
SENATE BILL 6699

State of Washington

54th Legislature

1996 Regular Session

By Senator Prince

Read first time 01/24/96. Referred to Committee on Transportation.

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

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 81.66.070 and 1979 c 111 s 10 are each amended to read
16 as follows:

17 ~~((The provisions of this chapter shall not affect the))~~ A private,
18 nonprofit transportation provider shall be held to a reasonable and
19 ordinary standard of care, ((as set forth in RCW 46.74.030, to which a
20 private, nonprofit transportation provider shall be held)) and is not
21 subject to an ordinance or regulation that relates exclusively to the
22 regulation of drivers or owners of motor vehicles operated for hire, or
23 other common carriers or public transit services.

24 **Sec. 3.** RCW 46.74.010 and 1979 c 111 s 1 are each amended to read
25 as follows:

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

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

35 (2) "Ride sharing for ~~((the elderly and the handicapped))~~ persons
36 with special transportation needs" means a car pool or van pool
37 arrangement whereby a group of ~~((elderly and/or handicapped))~~ persons

1 with special transportation needs, and their attendants, ((not
2 exceeding fifteen persons including passengers and driver,)) is
3 transported by a public social service agency or a private, nonprofit
4 transportation provider as defined in RCW 81.66.010(3): PROVIDED, That
5 the driver need not be ((neither elderly nor handicapped)) a person
6 with special transportation needs.

7 (3) "Ride-sharing vehicle" means a passenger motor vehicle ((with
8 a seating capacity not exceeding fifteen persons including the driver))
9 as defined by the utilities and transportation commission to include
10 small buses, cutaways, and modified vans not more than twenty-eight
11 feet long, while being used for commuter ride sharing by not fewer than
12 five persons, including the driver, or not fewer than four persons
13 including the driver, when at least two of those persons are confined
14 to wheelchairs when riding, or for ride sharing for ((the elderly and
15 the handicapped)) persons with special transportation needs.

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

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

21 (6) "Handicapped" means all persons who, by reason of illness,
22 injury, age, congenital malfunction, or other permanent or temporary
23 incapacity or disability, are unable without special facilities or
24 special planning or design to use mass transportation facilities and
25 services as efficiently as persons who are not so affected.
26 Handicapped people include (a) ambulatory persons whose capacities are
27 hindered by sensory disabilities such as blindness or deafness, mental
28 disabilities such as mental retardation or emotional illness, physical
29 disability which still permits the person to walk comfortably, or a
30 combination of these disabilities; (b) semiambulatory persons who
31 require special aids to travel such as canes, crutches, walkers,
32 respirators, or human assistance; and (c) nonambulatory persons who
33 must use wheelchairs or wheelchair-like equipment to travel)) "Persons
34 with special transportation needs" means those persons defined in RCW
35 81.66.010(4).

36 **Sec. 4.** RCW 82.08.0287 and 1995 c 274 s 2 are each amended to read
37 as follows:

1 The tax imposed by this chapter shall not apply to sales of
2 passenger motor vehicles which are to be used as ride-sharing vehicles,
3 as defined in RCW 46.74.010(3), by not less than five persons,
4 including the driver, with a gross vehicle weight not to exceed 10,000
5 pounds where the primary usage is for commuter ride-sharing, as defined
6 in RCW 46.74.010(1), or by not less than four persons including the
7 driver when at least two of those persons are confined to wheelchairs
8 when riding, or passenger motor vehicles where the primary usage is for
9 ride-sharing for ~~((the elderly and the handicapped))~~ persons with
10 special transportation needs, as defined in RCW 46.74.010(2), if the
11 ride-sharing vehicles are exempt under RCW 82.44.015 for thirty-six
12 consecutive months beginning within thirty days of application for
13 exemption under this section. If used as a ride-sharing vehicle for
14 less than thirty-six consecutive months, the registered owner of one of
15 these vehicles shall notify the department of revenue upon termination
16 of primary use of the vehicle as a ride-sharing vehicle and is liable
17 for the tax imposed by this chapter.

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

1 **Sec. 5.** RCW 82.36.285 and 1983 c 108 s 3 are each amended to read
2 as follows:

3 A private, nonprofit transportation provider (~~certified~~)
4 regulated under chapter 81.66 RCW shall receive a refund of the amount
5 of the motor vehicle fuel tax paid on each gallon of motor vehicle fuel
6 used to provide (~~transit~~) transportation services for (~~only elderly~~
7 ~~or handicapped persons, or both~~) persons with special transportation
8 needs, whether the vehicle fuel tax has been paid either directly to
9 the vendor from whom the motor vehicle fuel was purchased or indirectly
10 by adding the amount of the tax to the price of the fuel.

