

HOUSE BILL REPORT

HB 1775

As Reported by House Committee On:
Transportation

Title: An act relating to the regulation of certain limousine carriers.

Brief Description: Concerning the regulation of certain limousine carriers.

Sponsors: Representatives White, Carlyle, Nelson, Upthegrove and Simpson.

Brief History:

Committee Activity:

Transportation: 2/11/09, 2/27/09 [DP].

Brief Summary of Bill

- Classifies executive sedans and executive vans as for hire vehicles when operating in counties with a population of one million or more or in cities with a population of 500,000 or more.
- Expands the ability of port districts in a county with a population of one million or more to regulate limousine carriers to include regulation of insurance requirements and license fees.
- Grants counties with a population of one million or more and cities with a population of 500,000 or more the authority to regulate executive sedans and executive vans with regards to entry, safety of equipment, chauffeur qualifications, insurance requirements, license fees, and operations.
- Allows port districts in a county with a population of one million or more, counties with a population of one million or more, and cities with a population of 500,000 or more to enter into cooperative agreements to regulate executive sedans and executive vans.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 18 members: Representatives Clibborn, Chair; Liias, Vice Chair; Campbell, Driscoll, Finn, Flannigan, Johnson, Klippert, Moeller, Rolfes, Sells, Simpson, Springer, Takko, Upthegrove, Wallace, Williams and Wood.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Do not pass. Signed by 8 members: Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong, Cox, Eddy, Ericksen, Herrera and Morris.

Staff: David Munnecke (786-7315)

Background:

Cities, counties, and port districts may regulate taxicab companies operating within their jurisdictions, and may control entry, rate, route, licensing, and safety. Both King County and the City of Seattle have chosen to regulate taxicabs and have developed guidelines to enforce licensing, rates, routes, driver qualifications, safety, and vehicle inspection provisions.

In 1996 the regulation of limousines was transferred from the Utilities and Transportation Commission (UTC) to the Department of Licensing (DOL). The DOL regulates entry, equipment, chauffeur qualifications, and operations. In addition, the Port of Seattle regulates limousines with regard to entry, chauffeur qualifications, operations, and equipment at SeaTac International Airport.

A limousine is a for-hire, chauffeur-driven, unmetered, unmarked luxury motor vehicle that meets one of the following definitions:

- "stretch limousine" is an automobile whose wheelbase has been altered, has a seating capacity of no more than 12 passengers, and is equipped with amenities;
- "executive sedan" is a four-door sedan with a minimum wheelbase of 114.5 inches, a seating capacity of no more than three passengers behind the driver, and standard factory amenities;
- "executive van" is a van, minivan, or minibus with a seating capacity of seven to 14 passengers behind the driver;
- "classic car" is a fine and distinctive automobile that is 30 years old or older;
- "executive sport utility vehicle" means an automobile with a seating capacity of not less than three passengers and not more than six passengers behind the driver, and a minimum wheelbase of 116 inches that has not been altered, which does not fall into one of the other categories; or
- "stretch sport utility vehicle" is an automobile whose wheelbase has been altered, has a seating capacity of no more than 14 passengers, and is equipped with amenities, which does not fall into one of the other categories.

A limousine carrier must have an office; a vehicle cannot solely be used as an office. Arrangements for service have to be prearranged through the carrier's office and dispatched to the limousine. Customers cannot make arrangements with the driver for immediate rental of a limousine, even if the driver is the owner. A limousine carrier must certify that each chauffeur: (1) is 21 years of age, (2) holds a valid Washington driver's license, (3) has successfully completed a training course and written exam approved by the DOL, (4) has passed a background check performed by the Washington State Patrol, and (5) submits a medical certificate upon initial application and every three years thereafter validating the driver's fitness.

Limousine carriers must list their unified business identifier when advertising and specify the type of service offered. A limousine carrier cannot advertise as a taxicab company. Unlawful operation of a limousine without a certificate is a misdemeanor on first offense and a gross misdemeanor thereafter. Violation of the insurance provisions related to limousines and false advertising are gross misdemeanors.

Cities, counties, and port districts may regulate for-hire vehicles within their respective jurisdictions with regard to entry, rates, routes, safety, and licensing. (This is in addition to the DOL's current licensing and insurance regulations.)

Summary of Bill:

Executive sedans and executive vans are classified as for-hire vehicles when operating in counties with a population of one million or more or in cities with a population of 500,000 or more.

The ability of port districts in a county with a population of one million or more to regulate limousine carriers is expanded to include regulation of insurance requirements and license fees. Counties with a population of one million or more and cities with a population of 500,000 or more are granted the authority to regulate executive sedans and executive vans with regards to entry, safety of equipment, chauffeur qualifications, insurance requirements, license fees, and operations, which gives these cities and counties regulatory authority equivalent to the port districts in regards to executive sedans and executive vans.

Port districts in a county with a population of one million or more, counties with a population of one million or more, and cities with a population of 500,000 or more are allowed to enter into cooperative agreements to regulate executive sedans and executive vans.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Seventy-five percent of the limousine service in the state occurs in King County, and 75 percent of these limousines operate without the required central office for scheduling the service. Today there is no real enforcement of the scheduling requirement as it applies to town cars. The disadvantages that this creates for taxicabs and legal limousine drivers needs to be addressed. Currently people have to run a gauntlet of town cars in order to get a cab.

The real issue, with regards to town car regulation, is safety. According to the Department of Licensing (DOL), 19 percent of limousine drivers have holds on their licenses due to a lack of insurance. Limousines were regulated at the local level until 1989, and it is time to return authority to Seattle so it can guarantee customer safety. Seattle is not interested in setting rates, and is prohibited from doing so, although it does intend to establish a central registry for customer complaints. The city simply wants to ensure safety by ensuring the quality of the drivers.

The Port of Seattle has the authority to regulate town cars and is able to control what goes on at the airport. However, at the cruise terminal there are consistent negative experiences in that constrained environment. Whenever the DOL, which is responsible for limousine regulation, comes to the cruise terminal for enforcement purposes, numerous violations are found.

(With concerns) The current laws need to be enforced against the scofflaws. The complaints and violations number in the hundreds every day, with the limousines operating as taxicabs, giving kickbacks, and overcharging customers. The public needs to be protected.

There is currently no effective enforcement because enforcement falls to the Washington State Patrol, which has other concerns. However, there are issues with Seattle taking complete control, such as the overall cost. The DOL's regulations and its role as regulator should be retained but Seattle should be allowed to enforce the regulations.

(Opposed) Under the current law, the limousine drivers who follow the laws are often the ones who report violations by other limousine operators. Even then, it is difficult for the DOL to enforce the law because the DOL has to arrange for a ride, take the ride, pay for the ride, and then prove the violation in court, where the DOL is then sometimes accused of entrapment.

Persons Testifying: (In support) Representative White, prime sponsor; Genessee Adkins, Craig Leisy, and Denise Movius, City of Seattle; Clare Gallagher, Port of Seattle; Kulwanti Grewal and Bashi Hassan, Seattle Taxi Owners Association; and Chris Van Dyke, Seattle Taxi Owners Association and BYG Taxi Cooperative Association.

(With concerns) Steve Salins, Shuttle Express and Puget Sound Limousine Association; Steve Morgan, Seattle Limousine and Puget Sound Limousine Association; Tony Stotler, Evergreen Town Car; Sharron Coleman, Carey Transportation and Puget Sound Limousine Association; and Rob Hansen, Bayview Limousine.

(Opposed) Eli Darland, Rare Form Limousine and Puget Sound Limousine Association.

Persons Signed In To Testify But Not Testifying: None.