
SENATE BILL 6234

State of Washington

65th Legislature

2018 Regular Session

By Senator Palumbo

1 AN ACT Relating to emerging internet technology applications and
2 consumers utilizing the services of carrier network companies and
3 carrier network company operators; amending RCW 81.80.070, 81.80.305,
4 81.80.355, and 81.04.010; reenacting and amending RCW 81.80.010; and
5 creating a new section.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that the internet
8 and mobile telecommunications have changed the way in which consumers
9 access and purchase services in virtually every sector of the
10 economy. Furthermore, the legislature finds that consumers desire
11 more options for delivery and transportation of personal property,
12 such as operators who are available on demand to move small loads of
13 personal property short distances. The legislature intends that
14 carrier network companies, which use emerging technology-based
15 platforms to arrange for small personal property moves, and carrier
16 network company operators, which use carrier network companies to
17 broker such moves, be appropriately regulated. The legislature
18 therefore intends to authorize the utilities and transportation
19 commission to update its existing motor freight carrier rules to
20 regulate carrier network companies and carrier network company
21 operators.

1 **Sec. 2.** RCW 81.80.010 and 2009 c 94 s 1 are each reenacted and
2 amended to read as follows:

3 The definitions set forth in this section apply throughout this
4 chapter.

5 (1) "Carrier network company" means any corporation, partnership,
6 sole proprietorship, or other entity permitted under this chapter and
7 operating in the state of Washington that provides a digital network
8 or software application for the purpose of brokering the
9 transportation of property for compensation between customers and
10 carrier network company operators.

11 (2) "Carrier network company operator" means an operator that
12 uses a carrier network company's digital network or software
13 application to transport property for customers brokered by a carrier
14 network company. A carrier network company operator must conduct such
15 transportation using a standard size pickup or other noncommercial
16 motor vehicle, as that term is defined in 49 C.F.R. Sec. 383.5.

17 (3) "Common carrier" means any person who undertakes to transport
18 property for the general public by motor vehicle for compensation,
19 whether over regular or irregular routes, or regular or irregular
20 schedules, including motor vehicle operations of other carriers by
21 rail or water and of express or forwarding companies. "Common
22 carrier" includes persons engaged in the business of providing,
23 contracting for, or undertaking to provide transportation of property
24 for compensation over the public highways of the state of Washington
25 as brokers or forwarders. "Common carrier" does not include "carrier
26 network company" or "carrier network company operator."

27 (~~(2)~~) (4) "Contract carrier" includes all motor vehicle
28 operators not included under the terms "carrier network company
29 operator," "common carrier," and "private carrier" as defined in this
30 section, and further includes any person who under special and
31 individual contracts or agreements transports property by motor
32 vehicle for compensation. (~~(3)~~—"Common carrier"—and)) "Contract
33 carrier" includes persons engaged in the business of providing,
34 contracting for, or undertaking to provide transportation of property
35 for compensation over the public highways of the state of Washington
36 as brokers or forwarders.

37 (~~(4)~~) (5) "Exempt carrier" means any person operating a vehicle
38 exempted under RCW 81.80.040.

39 (~~(5)~~) (6) "Household goods carrier" means a person, other than
40 a carrier network company or a carrier network company operator, who

1 transports for compensation, by motor vehicle within this state, or
2 who advertises, solicits, offers, or enters into an agreement to
3 transport household goods as defined by the commission. "Household
4 goods carrier" does not include "carrier network company" or "carrier
5 network company operator."

6 ((+6)) (7) "Motor carrier" includes "carrier network company
7 operator," "common carrier," "contract carrier," "private carrier,"
8 and "exempt carrier" as defined in this section.

9 ((+7)) (8) "Motor vehicle" means any truck, trailer,
10 semitrailer, tractor, dump truck which uses a hydraulic or mechanical
11 device to dump or discharge its load, or any self-propelled or motor-
12 driven vehicle used upon any public highway of this state for the
13 purpose of transporting property, but not including baggage, mail,
14 and express transported on the vehicles of auto transportation
15 companies carrying passengers.

16 ((+8)) (9) "Person" includes an individual, firm, copartnership,
17 corporation, company, or association or their lessees, trustees, or
18 receivers.

19 ((+9)) (10) A "private carrier" is a person who transports by
20 his or her own motor vehicle, with or without compensation, property
21 which is owned or is being bought or sold by the person, or property
22 where the person is the seller, purchaser, lessee, or bailee and the
23 transportation is incidental to and in furtherance of some other
24 primary business conducted by the person in good faith.

25 ((+10)) (11) "Public highway" means every street, road, or
26 highway in this state.

