

WSR 23-07-027
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket T-220252—Filed March 6, 2023, 12:18 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-15-046.

Title of Rule and Other Identifying Information: Rule making to consider revisions to insurance and safety regulations governing the operation of motor common carriers, household goods carriers, auto transportation companies, nonprofit transportation providers, charter party and excursion service carriers, and solid waste collection companies in chapters 480-14, 480-15, 480-30, 480-31, and 480-70 WAC. This rule making is recorded as Docket T-220252 at the utilities and transportation commission (UTC).

Hearing Location(s): On June 7, 2023, at 9:30 a.m., <https://utc-wa-gov.zoom.us/j/86907867570?pwd=eUJocWxsSjhhMGhyeUxNaUtzUGJOUT09>. Virtual public hearing to consider adoption of the proposed rule.

Date of Intended Adoption: June 10, 2023.

Submit Written Comments to: Amanda Maxwell, Executive Director and Secretary, P.O. Box 47250, Olympia, WA 98504-7250, email records@utc.wa.gov, 360-664-1160, by May 1, 2023.

Assistance for Persons with Disabilities: Contact human resources, phone 360-664-1160, TTY 360-586-8203, email human_resources@utc.wa.gov, by May 1, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed rules is to improve motor carrier safety regulation and increase public safety. UTC aims to eliminate redundant, overlapping, and inconsistent rules with its state and federal partners.

Reasons Supporting Proposal: UTC identified many areas that needed to be amended or revised. The detailed list is available in Docket T-220252 in the motor carrier safety increase regulatory consistency report.

Statutory Authority for Adoption: RCW 80.01.040, 81.01.010, 81.04.160.

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

Name of Proponent: UTC, governmental.

Name of Agency Personnel Responsible for Drafting: Mathew Perkinson, 621 Woodland Square Loop S.E., Lacey, WA 98503, 360-701-1601; Implementation and Enforcement: Amanda Maxwell, 621 Woodland Square Loop S.E., Lacey, WA 98503, 360-664-1110.

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. RCW 34.05.328 does not apply to the UTC as it is not one of the listed agencies in RCW 34.05.328 (5)(a)(i).

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. UTC is proposing to adopt rules that enable UTC to improve its motor carrier safety regulations that intersect with the Washington state patrol (WSP) and the Federal Motor Carrier Safety

Administration (FMCSA) commercial vehicle safety regulations. The rules, in effect, meet UTC's strategic business goal to work with WSP and FMCSA to align safety rules and apply them equally to transportation companies regulated by UTC. Further, in pursuing its mission to ensure the transportation services it regulates are safe, available, reliable, and fairly priced, UTC seeks to establish necessary, understandable, and clear regulations in the interest of consumer protection and public safety. In support of goal two: Advance public safety in UTC's 2021-2023 strategic business plan, UTC's transportation safety division reviewed rules that fall under its motor carrier safety program's jurisdiction. Implementing these rules eliminates redundant, overlapping, and inconsistent regulations which create uncertainty and confusion to regulated industries or offer no public benefit. In summary, UTC identified rules that may need to be repealed or amended to reduce inconsistencies that may cause confusion or to avoid imposing unnecessary costs on intrastate commerce and regulated transportation industries.

The commission sent a small business economic impact statement questionnaire to affected entities, providing an opportunity to respond. UTC received no responses to the supplemental questionnaire. Based on the information available to it, UTC determined that the proposed rules do not have a fiscal impact to small businesses.

March 6, 2023
Amanda Maxwell
Executive Director and Secretary

OTS-4216.2

AMENDATORY SECTION (Amending WSR 13-23-048, filed 11/15/13, effective 12/16/13)

WAC 480-14-250 Insurance requirements. (1) **Required insurance coverage.** Each applicant for common carrier authority and each common carrier must file with the commission evidence of currently effective liability and property damage insurance written by a company authorized to write such insurance in the state of Washington or by an unauthorized insurer providing surplus lines coverage subject to the provisions of RCW 48.15.040, covering each motor vehicle as defined in RCW 81.80.010 used or to be used under the permit.

