

SSB 5502 - H COMM AMD

By Committee on Transportation

ADOPTED AND ENGROSSED 4/6/11

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 46.72A.010 and 1996 c 87 s 4 are each amended to read
4 as follows:

5 The legislature finds and declares that privately operated
6 limousine transportation service is a vital part of the transportation
7 system within the state and provides prearranged transportation
8 services to state residents, tourists, and out-of-state business
9 people. Consequently, the safety, reliability, and stability of
10 privately operated limousine transportation services are matters of
11 statewide importance. The regulation of privately operated limousine
12 transportation services is thus an essential governmental function.
13 Therefore, it is the intent of the legislature to permit the department
14 and a port district in a county with a population of one million or
15 more to regulate limousine transportation services without liability
16 under federal antitrust laws. It is further the intent of the
17 legislature to authorize a city with a population of five hundred
18 thousand or more to enforce this chapter through a joint agreement with
19 the department, and to direct the department to provide annual funding
20 from limousine regulation-related fees that provide sufficient funds to
21 such a city to provide delegated enforcement.

22 **Sec. 2.** RCW 46.72A.020 and 1996 c 87 s 5 are each amended to read
23 as follows:

24 ~~((All limousine carriers must operate from a main office and may
25 have satellite offices. However, no office may be solely in a vehicle
26 of any type. All arrangements for the carrier's services must be made
27 through its offices and dispatched to the carrier's vehicles.))~~

28 (1) Contact by a customer or customer's agent to engage the
29 services of a carrier's limousine must be initiated by a customer or

1 customer's agent at a time and place different from the customer's time
2 and place of departure. The fare for service must be agreed upon prior
3 to departure. Under no circumstances may customers or customers'
4 agents make arrangements (~~((for immediate rental of a carrier's vehicle~~
5 ~~with the driver of the vehicle))~~) to immediately engage the services of
6 a carrier's limousine with the chauffeur, even if the ((~~driver~~))
7 chauffeur is an owner or officer of the company, with the single
8 exception of stand-hail limousines only at a facility owned and
9 operated by a port district in a county with a population of one
10 million or more that are licensed and restricted by the rules and
11 policies set forth by the port district.

12 (2) At the time of the conduct of the commercial limousine
13 business, the chauffeur of a limousine and the limousine carrier
14 business must possess written or electronic records substantiating the
15 prearrangement of the carrier's services for any customer carried for
16 compensation, except for vehicles meeting the requirements of the
17 exception for stand-hail limousines described in subsection (1) of this
18 section. Limousine carriers and limousine chauffeurs operating as an
19 independent business must list a physical address on their master
20 business license where records substantiating the prearrangement of the
21 carrier's services may be reviewed by an enforcement officer. A
22 limousine carrier must retain these records for a minimum of one
23 calendar year, and failure to do so is a class 3 civil infraction
24 against the carrier for each record that is missing or fails to include
25 all of the information described in rules adopted under subsection (4)
26 of this section.

27 (3) Limousine carriers and limousine chauffeurs operating as an
28 independent business must list a telephone or pager number that is used
29 to prearrange the carrier's services for any customer carried for
30 compensation.

31 (4) The department shall adopt rules specifying the content and
32 retention schedule of the records required for compliance with
33 subsection (2) of this section.

34 (5) The failure of a chauffeur who is operating a limousine to
35 immediately provide, on demand by an enforcement officer, written or
36 electronic records required by the department substantiating the
37 prearrangement of the carrier's services for any customer carried for
38 compensation, except for limousines meeting the requirements of the

1 exception for stand-hail limousines described in subsection (1) of this
2 section, is a class 2 civil infraction and is subject to monetary
3 penalties under RCW 7.80.120. It is a class 1 civil infraction for a
4 repeat offense under this subsection during the same calendar year.

5 (6) The department shall define by rule conditions under which a
6 chauffeur is considered to be operating a limousine, including when the
7 limousine is parked in a designated passenger load zone.