27 ((+11)) (12) "Vehicle" means every device capable of being moved
28 upon a public highway and in, upon, or by which any person or
29 property is or may be transported or drawn upon a public highway,
30 except devices moved by human or animal power or used exclusively
31 upon stationary rail or tracks.

32 **Sec. 3.** RCW 81.80.070 and 2009 c 94 s 3 are each amended to read
33 as follows:

34 (1) A carrier network company operator, common carrier, contract
35 carrier, or temporary carrier shall not operate for the
36 transportation of property for compensation in this state without
37 first obtaining from the commission a permit for such operation.

38 (2) The commission ((shall)) must issue a ((common-carrier))
39 permit to any qualified applicant if it is found the applicant is

1 fit, willing, and able to perform the service and conform to the
2 provisions of this chapter and the rules and regulations of the
3 commission.

4 (3) Before a permit is issued, the commission (~~shall~~) must
5 require the applicant to establish safety fitness and proof of
6 minimum financial responsibility as provided in this chapter.

7 (4) Carrier network companies must be regulated in a manner
8 similar to forwarders and brokers as provided in RCW 81.80.430.

9 **Sec. 4.** RCW 81.80.305 and 2007 c 234 s 86 are each amended to
10 read as follows:

11 (1) All motor vehicles, other than those exempt under subsection
12 (2) of this section, must display a permanent marking identifying the
13 name or number, or both, on each side of the power units. For a motor
14 vehicle that is a common or contract carrier under permit by the
15 commission as described in subsection (3)(a) of this section, a
16 private carrier under subsection (4) of this section, or a leased
17 carrier as described in subsection (5) of this section, any required
18 identification that is added, modified, or renewed after September 1,
19 1991, must be displayed on the driver and passenger doors of the
20 power unit. The identification must be in a clearly legible style
21 with letters no less than three inches high and in a color
22 contrasting with the surrounding body panel.

23 (2) This section does not apply to:

24 (a) Vehicles exempt under RCW 81.80.040(~~, and~~);

25 (b) Vehicles operated by private carriers that singly or in
26 combination are less than thirty-six thousand pounds gross vehicle
27 weight; or

28 (c) Vehicles operated by carrier network company operators.

29 (3) If the motor vehicle is operated as (a) a common or contract
30 carrier under a permit by the commission, the identification must
31 contain the name of the permittee, or business name, and the permit
32 number, or (b) a common or contract carrier holding both intrastate
33 and interstate authority, the identification may be either the
34 commission permit number or the federal vehicle marking requirement
35 established by the United States department of transportation for
36 interstate motor carriers.

37 (4) If the motor vehicle is a private carrier, the identification
38 must contain the name and address of either the business operating
39 the vehicle or the registered owner.

1 (5) If the motor vehicle is operated under lease, the vehicle
2 must display either permanent markings or placards on the driver and
3 passenger doors of the power unit. A motor vehicle under lease (a)
4 that is operated as a common or contract carrier under permit by the
5 commission must display identification as provided in subsection
6 (3)(a) of this section, and (b) that is operated as a private carrier
7 must display identification as provided in subsection (4) of this
8 section.

9 (6) If a motor vehicle is operated by a carrier network company
10 operator under a permit issued by the commission, the vehicle must
11 display a marking identifying the name of its associated carrier
12 network company.

13 **Sec. 5.** RCW 81.80.355 and 2013 c 23 s 309 are each amended to
14 read as follows:

15 Any person not holding a permit authorizing him or her to operate
16 as a carrier network company operator, common carrier, contract
17 carrier, or temporary carrier for the transportation of property for
18 compensation in this state, or an exempt carrier, who displays on any
19 building, vehicle, billboard, or in any manner, any advertisement of,
20 or by circular, letter, newspaper, magazine, poster, card, or
21 telephone directory, advertises the transportation of property for
22 compensation shall be guilty of a misdemeanor and punishable as such.

23 **Sec. 6.** RCW 81.04.010 and 2007 c 234 s 4 are each amended to
24 read as follows:

25 ~~((As used in this title, unless specially defined otherwise or~~
26 ~~unless the context indicates otherwise:)) The definitions in this
27 section apply throughout this title unless the context clearly
28 requires otherwise.~~

29 (1) "Carrier network company" means any corporation, partnership,
30 sole proprietorship, or other entity permitted under this chapter and
31 operating in the state of Washington who provides a digital network
32 or software application for the purpose of brokering the
33 transportation of property for compensation between customers and
34 carrier network company operators.

