
SENATE BILL 5812

State of Washington 65th Legislature 2017 Regular Session

By Senators Lias, Cleveland, Sheldon, Hasegawa, Palumbo, and Saldaña

1 AN ACT Relating to wheelchair-accessible for hire vehicles;
2 amending RCW 46.72.010; adding a new section to chapter 81.72 RCW;
3 and adding a new chapter to Title 46 RCW.

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

5 NEW SECTION. **Sec. 1.** The legislature finds and declares that
6 privately operated for hire transportation service is a vital part of
7 the transportation system within the state. Consequently, the safety,
8 reliability, and stability of privately operated for hire
9 transportation services are matters of statewide importance. The
10 regulation of privately operated for hire transportation services is
11 thus an essential governmental function. The legislature further
12 finds and declares that privately operated wheelchair-accessible for
13 hire vehicles are a vital part of the transportation system within
14 the state. Therefore, it is the intent of the legislature to permit
15 the state, as well as political subdivisions of the state, to
16 regulate wheelchair-accessible for hire vehicle transportation
17 services without liability under federal antitrust laws.

18 NEW SECTION. **Sec. 2.** The definitions in this section apply
19 throughout this chapter unless the context clearly requires
20 otherwise.

1 (1) "Transportation network company" means a corporation,
2 partnership, sole proprietorship, or other entity that is licensed
3 and operating in Washington state and uses a digital network to
4 connect transportation network company riders to transportation
5 network company drivers who provide prearranged rides. A
6 transportation network company is not deemed to control, direct, or
7 manage the transportation network company vehicles or transportation
8 network company drivers that connect to its digital network, except
9 when agreed to by written contract. "Transportation network company"
10 does not include a for hire transportation service provided under
11 chapter 46.72 RCW or taxicab transportation service provided under
12 chapter 81.72 RCW.

13 (2) "Wheelchair-accessible for hire vehicle" means a taxicab, for
14 hire vehicle, or transportation network company endorsed vehicle that
15 is designed or modified to transport passengers in wheelchairs or
16 other mobility devices and conform to the requirements of the federal
17 Americans with disabilities act. Services provided by a wheelchair-
18 accessible for hire vehicle do not include for hire transportation
19 services provided under chapter 46.72 RCW or taxicab transportation
20 services provided under chapter 81.72 RCW.

21 (3) "Wheelchair-accessible for hire vehicle operator" means an
22 individual who owns or drives, or both, a vehicle designed or
23 modified to transport passengers in wheelchairs or other mobility
24 devices and conforms to the requirements of the federal Americans
25 with disabilities act.

26 NEW SECTION. **Sec. 3.** Subject to section 4 of this act, a
27 wheelchair-accessible for hire vehicle operator may not operate a
28 wheelchair-accessible for hire vehicle upon any highway of this state
29 without first obtaining a permit from the director. The permit
30 application must be made on a form provided by the director and
31 include the following:

32 (1) The name and address of the owner or owners and, if the
33 applicant is a corporation, the names and addresses of its principal
34 officers;

35 (2) The city, town, or locality in which any vehicle will be
36 operated;

37 (3) The name and motor number of any vehicle to be operated;

38 (4) The endorsement of a city official authorizing an operator
39 under a law or ordinance requiring a permit;

1 (5) A safety inspection form completed by an approved inspector
2 pursuant to section 13 of this act; and

3 (6) Such other information as the director may require.

4 NEW SECTION. **Sec. 4.** Before a permit is issued under section 2
5 of this act, the wheelchair-accessible for hire vehicle operator must
6 be required to deposit and thereafter keep on file with the director
7 a surety bond running to the state of Washington covering each and
8 every wheelchair-accessible for hire vehicle as may be owned or
9 leased by the operator and used in the conduct of his or her
10 business. The bond must be in the sum of one hundred thousand dollars
11 for any recovery for death or personal injury by one person, three
12 hundred thousand dollars for all persons killed or receiving personal
13 injury by reason of one act of negligence, and twenty-five thousand
14 dollars for damage to property of any person other than the insured,
15 with a good and sufficient surety company licensed to do business in
16 this state as surety and to be approved by the director, conditioned
17 for the faithful compliance by the principal of the bond with this
18 chapter, and to pay all damages that may be sustained by any person
19 injured by reason of any careless negligence or unlawful act on the
20 part of the principal or his or her agents or employees in the
21 conduct of said business, or in the operation of any wheelchair-
22 accessible for hire vehicle used in transporting passengers for
23 compensation on any public highway of this state.

24 NEW SECTION. **Sec. 5.** (1) The director must approve and file all
25 bonds and policies of insurance. The director must, upon the receipt
26 of fees and after approving the bond or policy, furnish the owner
27 with an appropriate certificate that must be carried in a conspicuous
28 place in the vehicle at all times during the for hire operation. A
29 wheelchair-accessible for hire vehicle operator must secure a
30 certificate for each wheelchair-accessible for hire vehicle in
31 operation and pay a fee for each registered vehicle. The permit or
32 certificate expires June 30th of each year, and may be annually
33 renewed upon payment of a fee.