(a) For vehicles with gross vehicle weight ratings of (~~ten thousand~~) 10,000 pounds or more, filings must be for the amount shown on the following table:

Category of Carrier Operation	Filing Required
1. Property (nonhazardous)	\$750,000
2. Hazardous substances, as defined in 49 Code of Federal Regulations (C.F.R.) 171.8 transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Division 1.1, 1.2 and 1.3 materials, Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material, in bulk Division 2.1 or 2.2; or highway route controlled quantities of a Class 7 material, as defined in 49 C.F.R. 173.403	\$5,000,000

Category of Carrier Operation	Filing Required
3. Oil listed in 49 C.F.R. 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 C.F.R. 171.8 and listed in 49 C.F.R. 172.101, but not mentioned in 2. above or in 4. below	\$1,000,000
4. Any quantity of Division 1.1, 1.2, or 1.3 material; any quantity of a Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; or highway route controlled quantities of a Class 7 material, as defined in 49 C.F.R. 173.403	\$5,000,000

(b) For vehicles with gross vehicle weight ratings less than (~~ten thousand~~) 10,000 pounds, filings shall be for the amounts shown on the following table:

Category of Carrier Operation	Filing Required
1. Property (nonhazardous)	\$300,000
2. Property (hazardous); any quantity of Division 1.1, 1.2, or 1.3 material; any quantity of a Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; or highway route controlled quantities of a Class 7 material, as defined in 49 C.F.R. 173.403	\$5,000,000

(c) Insurance requirements do not apply to taxicabs whose only operation subject to commission jurisdiction is the operation of small parcel general freight service under a permit issued pursuant to chapter 81.80 RCW. Those taxicabs must comply with the provisions of RCW 46.72.040 and 46.72.050 in lieu of the above. However, all carriers must comply with the reporting requirements of this section.

(d) The commission may dismiss an application or suspend or cancel a permit if a carrier does not file proof that such insurance is in full force and effect.

(e) Carriers must submit evidence of insurance by a Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance (Form E), Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond (Form G), or a written binder evidencing the required coverage. A binder may not be effective for longer than (~~sixty~~) 60 days, during which time the carrier must file the Form E or Form G.

(2) **Continuing proof of insurance.** A carrier must file evidence of continued insurance with the commission not less than (~~ten~~) 10 days prior to the termination date of the current insurance.

(3) **Insurance endorsement.** All liability and property damage insurance policies issued to common carriers must carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(4) **Insurance termination.** All insurance policies issued under the requirements of chapter 81.80 RCW must provide that the coverage continues in full force and effect unless and until canceled by at least (~~thirty~~) 30 days' written notice served on the insured and the commission by the insurance company. The (~~thirty~~) 30 days' notice must commence to run from the date the notice is actually received by the commission.

(a) An insurance binder may be canceled on (~~ten~~) 10 days' written notice.

(b) The carrier or carrier's insurance company must notify the commission of cancellation or expiration by filing a Notice of Cancellation (Form K) no less than (~~thirty~~) 30 days before the cancellation or expiration effective date.

(c) The carrier or carrier's insurance company must provide notice of cancellation or expiration not more than (~~sixty~~) 60 days be-

fore the termination date, except binders which may be canceled on (~~ten~~) 10 days' written notice.

[Statutory Authority: RCW 80.01.040, 81.01.010, 81.04.160, and 81.80.130. WSR 13-23-048 (Docket TV-130079, General Order R-573), § 480-14-250, filed 11/15/13, effective 12/16/13. Statutory Authority: RCW 80.01.040 and 81.04.160. WSR 09-22-057 (Order R-555, Docket TV-090400), § 480-14-250, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-250, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040 and 34.05.350. WSR 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-250, filed 11/22/95, effective 12/23/95.]

OTS-4217.3

AMENDATORY SECTION (Amending WSR 09-24-104, filed 12/2/09, effective 1/2/10)

WAC 480-15-020 Definitions. For the purpose of this chapter, the words, terms, and phrases in this section have the following meaning:

Accessorial services: Any service provided by a household goods carrier that supplements, or is incidental to, the transportation of household goods. Examples include packing, unpacking, wrapping, or protecting a portion of the shipment or providing special equipment or services such as hoisting.

Agent: A permitted carrier, who, under the provisions of a formal written agreement, performs services on behalf of another permitted carrier.

Application docket: A commission publication listing applications requesting operating authority.

Authority: The rights granted to a carrier to transport household goods.

Cancellation: An act by the commission to terminate a household goods carrier's authority.

Carrier (~~or~~), household goods carrier, or motor carrier: A person who transports for compensation, by motor vehicle within this state, or who advertises, solicits, offers, or enters into an agreement to transport household goods.

Commercial motor vehicle: Any motor vehicle used by a household goods carrier to transport household goods, if either the vehicle has a gross vehicle weight rating or gross combination weight rating of 10,001 pounds or more or if the gross vehicle weight or gross combination weight is 10,001 pounds or more.

