

## WSR 23-06-053

## PROPOSED RULES

## DEPARTMENT OF LICENSING

[Filed February 27, 2023, 9:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-23-164.

Title of Rule and Other Identifying Information: Within chapter 308-83 WAC, Limousine services, the subject of rule making is WAC 308-83-010 Definitions.

Hearing Location(s): On April 4, 2023, at 11:00 a.m. Virtual hearing via Zoom with an in-person option. Join Zoom meeting <https://dol-wa.zoom.us/j/88409457896?pwd=bUVqbXVCZ0JPRkhCa0hocmNuYmZOZz09>, Meeting ID 884 0945 7896, Passcode 130064, One-tap mobile +12532050468,,88409457896#,,,,\*130064# US, +12532158782,,88409457896#,,,,\*130064# US (Tacoma); or dial by your location +1 253-205-0468 US, +1 253-215-8782 US (Tacoma), Meeting ID 884 0945 7896, Passcode 130064. Find your local number <https://dol-wa.zoom.us/j/88409457896?pwd=bUVqbXVCZ0JPRkhCa0hocmNuYmZOZz09>. If you experience issues joining the Zoom meeting at the time of the hearing, please call 360-902-3846. In-person attendees can come to the Highways-Licenses Building, 1125 Washington Street S.E., Olympia, WA 98504.

Date of Intended Adoption: April 5, 2023.

Submit Written Comments to: Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98504, email [rulescoordinator@dol.wa.gov](mailto:rulescoordinator@dol.wa.gov), by April 4, 2023.

Assistance for Persons with Disabilities: Contact Ellis Starrett, phone 360-902-3846, email [rulescoordinator@dol.wa.gov](mailto:rulescoordinator@dol.wa.gov), by March 27, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department of licensing has received a petition from a limousine services company requesting that the agency revise rules to allow for inclusion of modern vehicle sizes. Thus, the agency is considering rule making on WAC 308-83-010 to be more inclusive of modern vehicle sizes. Decreasing the wheelbase requirement for executive sedans and executive SUVs would allow for a greater range of modern vehicle sizes. Decreasing the capacity of executive vans for number of passengers behind the driver would allow for additional modern luxury vans to be included under the definition of a limousine.

Reasons Supporting Proposal: The current definition of a limousine is putting undue burden on limousine services, especially as the department is seeing more environmentally friendly vehicles and other modern luxury vehicles with either smaller wheelbase or seating capacity than the definitions allow for within the limousine category. This rule making is beneficial to, or requested or supported by, the regulated entities, local governments, or businesses it affects.

Statutory Authority for Adoption: RCW 46.72A.030(1), 42.04.274(1), and 46.01.110.

Statute Being Implemented: Chapter 46.72A RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: SRTC Limo Worldwide, private.

Name of Agency Personnel Responsible for Drafting: Shawna Herron, 405 Black Lake Boulevard S.W., Olympia, WA 98502, 360-634-5137; Implementation and Enforcement: Tanya Hessler, 405 Black Lake Boulevard S.W., Olympia, WA 98502, 360-968-4048.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This rule eases requirements rather than strengthening them. This rule does not establish or change any qualification for a license or permit. After surveying the industry, the department is confident that this does not qualify as a significant change to a policy or regulatory program. However, we do have information on file on how we determined these findings and the benefits of this rule change.

Scope of exemption for rule proposal from Regulatory Fairness Act requirements:

Is not exempt.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. After surveying the industry about potential impacts, it was determined that this rule does not impose costs on licensees, including businesses or professionals who own a limousine business or drive a limousine. This rule was proposed after the department received a petition to amend rules to allow for smaller models of vehicles to be authorized for use by limousine companies when those vehicles still meet safety and luxury standards. This should allow more modern and/or greener vehicles to be used by companies who would like to have these vehicles added to their fleets. Licensees did not provide evidence of costs that would be imposed by this rule change.

February 27, 2023  
Ellis Starrett  
Rules and Policy Manager

## OTS-4323.1

AMENDATORY SECTION (Amending WSR 17-20-019, filed 9/26/17, effective 10/27/17)

**WAC 308-83-010 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter and chapter 46.72A RCW.

(1) "Amenities" means equipment or features added to a vehicle for the comfort or convenience of the occupants:

(a) "Standard amenities" means standard factory amenities normally found in passenger cars;

(b) "Nonstandard amenities" means amenities not normally found in passenger cars. These amenities may include, but are not limited to, a television, musical sound system, telephone, ice storage, refrigerator, power-operated dividers, or additional interior lighting.

(2) "Business license" or "limousine carrier business license" means a license issued under chapter 19.02 RCW, which contains an endorsement indicating the business to which the license is issued is authorized to provide limousine carrier services.

(3) "Business licensing service" means the program within the Washington state department of revenue authorized by chapter 19.02 RCW to issue the business license.

(4) "Business office" refers to the physical location where a limousine carrier business maintains its business records, as defined in WAC 308-83-130. The business office is the physical address on file with the business licensing service. The business office is the place where the business license is posted.

(5) "Business owner" means an individual, partnership, corporation, association, or other person(s), or group that holds a substantial interest in a limousine carrier business.

(6) "Chauffeur" means a person who operates a limousine.

(7) "Decal" means a sticker issued by the department to indicate the vehicle displaying the decal has a valid limousine vehicle certificate.