35 (2) "Carrier network company operator" means an operator that
36 uses a carrier network company's digital network or software
37 application to transport property for customers brokered by a carrier
38 network company. A carrier network company operator must conduct such

1 transportation using a standard size pickup or other noncommercial
2 motor vehicle, as that term is defined in 49 C.F.R. 383.5.

3 (3) "Commission" means the utilities and transportation
4 commission.

5 ~~((+2))~~ (4) "Commissioner" means one of the members of such
6 commission.

7 ~~((+3))~~ (5) "Corporation" includes a corporation, company,
8 association, or joint stock association.

9 ~~((+4))~~ (6) "Low-level radioactive waste site operating company"
10 includes every corporation, company, association, joint stock
11 association, partnership, and person, their lessees, trustees, or
12 receivers appointed by any court whatsoever, owning, operating,
13 controlling, or managing a low-level radioactive waste disposal site
14 or sites located within the state of Washington.

15 ~~((+5))~~ (7) "Low-level radioactive waste" means low-level waste
16 as defined by RCW 43.145.010.

17 ~~((+6))~~ (8) "Person" includes an individual, a firm, or
18 copartnership.

19 ~~((+7))~~ (9) "Street railroad" includes every railroad by
20 whatsoever power operated, or any extension or extensions, branch or
21 branches thereof, for public use in the conveyance of persons or
22 property for hire, being mainly upon, along, above, or below any
23 street, avenue, road, highway, bridge, or public place within any one
24 city or town, and includes all equipment, switches, spurs, tracks,
25 bridges, right of trackage, subways, tunnels, stations, terminals,
26 and terminal facilities of every kind used, operated, controlled, or
27 owned by or in connection with any such street railroad, within this
28 state.

29 ~~((+8))~~ (10) "Street railroad company" includes every
30 corporation, company, association, joint stock association,
31 partnership, and person, their lessees, trustees, or receivers
32 appointed by any court whatsoever, and every city or town, owning,
33 controlling, operating, or managing any street railroad or any cars
34 or other equipment used thereon or in connection therewith within
35 this state.

36 ~~((+9))~~ (11) "Railroad" includes every railroad, other than
37 street railroad, by whatsoever power operated for public use in the
38 conveyance of persons or property for hire, with all facilities and
39 equipment, used, operated, controlled, or owned by or in connection
40 with any such railroad.

1 ~~((10))~~ (12) "Railroad company" includes every corporation,
2 company, association, joint stock association, partnership, or
3 person, their lessees, trustees, or receivers appointed by any court
4 whatsoever, owning, operating, controlling, or managing any railroad
5 or any cars or other equipment used thereon or in connection
6 therewith within this state.

7 ~~((11))~~ (13) "Common carrier" includes all railroads, railroad
8 companies, street railroads, street railroad companies, commercial
9 ferries, motor freight carriers, auto transportation companies,
10 charter party carriers and excursion service carriers, private
11 nonprofit transportation providers, solid waste collection companies,
12 household goods carriers, hazardous liquid pipeline companies, and
13 every corporation, company, association, joint stock association,
14 partnership, and person, their lessees, trustees, or receivers
15 appointed by any court whatsoever, and every city or town, owning,
16 operating, managing, or controlling any such agency for public use in
17 the conveyance of persons or property for hire within this state.

18 ~~((12))~~ (14) "Vessel" includes every species of watercraft, by
19 whatsoever power operated, for public use in the conveyance of
20 persons or property for hire over and upon the waters within this
21 state, excepting all towboats, tugs, scows, barges, and lighters, and
22 excepting rowboats and sailing boats under twenty gross tons burden,
23 open steam launches of five tons gross and under, and vessels under
24 five tons gross propelled by gas, fluid, naphtha, or electric motors.

25 ~~((13))~~ (15) "Commercial ferry" includes every corporation,
26 company, association, joint stock association, partnership, and
27 person, their lessees, trustees, or receivers, appointed by any court
28 whatsoever, owning, controlling, leasing, operating, or managing any
29 vessel over and upon the waters of this state.

30 ~~((14))~~ (16) "Transportation of property" includes any service
31 in connection with the receiving, delivery, elevation, transfer in
32 transit, ventilation, refrigeration, icing, storage, and handling of
33 the property transported, and the transmission of credit.

34 ~~((15))~~ (17) "Transportation of persons" includes any service in
35 connection with the receiving, carriage, and delivery of persons
36 transported and their baggage and all facilities used, or necessary
37 to be used in connection with the safety, comfort, and convenience of
38 persons transported.

39 ~~((16))~~ (18) "Public service company" includes every common
40 carrier.

1 (~~(17)~~) (19) The term "service" is used in this title in its
2 broadest and most inclusive sense.

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