Commission: The Washington utilities and transportation commission.

Customer: Anyone who hires a household goods carrier.

Engaging in business as a household goods carrier: Transporting household goods for compensation, by motor vehicle within this state, or advertising, soliciting, offering, or entering into an agreement to transport household goods.

Estimate:

(a) Nonbinding estimate: The written estimate the carrier gives to the customer in advance of the move. A nonbinding estimate is not binding on the mover. The final charges will be based upon the actual cost of the move and the services provided, although a carrier may not charge more than (~~twenty-five~~) 25 percent over the nonbinding estimate.

(b) Binding estimate: The written estimate the carrier gives to the customer in advance of the move, signed by the carrier and the customer, and by which both the carrier and customer are bound. The carrier may not charge any amount other than the binding estimate and the customer must pay the amount of the binding estimate.

(c) Supplemental estimate: An amendment to the original nonbinding estimate, necessary when the circumstances of a move change in a way from the original written estimate that increases the cost of the move.

Exempt motor carrier: Any person operating a motor vehicle exempt from certain provisions of Title 81 RCW as defined in RCW 81.80.040.

Filing: Any application, petition, tariff proposal, annual report, comment, complaint, pleading, or other document submitted to the commission.

Household goods: The personal effects and property used, or to be used, in a residence when transported or arranged to be transported between residences or between a residence and a storage facility with the intent to later transport to a residence or when referenced in connection with advertising, soliciting, offering, or entering into an agreement for such transportation. Transportation of the goods must be arranged and paid for by the customer or by another individual, company, or organization on behalf of the customer.

Local move: A move taking place within the limits of a city or town or moves where the shipment is transported (~~fifty-five~~) 55 miles or less.

Long distance move: A move where the shipment is transported (~~fifty-six~~) 56 miles or more.

Motor vehicle or vehicle: Any (~~motor truck, tractor or other self-propelled vehicle, any trailer, semi-trailer~~) vehicle, machine, tractor, trailer, or semi-trailer propelled or drawn by mechanical power, or any combination of such vehicles (moving as a single unit), used on the public roads to transport household goods.

Permit: A document issued by the commission describing the authority granted to a household goods carrier.

Person: Any individual, firm, corporation, company, or partnership.

Private carrier: Persons who transport their own household goods, transport household goods bought or sold by them or transport household goods purely as an incidental adjunct to an established business.

Shipment: A load of household goods moved by a carrier from a single residence or as a single transaction.

State: The state of Washington.

Suspension: Also includes **suspend, suspended, suspending:** An act by the commission to withhold temporarily a household goods carrier's authority.

Tariff: A publication containing rates and charges carriers must assess on shipments of household goods and the rules that govern how rates and charges are assessed.

[Statutory Authority: RCW 80.01.040, 80.04.160, 34.05.353, and 2009 c 94. WSR 09-24-104 (Docket TV-091038, General Order R-556), §

480-15-020, filed 12/2/09, effective 1/2/10. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. WSR 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-020, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. WSR 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-020, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. WSR 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-020, filed 12/15/98, effective 1/15/99.]

AMENDATORY SECTION (Amending WSR 13-23-048, filed 11/15/13, effective 12/16/13)

WAC 480-15-530 Public liability and property damage insurance.

(1) Before operating under a household goods permit, carriers must have public liability and property damage insurance covering every motor vehicle used in its operations. The commission will not issue a permit for authority to operate without acceptable proof of required insurance coverage. Carriers must maintain the required public liability and property damage insurance at all times for every motor vehicle used in Washington intrastate operations.

(a) The policy must be written by an insurance company authorized to write insurance in Washington state or by an unauthorized insurer providing surplus lines coverage subject to the provisions of RCW 48.15.040, covering each motor vehicle as defined in RCW 81.80.010 used or to be used under the permit.

(b) The policy must include the Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance (Form E) or Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond (Form G).

(c) The commission may suspend or cancel the permit of any carrier operating without proof of required insurance coverage.

(2) The minimum limits of required public liability and property damage insurance for motor vehicles operated by household goods carriers are as follows:

(a) At least (~~three hundred thousand dollars~~) \$300,000 in combined single limit coverage for motor vehicles with a gross vehicle weight rating of (~~less than ten thousand~~) 10,000 pounds or less.

(b) At least (~~seven hundred fifty thousand dollars~~) \$750,000 in combined single limit coverage for motor vehicles with a gross vehicle weight rating of (~~ten thousand~~) 10,001 pounds or more.