(8) "Department" means the Washington state department of licensing.

(9) "Dispatch log" refers to a paper or electronic record of assignments made to chauffeurs, and includes all information from the passenger manifest(s) for a given period, as well as the time each ride was arranged, the limousine, and the chauffeur assigned to the customer. The dispatch log also documents passengers referred by or to other drivers or businesses.

(10) "Disqualification" means a prohibition against driving a limousine.

(11) "Drugs" are those substances as defined by RCW 69.04.009 including, but not limited to, those substances defined by 49 C.F.R. 40.3.

(12) "Limousine" has the same meaning as in RCW 46.04.274 and includes vehicles that meet one of the following definitions:

(a) "Stretch limousine" means an automobile with a seating capacity behind the driver of not less than four passengers and not more than ~~((fourteen))~~ 14 passengers, and a maximum wheelbase of ~~((two hundred eighty five))~~ 285 inches. The wheelbase has been factory or otherwise altered beyond the original manufacturer's specifications and meets standards of the United States Department of Transportation. A stretch limousine must be equipped with nonstandard amenities in the rear seating area.

(b) "Executive sedan" means a four-door sedan or crossover automobile having a seating capacity behind the driver of not more than three passengers, and a minimum wheelbase of ~~((one hundred fourteen and one-half))~~ 112 inches or is designated as a large car under 40 C.F.R. 600.315-08, and has a manufacturer's suggested retail price when new of no less than ~~((thirty-five thousand dollars))~~ \$35,000. The department may provide guidelines for qualified vehicles on our website. An executive sedan must at a minimum be equipped with standard amenities, and the wheelbase may not be altered.

(c) "Executive van" means a van or minivan, having a seating capacity behind the driver of not less than ~~((seven))~~ five passengers and not more than ~~((fourteen))~~ 14 passengers.

(d) "Classic car" means a fine or distinctive, American or foreign automobile that is ~~((thirty))~~ 30 years old or older.

(e) "Executive sport utility vehicle" means a sport utility vehicle with a seating capacity behind the driver of not less than three passengers and not more than six passengers, and a minimum wheelbase of ~~((one hundred sixteen))~~ 112 inches that has not been altered.

(f) "Stretch sport utility vehicle" means a sport utility vehicle with a seating capacity behind the driver of not less than four and not more than ~~((fourteen))~~ 14 passengers, and a maximum wheelbase of ~~((three hundred twenty five))~~ 325 inches that has been factory or oth-

erwise altered beyond the original manufacturer's specifications and meets standards of the United States Department of Transportation. A stretch sport utility vehicle must be equipped with nonstandard amenities in the rear seating area.

(13) "Limousine carrier" or "carrier" is a business licensed, or required to be licensed by the department to provide limousine services, in accordance with RCW 46.04.276 and department regulations.

(14) "Nonresident limousine carrier" refers to a limousine carrier or vehicle owner whose place of business is not in Washington state.

(15) "Operate" refers to a person engaging in the business of a limousine and includes driving, occupying, or otherwise using a limousine to wait for, pick up, transport, or drop off a passenger for compensation. Specific activities included in the definition of operating a limousine are contained in WAC 308-83-210.

(16) "Passenger capacity" means the maximum number of passengers that may be carried in a vehicle as determined by using the information found on the label that is required by the United States Department of Transportation to be affixed to the vehicle under 49 C.F.R., Parts 567 and 568. This label must be affixed to the vehicle in accordance to 49 C.F.R., Parts 567 and 568. In absence of the label, a member of the Washington state patrol or the department may determine the passenger capacity upon visual inspection of the vehicle.

(17) "Passenger manifest" refers to a daily record that verifies prearranged trips. Specific requirements for the passenger manifest are contained in WAC 308-83-200.

(18) "Person" or "persons" means an individual, a corporation, association, sole proprietorship, joint stock association, partnership, limited liability partnership, limited liability company, or other association of people organized to conduct business. It also includes their lessees, trustees, or receivers.

(19) "Prearranged" refers to a customer or customer's agent having secured and agreed to the services and fare. Prearranged means the agreement was made prior to the time of departure and at a place different than the place of departure.

(20) "Public highway" includes every public street, road, or highway in this state.

(21) "Substance abuse professional" means an alcohol and drug specialist meeting the credentials, knowledge, training, and continuing education requirements of 49 C.F.R. 40.281.

(22) "Unified business identifier" or "UBI" is a nine digit number that registers a business with several state agencies and allows an entity to do business in Washington state. It is sometimes called a tax registration number, a business registration number, or a business license number.

(23) "Vehicle certificate" is a document issued by the department, indicating that the vehicle is registered as a limousine. The vehicle certificate must be carried in the limousine at all times. The vehicle certificate is not the vehicle registration document.

[Statutory Authority: Chapters 46.72A, 43.24, and 46.04 RCW. WSR 17-20-019, § 308-83-010, filed 9/26/17, effective 10/27/17. Statutory Authority: RCW 46.72A.120, 43.24.086, chapter 46.04 RCW. WSR 16-08-093, § 308-83-010, filed 4/5/16, effective 5/6/16. Statutory Authority: Chapters 46.72A, 46.04 RCW, RCW 43.24.086 and 2011 c 374. WSR 12-02-035, § 308-83-010, filed 12/29/11, effective 2/1/12.]