11 **Sec. 6.** RCW 82.38.080 and 1993 c 141 s 2 are each amended to read
12 as follows:

13 There is exempted from the tax imposed by this chapter, the use of
14 fuel for: (1) Street and highway construction and maintenance purposes
15 in motor vehicles owned and operated by the state of Washington, or any
16 county or municipality; (2) publicly owned fire fighting equipment; (3)
17 special mobile equipment as defined in RCW 46.04.552; (4) power pumping
18 units or other power take-off equipment of any motor vehicle which is
19 accurately measured by metering devices that have been specifically
20 approved by the department or which is established by either of the
21 following formulae: (a) Pumping propane, or fuel or heating oils or
22 milk picked up from a farm or dairy farm storage tank by a power take-
23 off unit on a delivery truck, at the rate of three-fourths of one
24 gallon for each one thousand gallons of fuel delivered or milk picked
25 up: PROVIDED, That claimant when presenting his claim to the
26 department in accordance with the provisions of this chapter, shall
27 provide to said claim, invoices of propane, or fuel or heating oil
28 delivered, or such other appropriate information as may be required by
29 the department to substantiate his claim; or (b) operating a power
30 take-off unit on a cement mixer truck or a load compactor on a garbage
31 truck at the rate of twenty-five percent of the total gallons of fuel
32 used in such a truck; and (c) the department is authorized to establish
33 by rule additional formulae for determining fuel usage when operating
34 other types of equipment by means of power take-off units when direct
35 measurement of the fuel used is not feasible. The department is also
36 authorized to adopt rules regarding the usage of on board computers for
37 the production of records required by this chapter; (5) motor vehicles
38 owned and operated by the United States government; (6) heating

1 purposes; (7) moving a motor vehicle on a public highway between two
2 pieces of private property when said moving is incidental to the
3 primary use of the motor vehicle; (8) ~~((transit))~~ transportation
4 ~~services for ((only elderly or handicapped persons, or both,))~~ persons
5 with special transportation needs by a private, nonprofit
6 transportation provider ~~((certified))~~ regulated under chapter 81.66
7 RCW; and (9) notwithstanding any provision of law to the contrary,
8 every urban passenger transportation system and carriers as defined by
9 chapters 81.68 and 81.70 RCW shall be exempt from the provisions of
10 this chapter requiring the payment of special fuel taxes. For the
11 purposes of this section "urban passenger transportation system" means
12 every transportation system, publicly or privately owned, having as its
13 principal source of revenue the income from transporting persons for
14 compensation by means of motor vehicles and/or trackless trolleys, each
15 having a seating capacity for over fifteen persons over prescribed
16 routes in such a manner that the routes of such motor vehicles and/or
17 trackless trolleys, either alone or in conjunction with routes of other
18 such motor vehicles and/or trackless trolleys subject to routing by the
19 same transportation system, shall not extend for a distance exceeding
20 twenty-five road miles beyond the corporate limits of the county in
21 which the original starting points of such motor vehicles are located:
22 PROVIDED, That no refunds or credits shall be granted on fuel used by
23 any urban transportation vehicle or vehicle operated pursuant to
24 chapters 81.68 and 81.70 RCW on any trip where any portion of said trip
25 is more than twenty-five road miles beyond the corporate limits of the
26 county in which said trip originated.

27 **Sec. 7.** RCW 82.44.015 and 1993 c 488 s 3 are each amended to read
28 as follows:

29 For the purposes of this chapter, in addition to the exclusions
30 under RCW 82.44.010, "motor vehicle" shall not include: (1) Passenger
31 motor vehicles used primarily as ride-sharing vehicles, as defined in
32 RCW 46.74.010(3) ~~((, by not fewer than five persons, including the~~
33 ~~driver, or not fewer than four persons including the driver, when at~~
34 ~~least two of those persons are confined to wheelchairs when riding; or~~
35 ~~(2) vehicles with a seating capacity greater than fifteen persons which~~
36 ~~otherwise qualify as ride sharing vehicles under RCW 46.74.010(3) used~~
37 ~~exclusively for ride sharing for the elderly or the handicapped by not~~
38 ~~fewer than seven persons, including the driver)). This exemption is~~

1 restricted to passenger motor vehicles with a gross vehicle weight not
2 to exceed 10,000 pounds where the primary usage is for commuter ride-
3 sharing as defined in RCW 46.74.010(1). The registered owner of one of
4 these vehicles shall notify the department of licensing upon
5 termination of primary use of the vehicle as a ride-sharing vehicle and
6 shall be liable for the tax imposed by this chapter, prorated on the
7 remaining months for which the vehicle is licensed.

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

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