8 **Sec. 3.** RCW 46.72A.030 and 1996 c 87 s 6 are each amended to read
9 as follows:

10 (1) The department, in conjunction with the Washington state
11 patrol, shall regulate limousine carriers with respect to entry, safety
12 of equipment, chauffeur qualifications, and operations. The department
13 shall adopt rules and require such reports as are necessary to carry
14 out this chapter. The department may develop penalties for failure to
15 comply with this section.

16 (2) In addition, a port district in a county with a population of
17 one million or more may regulate limousine carriers with respect to
18 entry, safety of equipment, chauffeur qualifications, and operations.
19 The county in which the port district is located may adopt ordinances
20 and rules to assist the port district in enforcement of limousine
21 regulations only at port facilities. In no event may this be construed
22 to grant the county the authority to regulate limousines within its
23 jurisdiction. The port district may not set limousine rates, but the
24 limousine carriers shall file their rates and schedules with the port
25 district if requested.

26 (3) The department, a port district in a county with a population
27 of at least one million, or a county in which the port district is
28 located may enter into cooperative agreements for the joint regulation
29 of limousines.

30 (4) The department and a city with a population of five hundred
31 thousand or more may enter into cooperative agreements as provided in
32 section 12 of this act, subject to the limitations set forth in RCW
33 46.72A.130.

34 (5) The Washington state patrol shall annually conduct a vehicle
35 inspection of each limousine licensed under this chapter, except when
36 a port district (~~regulates~~), or a city with a population of five
37 hundred thousand or more, enforces limousine carrier(~~s~~) regulations

1 under subsection (2) or (4) of this section, that port district or
2 county in which the port (~~{district}~~) district is located (~~{shall}~~),
3 or a city with a population of five hundred thousand or more, may
4 conduct the annual limousine vehicle inspection and random limousine
5 vehicle inspections in conjunction with limousine regulation
6 enforcement activities, provided that the inspection criteria and fees
7 are substantially the same regardless of the authority conducting the
8 inspection. Random limousine vehicle inspections may not be conducted
9 while the limousine contains customers. The state patrol, the city, or
10 the port district(~~, or the county~~) conducting the annual limousine
11 vehicle inspection may impose an annual vehicle inspection fee and
12 reinspection fee. A carrier must pay a reinspection fee if a limousine
13 fails inspection for compliance with vehicle standards and is
14 reinspected. If the limousine passes the first reinspection within
15 thirty days of failing the original inspection, all of the reinspection
16 fee must be refunded to the carrier. However, refunds are not
17 available for subsequent reinspections. While a limousine is licensed
18 by the department for commercial limousine use, failure to comply with
19 vehicle inspection standards, established by the department by rule, is
20 a class 3 civil infraction against the carrier, with monetary penalties
21 against the carrier as specified in RCW 7.80.120, for each violation of
22 a safety requirement. It is a class 4 civil infraction for each
23 violation of other vehicle standards, with monetary penalties against
24 the carrier as specified in RCW 7.80.120, and the limousine vehicle
25 certificate must be summarily suspended until safety violations of
26 vehicle standards are corrected and the limousine is reinspected.

27 **Sec. 4.** RCW 46.72A.040 and 1996 c 87 s 7 are each amended to read
28 as follows:

29 Except when a port district regulates limousine carriers under RCW
30 46.72A.030 or a city with a population of five hundred thousand or more
31 is authorized under section 12 of this act to enforce state laws or
32 rules applicable to limousine carriers, limousines, and chauffeurs,
33 subject to the limitations set forth in section 12 of this act, the
34 state of Washington fully occupies and preempts the entire field of
35 regulation over limousine carriers as regulated by this chapter.
36 Cities, towns, and counties or other municipalities may enact only

1 those laws and ordinances relating to limousine carriers that are
2 consistent with this chapter.

3 **Sec. 5.** RCW 46.72A.050 and 1996 c 87 s 8 are each amended to read
4 as follows:

5 (1) No limousine carrier may operate a limousine upon the highways
6 of this state without first (~~obtaining a business license from the~~
7 department. ~~The applicant shall forward an application for a business~~
8 license to the department along with a fee established by rule. Upon
9 approval of the application, the department shall issue a business
10 license and unified business identifier authorizing the carrier to
11 operate limousines upon the highways of this state)) being properly
12 registered as a business in Washington and having been issued a unified
13 business identifier.

