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**SUBSTITUTE SENATE BILL 5162**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Highways & Transportation (originally sponsored by Senators Rasmussen, Horn, Kastama, Esser, Kohl-Welles and Oke)

READ FIRST TIME 03/07/03.

1 AN ACT Relating to the transportation of persons with special  
2 needs; and amending RCW 81.66.010, 81.66.020, 81.66.030, 81.66.040,  
3 81.66.050, and 46.72.010.

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

5 **Sec. 1.** RCW 81.66.010 and 1996 c 244 s 1 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((~~r~~)) or private nonprofit transportation provider"  
13 means any private((~~r~~)) or private nonprofit corporation providing  
14 transportation services for compensation ((~~solely~~)) primarily to  
15 persons with special transportation needs.

16 (4) "Persons with special transportation needs" means those  
17 persons, including their personal attendants, who because of physical  
18 or mental disability, income status, or age are unable to transport  
19 themselves or to purchase appropriate transportation.

1       **Sec. 2.** RCW 81.66.020 and 1979 c 111 s 5 are each amended to read  
2 as follows:

3       No person or corporation, their lessees, trustees, receivers, or  
4 trustees appointed by any court, may operate as a private((τ)) or  
5 private nonprofit transportation provider except in accordance with  
6 this chapter.

7       **Sec. 3.** RCW 81.66.030 and 1998 c 173 s 4 are each amended to read  
8 as follows:

9       The commission shall regulate every private((τ)) or private  
10 nonprofit transportation provider in this state but has authority only  
11 as follows: To issue certificates to such providers; to set forth  
12 insurance requirements; to adopt reasonable rules to insure that any  
13 vehicles used by such providers will be adequate for the proposed  
14 service; and to inspect the vehicles and otherwise regulate the safety  
15 of operations of each provider. The commission may charge fees to  
16 private((τ)) or private nonprofit transportation providers, which shall  
17 be approximately the same as the reasonable cost of regulating such  
18 providers.

19       **Sec. 4.** RCW 81.66.040 and 1979 c 111 s 7 are each amended to read  
20 as follows:

21       No private((τ)) or private nonprofit transportation provider may  
22 operate in this state without first having obtained from the commission  
23 under the provisions of this chapter a certificate, but a certificate  
24 shall be granted to any private((τ)) or private nonprofit  
25 transportation provider holding an auto transportation company  
26 certificate on September 1, 1979, upon surrender of the auto  
27 transportation company certificate. Any right, privilege, or  
28 certificate held, owned, or obtained by a private((τ)) or private  
29 nonprofit transportation provider may be sold, assigned, leased,  
30 transferred, or inherited as other property only upon authorization by  
31 the commission. The commission shall issue a certificate to any person  
32 or corporation who files an application, in a form to be determined by  
33 the commission, which sets forth:

- 34       (1) Satisfactory proof of its status as a private((τ)) or private  
35 nonprofit corporation;
- 36       (2) The kind of service to be provided;

1 (3) The number and type of vehicles to be operated, together with  
2 satisfactory proof that the vehicles are adequate for the proposed  
3 service and that drivers of such vehicles will be adequately trained  
4 and qualified;

5 (4) Any proposed rates, fares, or charges;

6 (5) Satisfactory proof of insurance or surety bond, in accordance  
7 with RCW 81.66.050.

8 The commission may deny a certificate to a provider who does not meet  
9 the requirements of this section. Each vehicle of a private((~~7~~)) or  
10 private nonprofit transportation provider shall carry a copy of the  
11 provider's certificate.

12 **Sec. 5.** RCW 81.66.050 and 1979 c 111 s 8 are each amended to read  
13 as follows:

14 The commission shall, in the granting of certificates to operate  
15 any private((~~7~~)) or private nonprofit transportation provider, require  
16 the owner or operator to first procure liability and property damage  
17 insurance from a company licensed to make liability insurance in the  
18 state of Washington or a surety bond of a company licensed to write  
19 surety bonds in the state of Washington on each vehicle used or to be  
20 used in transporting persons for compensation. The commission shall  
21 fix the amount of the insurance policy or policies or surety bond,  
22 giving due consideration to the character and amount of traffic, the  
23 number of persons affected, and the degree of danger which the proposed  
24 operation involves. Such liability and property damage insurance or  
25 surety bond shall be maintained in force on each vehicle while so used.  
26 Each policy for liability of property damage insurance or surety bond  
27 required herein, shall be filed with the commission and kept in full  
28 force and effect, and failure to do so shall be cause for the  
29 revocation of the certificate.

30 **Sec. 6.** RCW 46.72.010 and 1996 c 87 s 18 are each amended to read  
31 as follows:

32 When used in this chapter:

33 (1) The term "for hire vehicle" includes all vehicles used for the  
34 transportation of passengers for compensation, except auto stages,  
35 school buses operating exclusively under a contract to a school  
36 district, ride-sharing vehicles under chapter 46.74 RCW, limousine

1 carriers licensed under chapter 46.72A RCW, vehicles used by private or  
2 private nonprofit transportation providers for elderly or handicapped  
3 persons and their attendants under chapter 81.66 RCW, vehicles used by  
4 auto transportation companies licensed under chapter 81.68 RCW,  
5 vehicles used to provide courtesy transportation at no charge to and  
6 from parking lots, hotels, and rental offices, and vehicles used by  
7 charter party carriers of passengers and excursion service carriers  
8 licensed under chapter 81.70 RCW;

9 (2) The term "for hire operator" means and includes any person,  
10 concern, or entity engaged in the transportation of passengers for  
11 compensation in for hire vehicles.

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