34 (2) The legislature recognizes that the cost of operating a
35 wheelchair-accessible for hire vehicle is significantly higher than
36 the cost of operating a for hire vehicle that is not wheelchair
37 accessible. The legislature further recognizes that the public good
38 of wheelchair-accessible services outweighs the need for the cost

1 recovery of fees. Therefore, the fee to operate a wheelchair-
2 accessible for hire vehicle is no more than one-half the fee for a
3 for hire vehicle required in RCW 46.72.030.

4 NEW SECTION. **Sec. 6.** Any city, town, county, or other political
5 subdivision of this state, or any state agency, may regulate the
6 operation of wheelchair-accessible for hire vehicles on public lands,
7 waters, and other properties under its jurisdiction, and on streets,
8 roads, or highways within its boundaries by adopting regulations or
9 ordinances of its governing body as long as the regulations are not
10 less stringent than the provisions of this chapter.

11 NEW SECTION. **Sec. 7.** (1) The director must deny any wheelchair-
12 accessible for hire vehicle permit application if it is determined
13 that the applicant or, if the applicant is a corporation, any of its
14 officers or registered agent:

15 (a) Has made a misstatement or omission of material fact in the
16 application;

17 (b) Fails to meet any of the applicant or vehicle requirements of
18 a taxicab licensee or for hire vehicle permittee; or

19 (c) Has had, within five years of the date of application, a
20 criminal conviction or bail forfeiture for crimes pertaining to
21 alcohol or controlled substances when the crime involved the use of a
22 personal vehicle, commercial vehicle, taxicab, for hire vehicle, or
23 transportation network company endorsed vehicle.

24 (2) The director may deny any wheelchair-accessible for hire
25 vehicle permit application if the director determines that the
26 applicant:

27 (a) Has had, within five years of the date of application, a
28 criminal conviction or bail forfeiture involving crimes reasonably
29 related to the applicant's ability to operate a personal vehicle,
30 commercial vehicle, taxicab, for hire vehicle, or transportation
31 network company endorsed vehicle including, but not limited to,
32 prostitution, gambling, fraud, larceny, extortion, or income tax
33 evasion;

34 (b) Has been found, either through a criminal conviction, bail
35 forfeiture, judgment in a civil suit, or decision in an
36 administrative proceeding, or it has been proven by a preponderance
37 of the evidence regardless of whether the same act was charged as a
38 civil infraction or a crime, to have exhibited past conduct in

1 driving or operating a personal vehicle, commercial vehicle, taxicab,
2 for hire vehicle, or transportation network company endorsed vehicle,
3 or operating a taxicab or for hire vehicle business, that would lead
4 the director to reasonably conclude that the applicant will not
5 comply with the provisions of this chapter related to vehicle
6 requirements and the safe operation of the vehicle; or

7 (c) Has engaged in the business of operating any personal
8 vehicle, commercial vehicle, taxicab, for hire vehicle, or
9 transportation network company endorsed vehicle, for which a license
10 or permit is required, while such license or permit was suspended or
11 revoked.

12 NEW SECTION. **Sec. 8.** (1) The permit for a wheelchair-accessible
13 for hire vehicle must be immediately suspended if:

14 (a) At any time the surety bond required in section 4 of this act
15 expires, lapses, or is canceled or revoked;

16 (b) A vehicle inspector places the vehicle out of service when a
17 violation of a vehicle standard is found to be an immediate safety
18 hazard and when immediate suspension is necessary to prevent a clear,
19 substantial, and imminent hazard to life, safety, or property;

20 (c) The vehicle owner fails to comply with a written notice and
21 order within the prescribed time; or

22 (d) The director obtains information after the permit is issued
23 that the applicant or, if the applicant is a corporation, any of its
24 officers or registered agent, failed to meet the applicant
25 qualifications in this chapter or there is proof that the vehicle
26 failed to meet the vehicle qualifications established by the director
27 by rule at the time the permit was issued.

28 (2) The director may suspend or revoke the permit for a
29 wheelchair-accessible for hire vehicle if the director determines
30 that the permittee has:

31 (a) Received a criminal conviction or a bail forfeiture for a
32 crime that would be grounds for denial in section 7 of this act;

33 (b) A record that would lead the director to reasonably conclude
34 that the permittee would not comply with the provisions of this
35 chapter related to vehicle standards or operating requirements;

36 (c) Allowed the operation of a wheelchair-accessible for hire
37 vehicle that does not meet the safety standards and the vehicle
38 standards as set forth in this chapter;

1 (d) Submitted a safety inspection form that was not completed by
2 a state government-approved or licensed mechanic; or

3 (e) Failed to provide priority service to private pay passengers
4 who self-identified as having a disability recognized under the
5 federal Americans with disabilities act, including persons who use
6 wheelchairs or other mobility devices.