14 (2) In addition, a limousine carrier shall (~~annually~~) obtain(~~(~~
15 upon payment of the appropriate fee,)) from the department a limousine
16 carrier license for the business and a (~~vehicle~~) limousine vehicle
17 certificate for each limousine operated by the carrier. The limousine
18 carrier license and limousine vehicle certificates must be renewed
19 through the department annually or as may be required by the
20 department. The department shall establish by rule the procedure for
21 obtaining, and the fees for, the limousine carrier license and
22 limousine vehicle certificate. It is a class 1 civil infraction, with
23 monetary penalties against the carrier as specified in RCW 7.80.120,
24 for each day that a limousine is operated without a valid limousine
25 carrier license or valid limousine vehicle certificate required under
26 this subsection.

27 **Sec. 6.** RCW 46.72A.060 and 2003 c 53 s 251 are each amended to
28 read as follows:

29 (1) The department shall require limousine carriers to obtain and
30 continue in effect, liability and property damage insurance from a
31 company licensed to sell liability insurance in this state for each
32 limousine used to transport persons for compensation.

33 (2) The department shall fix (~~the amount of~~) by rule coverages
34 and limits, and prohibit provisions that limit coverage, for the
35 insurance policy or policies, giving consideration to the character and
36 amount of traffic, the number of persons affected, and the degree of

1 danger that the proposed operation involves. The limousine carrier
2 must maintain the liability and property damage insurance in force on
3 each (~~motor propelled vehicle while so used~~) limousine while licensed
4 by the department.

5 (3) Failure to file and maintain in effect the insurance required
6 under this section is a gross misdemeanor and the limousine vehicle
7 certificate must be summarily suspended. It is a class 1 civil
8 infraction, with monetary penalties against the carrier as specified in
9 RCW 7.80.120, for each day that a carrier operates a limousine with a
10 summarily suspended limousine vehicle certificate.

11 **Sec. 7.** RCW 46.72A.080 and 1997 c 193 s 1 are each amended to read
12 as follows:

13 (1) No limousine carrier may advertise without listing the
14 carrier's unified business identifier issued by the department in the
15 advertisement and specifying the type of service offered as provided in
16 RCW 46.04.274. No limousine carrier may advertise or hold itself out
17 to the public as providing taxicab transportation services.

18 (2) All advertising, contracts, correspondence, cards, signs,
19 posters, papers, and documents that show a limousine carrier's name or
20 address shall list the carrier's unified business identifier and the
21 type of service offered. The alphabetized listing of limousine
22 carriers appearing in the advertising sections of telephone books or
23 other directories and all advertising that shows the carrier's name or
24 address must show the carrier's current unified business identifier.

25 (3) Advertising in the alphabetical listing in a telephone
26 directory need not contain the carrier's certified business identifier.

27 (4) (~~Advertising by electronic transmission need not contain the~~
28 ~~carrier's unified business identifier if the carrier provides it to the~~
29 ~~person selling the advertisement and it is recorded in the advertising~~
30 ~~contract.~~

31 ~~(5))~~ It is a (~~gross misdemeanor~~) violation, subject to a fine of
32 up to five thousand dollars per violation, for a person to (a) falsify
33 a unified business identifier or use a false or inaccurate unified
34 business identifier; (b) fail to specify the type of service offered;
35 ~~((or))~~ (c) advertise or otherwise hold itself out to the public as
36 providing taxicab transportation services in connection with a
37 solicitation or identification as an authorized limousine carrier; or

1 (d) conduct commercial limousine business without a valid limousine
2 carrier license or valid limousine vehicle certificate as required
3 under this chapter, unless licensed as a charter party carrier under
4 chapter 81.70 RCW.

5 (5) If the basis for the violation is advertising, each
6 advertisement reproduced, broadcast, or displayed via a particular
7 medium constitutes a separate violation.

8 (6) In deciding the amount of penalty to be imposed per violation,
9 the department shall consider the following factors:

10 (a) The carrier's willingness to comply with the department's rules
11 under this chapter; and

12 (b) The carrier's history with respect to compliance with this
13 section.

