department is also
26 authorized to adopt rules regarding the usage of on board computers for
27 the production of records required by this chapter; (5) motor vehicles
28 owned and operated by the United States government; (6) heating
29 purposes; (7) moving a motor vehicle on a public highway between two
30 pieces of private property when said moving is incidental to the
31 primary use of the motor vehicle; (8) ~~((transit))~~ transportation
32 ~~services for ((only elderly or handicapped persons, or both,))~~ persons
33 with special transportation needs by a private, nonprofit
34 transportation provider ~~((certified))~~ regulated under chapter 81.66
35 RCW; and (9) notwithstanding any provision of law to the contrary,
36 every urban passenger transportation system and carriers as defined by
37 chapters 81.68 and 81.70 RCW shall be exempt from the provisions of
38 this chapter requiring the payment of special fuel taxes. For the
39 purposes of this section "urban passenger transportation system" means

1 every transportation system, publicly or privately owned, having as its
2 principal source of revenue the income from transporting persons for
3 compensation by means of motor vehicles and/or trackless trolleys, each
4 having a seating capacity for over fifteen persons over prescribed
5 routes in such a manner that the routes of such motor vehicles and/or
6 trackless trolleys, either alone or in conjunction with routes of other
7 such motor vehicles and/or trackless trolleys subject to routing by the
8 same transportation system, shall not extend for a distance exceeding
9 twenty-five road miles beyond the corporate limits of the county in
10 which the original starting points of such motor vehicles are located:
11 PROVIDED, That no refunds or credits shall be granted on fuel used by
12 any urban transportation vehicle or vehicle operated pursuant to
13 chapters 81.68 and 81.70 RCW on any trip where any portion of said trip
14 is more than twenty-five road miles beyond the corporate limits of the
15 county in which said trip originated.

16 **Sec. 6.** RCW 82.44.015 and 1993 c 488 s 3 are each amended to read
17 as follows:

18 For the purposes of this chapter, in addition to the exclusions
19 under RCW 82.44.010, "motor vehicle" shall not include: (1) Passenger
20 motor vehicles used primarily as ride-sharing vehicles, as defined in
21 RCW 46.74.010(3)~~((, by not fewer than five persons, including the
22 driver, or not fewer than four persons including the driver, when at
23 least two of those persons are confined to wheelchairs when riding; or
24 (2) vehicles with a seating capacity greater than fifteen persons which
25 otherwise qualify as ride sharing vehicles under RCW 46.74.010(3) used
26 exclusively for ride sharing for the elderly or the handicapped by not
27 fewer than seven persons, including the driver))~~. This exemption is
28 restricted to passenger motor vehicles with a gross vehicle weight not
29 to exceed 10,000 pounds, excluding special rider equipment, where the
30 primary usage is for commuter ride-sharing as defined in RCW
31 46.74.010(1). The registered owner of one of these vehicles shall
32 notify the department of licensing upon termination of primary use of
33 the vehicle as a ride-sharing vehicle and shall be liable for the tax
34 imposed by this chapter, prorated on the remaining months for which the
35 vehicle is licensed.

36 To qualify for the tax exemption, those passenger motor vehicles
37 with five or six passengers, including the driver, used for commuter
38 ride-sharing, must be operated either within the state's eight largest

1 counties that are required to develop commute trip reduction plans as
2 directed by chapter 70.94 RCW or in other counties, or cities and towns
3 within those counties, that elect to adopt and implement a commute trip
4 reduction plan. Additionally at least one of the following conditions
5 must apply: (1) The vehicle must be operated by a public
6 transportation agency for the general public; or (2) the vehicle must
7 be used by a major employer, as defined in RCW 70.94.524 as an element
8 of its commute trip reduction program for their employees; or (3) the
9 vehicle must be owned and operated by individual employees and must be
10 registered either with the employer as part of its commute trip
11 reduction program or with a public transportation agency serving the
12 area where the employees live or work. Individual employee owned and
13 operated motor vehicles will require certification that the vehicle is
14 registered with a major employer or a public transportation agency.
15 Major employers who own and operate motor vehicles for their employees
16 must certify that the commuter ride-sharing arrangement conforms to a
17 carpool/vanpool element contained within their commute trip reduction
18 program.

19 NEW SECTION. **Sec. 7.** RCW 81.66.070 and 1979 c 111 s 10 are each
20 repealed.

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