
Transportation Committee

SSB 5362

Brief Description: Concerning the regulation of passenger charter and excursion carriers.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators King and Lias; by request of Utilities & Transportation Commission).

Brief Summary of Substitute Bill

- Prohibits the consumption of alcohol on excursion service carrier vehicles, and provides conditions on such consumption on charter party carrier vehicles and party buses.
- Prohibits smoking on charter party carriers and excursion service carrier vehicles.
- Removes an exemption from regulation that applies to carriers operating wholly within the limits of incorporated cities.
- Changes when annual fees from charter party carriers and excursion service carriers must be paid.
- Amends the carrier-related activities for which a certificate is required.

Hearing Date: 3/16/15

Staff: Andrew Russell (786-7143).

Background:

The Washington Utilities and Transportation Commission (UTC) regulates various passenger transportation service providers, including charter party carriers and excursion service carriers. A "charter party carrier" is defined as a person who transports a group of persons traveling pursuant to a common purpose or under a single contract to a specified destination or for a particular itinerary. An "excursion service carrier" is defined as a person who transports passengers for compensation from points of origin within the incorporated limits of any city or town to any other location in the state and returning to that origin. These carriers do not include

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.

persons operating wholly within the limits of an incorporated city, the operation of taxicabs, hotel buses, school buses, or limousine operators.

Charter party carriers and excursion service carriers must obtain a certificate from the UTC, and the carriers must pay an annual fee, which is due by December 31. Operating without the required certificate is punishable by a gross misdemeanor citation. In applying for a certificate, an applicant must provide information required by the UTC and must provide proof that it meets the minimum insurance requirement. These carriers must hold an insurance policy with minimum limits, determined by the size of the vehicle the carrier operates: for vehicles with a seating capacity for 15 or fewer passengers, the operator must hold \$1.5 million combined single-limit coverage; and for vehicles with a seating capacity for 16 or more passengers, the operator must hold \$5 million combined single-limit coverage.

Summary of Bill:

Definitions.

A party bus is defined as "any motor vehicle whose interior enables passengers to stand and circulate throughout the vehicle and in which food, beverages, or entertainment may be provided." A party bus, however, does not include vehicles with forward-facing seats and a center aisle. Additionally, a double-decker bus is defined as a vehicle with more than one passenger deck, which must comply with maximum height requirements. Finally, a "permittee" is defined as the holder of a special permit issued by the Liquor Control Board, which relates to the service and consumption of alcohol.

Prohibited Activities.

Charter party carriers and excursion service carriers are prohibited from serving alcohol to customers, and excursion service carriers must prohibit all consumption of alcohol on vehicles. A charter party carrier, on the other hand, may allow passengers to consume alcohol. Additionally, if the vehicle is a party bus, the carrier must confirm that the permittee is present at all times during the trip, obtain a copy of the permittee's permit, require the permittee to check passengers' identification, and verify that the permittee assumes responsibility for complying with the terms of the permit. If these requirements are not met, the charter party carrier must either cancel the trip or remove all alcoholic beverages and lock them in the trunk of the vehicle.

If a charter party carrier or excursion service carrier learns that passengers under 21 years of age have consumed alcohol in the passenger compartment, or if a charter party carrier learns that the special permit holder is not in the passenger compartment where alcoholic beverages are being served, the carrier must lock the alcohol in the trunk of the vehicle, and the carrier may terminate the service and return the passengers to the place of origin. Additionally, if at any time an excursion service carrier or charter party carrier believes conditions in the vehicle are unsafe, the carrier may cancel the trip and return the passengers to the place of origin. A carrier that violates these requirements is subject to a penalty of up to \$5,000 for each violation.

A charter party carrier and an excursion service carrier may not knowingly allow any passenger to smoke any kind of lighted pipe, cigar, cigarette, or any other lighted smoking equipment aboard the carrier's vehicle.

Operating Without a Certificate.

The advertisement or solicitation for, and the offering or entering into, any agreement to provide charter party or excursion service carriage is included in the definition of service for which a certificate issued by the UTC is required. Generally, a violation of this section may be punished by a penalty of up to \$5,000 for each violation.

Removing Exemption from Regulation.

Charter party and excursion service carrier regulations are applied to carriers operating wholly within limits of incorporated cities.

Annual Fee Payments.

Charter party carriers and excursion service carriers must pay the applicable annual fees before May 1 of each year to cover operations during that year.

Appropriation: None.

Fiscal Note: Available.

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