14 (7) It is a class 1 civil infraction, with monetary penalties
15 against the chauffeur as specified in RCW 7.80.120, for a chauffeur to:

16 (a) Solicit or assign customers directly or through a third party
17 for immediate, nonprearranged limousine service pick up as described in
18 section 2(1) of this act; or

19 (b) Offer payment to a third party to solicit customers for
20 limousine service pick up without current copies of a written contract
21 regarding such services on file at the third party's business. Copies
22 of the current written contract must be stored and made available on
23 both the third party's and limousine carrier's business premises.
24 Limousine vehicles engaged in the services detailed in the contract
25 must carry a certificate verifying existence of a current contract
26 between the parties. The certificate must contain a general
27 description of the agreement, including initial and expiration dates.
28 A written contract may not allow for immediate, nonprearranged
29 limousine service pick up.

30 (8) It is a class 1 civil infraction, with monetary penalties
31 against the individual as specified in RCW 7.80.120, for an individual
32 to:

33 (a) Accept payment to solicit or assign customers on the behalf of
34 a chauffeur for immediate, nonprearranged limousine service pick up as
35 described in section 2(1) of this act; or

36 (b) Accept payment to solicit customers for limousine service pick
37 up without current copies of a written contract regarding such services
38 on file at the third party's business. Copies of the current written

1 contract must be stored and made available on the third party's
2 business premises and in any limousine engaged in the services detailed
3 in the contract. A written contract may not allow for immediate,
4 nonprearranged limousine service pick up.

5 **Sec. 8.** RCW 46.72A.090 and 1996 c 87 s 12 are each amended to read
6 as follows:

7 (1) The limousine carrier shall ((certify)), before a chauffeur
8 operates a limousine, provide proof in a form approved by the
9 department to the appropriate regulating authority that each chauffeur
10 hired to operate a limousine meets the following criteria administered
11 or monitored by the department or an authority approved by the
12 department: ((+1)) (a) Is at least twenty-one years of age; ((+2))
13 (b) holds a valid Washington state driver's license; ((+3)) (c) has
14 successfully completed a training course approved by the department;
15 ((+4)) (d) has successfully passed a written examination which, to the
16 greatest extent practicable, the department must administer in the
17 applicant's language of preference; ((+5)) (e) has successfully
18 completed a background check performed by the Washington state patrol
19 or a credentialing authority approved by the department that meets
20 standards adopted by rule by the department; (f) has passed an initial
21 test and is participating in a random testing program designed to
22 detect the presence of any controlled substances determined by the
23 department; (g) has a satisfactory driving record that meets moving
24 accident and moving violation conviction standards adopted by rule by
25 the department; and ((+6)) (h) has submitted a medical certificate
26 certifying the individual's fitness as a chauffeur. Upon initial
27 application and every ((three)) two years thereafter, a chauffeur must
28 file a physician's certification with the limousine carrier validating
29 the individual's fitness to drive a limousine. The department shall
30 determine by rule the scope of the examination and standards for denial
31 based upon the chauffeur's physical examination. The director may
32 require a chauffeur to ((be-reexamined-at-any-time)) undergo an
33 additional controlled substance test or physical examination if the
34 chauffeur has failed a controlled substance test or his or her physical
35 fitness has been called into question.

36 (2)The limousine carrier shall keep on file and make available for
37 inspection all documents required by this section.

1 **Sec. 9.** RCW 46.72A.100 and 2002 c 86 s 295 are each amended to
2 read as follows:

3 The director may impose any of the sanctions specified in RCW
4 18.235.110 for unprofessional conduct as described in RCW 18.235.130 or
5 if one of the following is true of a chauffeur hired to drive a
6 limousine, including where such a chauffeur is also the carrier: (1)
7 The person has been convicted of an offense of such a nature as to
8 indicate that he or she is unfit to qualify as a chauffeur; (2) the
9 person is guilty of committing ~~((two or more))~~ an offense~~((s))~~ for
10 which mandatory revocation of a driver's license is provided by law;
11 (3) the person has been convicted of vehicular homicide or vehicular
12 assault; (4) the person is intemperate or addicted to narcotics; or (5)
13 the person, while participating in a random testing program designed to
14 detect the presence of any controlled substances determined by the
15 department under RCW 46.72A.090, is found to have taken one of the
16 controlled substances determined by the department without a valid and
17 current prescription from a licensed physician.