7 NEW SECTION. **Sec. 9.** A wheelchair-accessible for hire vehicle
8 operator must:

9 (1) Be referred for fingerprinting, and all applications must be
10 referred for a state and federal background investigation under RCW
11 36.01.300 to regulate the issuance of permits to persons engaged in
12 wheelchair-accessible for hire vehicle occupations and activities; or

13 (2) Have a copy of a criminal background check provided directly
14 from a third party approved by the director. The director must
15 annually issue the list of third parties that are approved to conduct
16 criminal background checks. An approved third party must, at a
17 minimum:

18 (a) Include local, state, and national databases;

19 (b) Access at least five years of database history; and

20 (c) Demonstrate competency in providing accurate information.

21 NEW SECTION. **Sec. 10.** The director may not issue a wheelchair-
22 accessible for hire vehicle operator permit to an applicant unless
23 the applicant:

24 (1) Is at least twenty-one years of age;

25 (2) Possesses a valid Washington state driver's license;

26 (3) Submits a certificate of fitness;

27 (4) Has completed the training program required under section 12
28 of this act; and

29 (5) Presents documentation, as required by the United States
30 department of homeland security, that the applicant is authorized to
31 work in the United States.

32 NEW SECTION. **Sec. 11.** (1) An applicant for a wheelchair-
33 accessible for hire vehicle permit must certify on a form prescribed
34 by the director that the applicant is physically and mentally fit to
35 be a wheelchair-accessible for hire vehicle operator.

36 (2) The director may, at any time, require any wheelchair-
37 accessible for hire vehicle permittee or applicant to be medically

1 examined if it appears that the permittee or applicant has become or
2 is physically or mentally incapacitated to such a degree as to render
3 the permittee or applicant unfit to remain or become a wheelchair-
4 accessible for hire vehicle operator. The medical examination must be
5 performed by a physician licensed to practice in the state of
6 Washington. The director must prescribe the scope of the examination
7 and provide a certificate form for the physician to complete.

8 NEW SECTION. **Sec. 12.** A wheelchair-accessible for hire vehicle
9 permit applicant must complete:

10 (1) A training program providing information about defensive
11 driving, the use of emergency procedures and equipment for the
12 driver's personal safety, risk factors for crimes against for hire
13 vehicle operators, the enhancement of driver and passenger relations,
14 and professional conduct and communication skills;

15 (2) The national safety council defensive driving course; and

16 (3) A training program for the special needs of people with
17 disabilities recognized under the federal Americans with disabilities
18 act, or a person who has a mobility disability and uses a wheelchair
19 or other assistive device or requires other assistance including, but
20 not limited to:

21 (a) Wheelchair types and features, including scooters;

22 (b) Loading and tie-down procedures;

23 (c) Mobility equipment, including walkers, canes, crutches, or
24 braces;

25 (d) Handling service animals;

26 (e) Hands-on assistance, including body mechanics, transfers, and
27 guiding persons with a vision impairment;

28 (f) Stress management;

29 (g) Cardiopulmonary resuscitation;

30 (h) First aid;

31 (i) Gender sensitivity; or

32 (j) Cultural sensitivity.

33 NEW SECTION. **Sec. 13.** (1) Before issuance of a wheelchair-
34 accessible for hire vehicle permit, the vehicle must be inspected and
35 approved by an entity approved by the director.

36 (2) The director must provide a safety inspection form to a
37 wheelchair-accessible for hire vehicle operator as well as a list of

1 state government-approved licensed mechanics or law enforcement
2 entities that may conduct the inspection.

3 NEW SECTION. **Sec. 14.** A new section is added to chapter 81.72
4 RCW to read as follows:

5 For purposes of this chapter, a wheelchair-accessible for hire
6 vehicle as defined in section 2 of this act is not considered a
7 taxicab licensed under this chapter.

8 **Sec. 15.** RCW 46.72.010 and 1996 c 87 s 18 are each amended to
9 read as follows:

10 When used in this chapter:

11 (1) (~~The term~~) "For hire vehicle" includes all vehicles used
12 for the transportation of passengers for compensation, except auto
13 stages, school buses operating exclusively under a contract to a
14 school district, ride-sharing vehicles under chapter 46.74 RCW,
15 wheelchair-accessible for hire vehicles under chapter 46.--- RCW (the
16 new chapter created in section 16 of this act), limousine carriers
17 licensed under chapter 46.72A RCW, vehicles used by nonprofit
18 transportation providers for elderly persons or (~~handicapped~~)
19 persons with disabilities and their attendants under chapter 81.66
20 RCW, vehicles used by auto transportation companies licensed under
21 chapter 81.68 RCW, vehicles used to provide courtesy transportation
22 at no charge to and from parking lots, hotels, and rental offices,
23 and vehicles used by charter party carriers of passengers and
24 excursion service carriers licensed under chapter 81.70 RCW;

25 (2) (~~The term~~) "For hire operator" means and includes any
26 person, concern, or entity engaged in the transportation of
27 passengers for compensation in for hire vehicles.

28 NEW SECTION. **Sec. 16.** Sections 1 through 13 of this act
29 constitute a new chapter in Title 46 RCW.

--- END ---