
SENATE BILL 5162

State of Washington

58th Legislature

2003 Regular Session

By Senators Rasmussen, Horn, Kastama, Esser, Kohl-Welles and Oke

Read first time 01/16/2003. Referred to Committee on Highways & Transportation.

1 AN ACT Relating to the transportation of persons with special
2 needs; amending RCW 81.66.010, 81.66.020, 81.66.030, 81.66.040, and
3 81.66.050; and reenacting and amending RCW 46.74.010.

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

5 **Sec. 1.** RCW 46.74.010 and 1997 c 250 s 8 and 1997 c 95 s 1 are
6 each reenacted and amended to read as follows:

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

9 (1) "Commuter ride sharing" means a car pool or van pool
10 arrangement whereby one or more fixed groups not exceeding fifteen
11 persons each including the drivers, and (a) not fewer than five persons
12 including the drivers, or (b) not fewer than four persons including the
13 drivers where at least two of those persons are confined to wheelchairs
14 when riding, are transported in a passenger motor vehicle with a gross
15 vehicle weight not exceeding ten thousand pounds, excluding special
16 rider equipment, between their places of abode or termini near such
17 places, and their places of employment or educational or other
18 institutions, each group in a single daily round trip where the drivers

1 are also on the way to or from their places of employment or
2 educational or other institution.

3 (2) "Flexible commuter ride sharing" means a car pool or van pool
4 arrangement whereby a group of at least two but not exceeding fifteen
5 persons including the driver is transported in a passenger motor
6 vehicle with a gross vehicle weight not exceeding ten thousand pounds,
7 excluding special rider equipment, between their places of abode or
8 termini near such places, and their places of employment or educational
9 or other institutions, where the driver is also on the way to or from
10 his or her place of employment or educational or other institution.

11 (3) "Ride sharing for persons with special transportation needs"
12 means an arrangement whereby a group of persons with special
13 transportation needs, and their attendants, is transported by a public
14 social service agency or a private((~~r~~)) or private nonprofit
15 transportation provider as defined in RCW 81.66.010(3) in a passenger
16 motor vehicle as defined by the department to include small buses,
17 cutaways, and modified vans not more than twenty-eight feet long:
18 PROVIDED, That the driver need not be a person with special
19 transportation needs.

20 (4) "Ride-sharing operator" means the person, entity, or concern,
21 not necessarily the driver, responsible for the existence and
22 continuance of commuter ride sharing, flexible commuter ride sharing,
23 or ride sharing for persons with special transportation needs. The
24 term "ride-sharing operator" includes but is not limited to an
25 employer, an employer's agent, an employer-organized association, a
26 state agency, a county, a city, a public transportation benefit area,
27 or any other political subdivision that owns or leases a ride-sharing
28 vehicle.

29 (5) "Ride-sharing promotional activities" means those activities
30 involved in forming a commuter ride-sharing arrangement or a flexible
31 commuter ride-sharing arrangement, including but not limited to
32 receiving information from existing and prospective ride-sharing
33 participants, sharing that information with other existing and
34 prospective ride-sharing participants, matching those persons with
35 other existing or prospective ride-sharing participants, and making
36 assignments of persons to ride-sharing arrangements.

37 (6) "Persons with special transportation needs" means those persons
38 defined in RCW 81.66.010(4).

1 **Sec. 2.** RCW 81.66.010 and 1996 c 244 s 1 are each amended to read
2 as follows:

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

5 (1) "Corporation" means a corporation, company, association, or
6 joint stock association.

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

8 (3) "Private((τ)) or private nonprofit transportation provider"
9 means any private((τ)) or private nonprofit corporation providing
10 transportation services for compensation solely to persons with special
11 transportation needs.

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

16 **Sec. 3.** RCW 81.66.020 and 1979 c 111 s 5 are each amended to read
17 as follows:

18 No person or corporation, their lessees, trustees, receivers, or
19 trustees appointed by any court, may operate as a private((τ)) or
20 private nonprofit transportation provider except in accordance with
21 this chapter.

22 **Sec. 4.** RCW 81.66.030 and 1998 c 173 s 4 are each amended to read
23 as follows:

24 The commission shall regulate every private((τ)) or private
25 nonprofit transportation provider in this state but has authority only
26 as follows: To issue certificates to such providers; to set forth
27 insurance requirements; to adopt reasonable rules to insure that any
28 vehicles used by such providers will be adequate for the proposed
29 service; and to inspect the vehicles and otherwise regulate the safety
30 of operations of each provider. The commission may charge fees to
31 private((τ)) or private nonprofit transportation providers, which shall
32 be approximately the same as the reasonable cost of regulating such
33 providers.

34 **Sec. 5.** RCW 81.66.040 and 1979 c 111 s 7 are each amended to read
35 as follows:

1 No private((τ)) or private nonprofit transportation provider may
2 operate in this state without first having obtained from the commission
3 under the provisions of this chapter a certificate, but a certificate
4 shall be granted to any private((τ)) or private nonprofit
5 transportation provider holding an auto transportation company
6 certificate on September 1, 1979, upon surrender of the auto
7 transportation company certificate. Any right, privilege, or
8 certificate held, owned, or obtained by a private((τ)) or private
9 nonprofit transportation provider may be sold, assigned, leased,
10 transferred, or inherited as other property only upon authorization by
11 the commission. The commission shall issue a certificate to any person
12 or corporation who files an application, in a form to be determined by
13 the commission, which sets forth:

14 (1) Satisfactory proof of its status as a private((τ)) or private
15 nonprofit corporation;

16 (2) The kind of service to be provided;

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

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

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

24 The commission may deny a certificate to a provider who does not meet
25 the requirements of this section. Each vehicle of a private((τ)) or
26 private nonprofit transportation provider shall carry a copy of the
27 provider's certificate.

28 **Sec. 6.** RCW 81.66.050 and 1979 c 111 s 8 are each amended to read
29 as follows:

30 The commission shall, in the granting of certificates to operate
31 any private((τ)) or private nonprofit transportation provider, require
32 the owner or operator to first procure liability and property damage
33 insurance from a company licensed to make liability insurance in the
34 state of Washington or a surety bond of a company licensed to write
35 surety bonds in the state of Washington on each vehicle used or to be
36 used in transporting persons for compensation. The commission shall
37 fix the amount of the insurance policy or policies or surety bond,

1 giving due consideration to the character and amount of traffic, the
2 number of persons affected, and the degree of danger which the proposed
3 operation involves. Such liability and property damage insurance or
4 surety bond shall be maintained in force on each vehicle while so used.
5 Each policy for liability of property damage insurance or surety bond
6 required herein, shall be filed with the commission and kept in full
7 force and effect, and failure to do so shall be cause for the
8 revocation of the certificate.

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