18 **Sec. 10.** RCW 46.72A.120 and 1996 c 87 s 15 are each amended to
19 read as follows:

20 The department may adopt and enforce such rules, including the
21 setting of fees, as may be consistent with and necessary to carry out
22 this chapter. The fees must approximate the cost of administration.
23 Any fee related to limousine vehicle certificates must not exceed
24 seventy-five dollars. Any fee related to a limousine carrier license
25 for a business must not exceed three hundred fifty dollars. Any fee
26 related to limousine vehicle inspections must not exceed twenty-five
27 dollars.

28 **Sec. 11.** RCW 46.72A.140 and 2002 c 86 s 296 are each amended to
29 read as follows:

30 The uniform regulation of business and professions act, chapter
31 18.235 RCW, governs unlicensed practice, the issuance and denial of
32 licenses, and the discipline of licensees under this chapter by the
33 department.

34 NEW SECTION. **Sec. 12.** A new section is added to chapter 46.72A
35 RCW to read as follows:

1 (1) The department may enter into cooperative agreements with
2 cities with populations of five hundred thousand or more for the
3 purpose of enforcing state laws or rules applicable to limousine
4 carriers and chauffeurs. This power to enforce includes the right to
5 adopt local limousine laws by city ordinance that are consistent with
6 this chapter and the right to impose monetary penalties by civil
7 infraction as provided in this chapter.

8 (2) In addition, the following specific authority and limitations
9 to city enforcement must be included:

10 (a) City enforcement officers may conduct street enforcement
11 activity consistent with this chapter;

12 (b) City enforcement officers may conduct inspections of limousines
13 to verify compliance with limousine standards adopted by rule by the
14 department and, if the carrier requests, conduct annual limousine
15 vehicle inspections in lieu of an inspection conducted by the
16 Washington state patrol. The city may receive all limousine inspection
17 or reinspection fees for inspections conducted by city enforcement
18 officers;

19 (c) A city may require that any limousine carrier dispatching a
20 limousine to pick up passengers within the incorporated area of the
21 city to maintain on file with the city insurance documents that meet
22 the requirements adopted by rule by the department. The city may issue
23 civil infractions to carriers and summarily suspend limousine vehicle
24 certificates for failure to maintain on file valid insurance documents
25 with the city.

26 (3) A cooperative agreement with the department for delegated
27 enforcement must specify the schedule and amount of funds derived from
28 limousine carrier license, limousine vehicle certificate, and chauffeur
29 license fee revenue to be provided to the city to allow the city to
30 provide the agreed upon level of enforcement. In addition, the
31 cooperative agreement must restrict the fee revenue use by a city to
32 the costs of enforcing state laws or rules applicable to limousine
33 carriers and chauffeurs.

34 NEW SECTION. **Sec. 13.** The department of licensing shall convene
35 an internal work group regarding the issuance of chauffeur licenses.
36 The department shall provide a report on its recommendations on this

1 issue to the transportation committees of the legislature by November
2 15, 2012.

3 NEW SECTION. **Sec. 14.** A new section is added to chapter 46.72A
4 RCW to read as follows:

5 (1) The limousine carriers account is created in the state
6 treasury. Notwithstanding any other provision of law, all receipts
7 from each civil infraction and violation imposed by this chapter must
8 be deposited into the account. Moneys in the account must be spent
9 only after appropriation.

10 (2) Expenditures from the account may be used only for regulation
11 and enforcement under this chapter, including regulation and
12 enforcement through a cooperative agreement as described in section 12
13 of this act.

14 NEW SECTION. **Sec. 15.** Sections 1 through 12 of this act take
15 effect January 1, 2012.

16 NEW SECTION. **Sec. 16.** Section 14 of this act takes effect July 1,
17 2012."

18 Correct the title.

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