(3) Carriers must file a Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance (Form E) or Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond (Form G) as a condition of maintaining a household goods permit.

(a) The Form E or Form G filing must be issued in (~~exactly~~) the same name as the carrier's permit.

(b) The Form E or Form G filing must be continuous, until canceled by a Notice of Cancellation (Form K) filed with the commission no less than (~~thirty~~) 30 days before the cancellation effective date.

(4) (a) The commission will accept an insurance certificate or binder for up to (~~sixty~~) 60 days. A certificate or binder may be canceled by filing written notice with the commission at least (~~ten~~)

10 days before the cancellation effective date. A certificate or binder must be replaced by a Form E or Form G within ~~((sixty))~~ 60 days of filing, or before the expiration date, whichever occurs first.

(b) Certificates or binders must include ~~((all of))~~ the following information:

- (i) The commission as the named certificate holder.
- (ii) The carrier's name, ~~((exactly))~~ as it appears on the permit or application, as the insured.
- (iii) The insurance company name.
- (iv) The insurance policy number.
- (v) The effective and expiration dates.
- (vi) The insurance limits of coverage.

[Statutory Authority: RCW 80.01.040, 81.01.010, 81.04.160, and 81.80.130. WSR 13-23-048 (Docket TV-130079, General Order R-573), § 480-15-530, filed 11/15/13, effective 12/16/13. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. WSR 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-530, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. WSR 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-530, filed 12/15/98, effective 1/15/99.]

AMENDATORY SECTION (Amending WSR 13-23-048, filed 11/15/13, effective 12/16/13)

WAC 480-15-555 Criminal background checks for prospective employees.

(1) Each carrier must complete a national criminal background check for every person the carrier intends to hire.

(2) The carrier must keep evidence that it has completed a national criminal background check for every person the carrier intends to hire for as long as that person is employed and for three years ~~((thereafter))~~ after the person is no longer employed by the carrier.

(3) No carrier may hire a person who has been convicted of any crime involving theft, burglary, assault, sexual misconduct, identity theft, fraud, false statements, or the manufacture, sale, or distribution of a controlled substance within the past five years.

[Statutory Authority: RCW 80.01.040, 81.01.010, 81.04.160, and 81.80.130. WSR 13-23-048 (Docket TV-130079, General Order R-573), § 480-15-555, filed 11/15/13, effective 12/16/13.]

AMENDATORY SECTION (Amending WSR 11-04-041, filed 1/25/11, effective 2/25/11)

WAC 480-15-560 ~~((Equipment))~~ Vehicle and driver safety requirements. ~~((1))~~ All carriers must comply with all of the following requirements:

- ~~((a))~~ Maintain all vehicles in a safe and sanitary condition.
- ~~((b))~~ Maintain vehicles free of defects likely to result in an accident or breakdown.
- ~~((c))~~ Maintain vehicles consistent with the North American Uniform Out-Of-Service Criteria as adopted in WAC 480-15-999.

~~(d) Make vehicles available for inspection by commission representatives at any time upon request.~~

~~(2) A household goods carrier must display its permit name and number, as registered with the commission, on both the driver and passenger doors of all power units.~~

~~(a) All markings on the power unit must be:~~

~~(i) Clearly legible.~~

~~(ii) No less than three inches high.~~

~~(iii) In a color that contrasts with the background color.~~

~~(iv) Permanent. Exception: Carriers may use temporary markings on vehicles operated under a lease.~~

~~(b) Carriers with both intrastate and interstate authority must display either the commission permit number, federal permit number or both on the power unit.~~

~~(3) Carriers must comply with all of the following requirements:~~

~~(a) All state and local motor vehicle safety laws and rules including, but not limited to, those contained in this chapter.~~

~~(b) The following parts of Title 49 of the Code of Federal Regulations (49 C.F.R.), as adopted by reference in this chapter on the date specified in WAC 480-15-999:~~

~~(i) 49 C.F.R. Part 390: Safety Regulations, General; except the following definitions will apply:~~

~~(A) Exempt motor carrier: Any person operating a motor vehicle exempt from certain provisions of RCW Title 81 as defined in RCW 81.80.040.~~

~~(B) Motor carrier: Any common carrier, exempt carrier and private carrier as defined in WAC 480-15-020.~~

~~(C) Motor vehicle: Any vehicle, machine, tractor, trailer or semi-trailer propelled or drawn by mechanical power, or any combination of such vehicles, used on the public roads to transport household goods.~~

~~(D) Private carrier: Persons who transport their own household goods, transport household goods bought or sold by them or transport household goods purely as an incidental adjunct to an established business.~~

~~(E) Commercial motor vehicle: Any motor vehicle used by a household goods carrier to transport household goods, if either the vehicle has a gross vehicle weight rating or gross combination weight rating of ten thousand one pounds or more or if the gross vehicle weight or gross combination weight is ten thousand one pounds or more.~~

~~(F) Director: The commission.~~

~~(ii) 49 C.F.R. Part 392: Driving of Commercial Motor Vehicles.~~

~~(iii) 49 C.F.R. Part 379: Preservation of Records.~~

~~(iv) 49 C.F.R. Part 385: Safety Fitness Procedures.~~

~~(v) 49 C.F.R. Part 397: Transportation of Hazardous Materials.~~

~~(vi) 49 C.F.R. Part 393: Parts and Accessories Necessary for Safe Operation.~~

~~(vii) 49 C.F.R. Part 396: Inspection, Repair, and Maintenance.~~

~~(viii) 49 C.F.R. Part 375: Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations. However, 49 C.F.R. Part 375 does not apply to intrastate operations. 49 C.F.R. Part 375 applies only to interstate operations.~~

~~(ix) 49 C.F.R. Part 380: Special Training Requirements.~~

~~(c) All motor vehicles must be equipped with mud flaps which effectively reduce the spray or splash of water from the road.~~

~~(d) Mud flaps must be as wide as the tires on which they are mounted, and must extend from the top of the tires down to at least the center of the axle.))~~

(1) Household goods carriers must ensure that all vehicles and drivers used to provide household goods comply with all federal, state, and local laws and rules, and commission orders, governing licensing, vehicle safety, and driver safety. Carriers must also comply with parts of Title 49 Code of Federal Regulations (49 C.F.R.) shown in the following chart, that are adopted by reference. Information about 49 C.F.R. regarding the version adopted and where to obtain copies is set out in WAC 480-15-999.

49 C.F.R. Part:		Notes:
<u>Part 40 -</u>	<u>Procedure for Transportation Workplace Drug and Alcohol Testing</u>	<u>Entire Part 40 is adopted and applies to Washington intrastate operations.</u>
<u>Part 375 -</u>	<u>Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations</u>	<u>Applies only to interstate operations.</u>
<u>Part 379 -</u>	<u>Preservation of Records</u>	<u>Entire Part 379 is adopted and applies to Washington intrastate operations.</u>
<u>Part 380 -</u>	<u>Special Training Requirements</u>	<u>Entire Part 380 is adopted and applies to Washington intrastate operations.</u>
<u>Part 382 -</u>	<u>Controlled Substance and Alcohol Use and Testing</u>	<u>Entire Part 382 is adopted and applies to Washington intrastate operations.</u>
<u>Part 383 -</u>	<u>Commercial Driver's License Standards; Requirements and Penalties</u>	<u>Entire Part 383 is adopted and applies to Washington intrastate operations.</u>
<u>Part 385 -</u>	<u>Safety Fitness Procedures</u>	<u>Entire Part 385 is adopted and applies to Washington intrastate operations.</u>
<u>Part 390 -</u>	<u>Safety Regulations, General</u>	<u>Entire Part 390 is adopted and applies to Washington intrastate operations, with the following exceptions:</u> <u>(1) The terms "motor carrier," "motor vehicle," "commercial motor vehicle," "exempt motor carrier," and "private carrier" are not adopted. Instead, where those terms are used in 49 C.F.R., they have the meanings assigned to them in WAC 480-15-020.</u> <u>(2) Whenever the term "director" is used in 49 C.F.R., it means the commission.</u>
<u>Part 391 -</u>	<u>Qualifications of Drivers</u>	<u>Entire Part 391 is adopted and applies to Washington intrastate operations, with the following exceptions:</u> <u>(1) A driver who operates exclusively in intrastate commerce is not subject to the provisions of Part 391.11(b)(1) (general qualifications - age). A driver operating exclusively in intrastate commerce may drive a motor vehicle if they are at least 18 years of age.</u> <u>(2) A driver who operates exclusively in intrastate commerce is not subject to the provisions of Part 391.49 (Waiver of certain physical defects), if that driver has obtained from the Washington department of licensing, a driver's license with endorsements and restrictions allowing operation of the motor vehicle being driven.</u>
<u>Part 392 -</u>	<u>Driving of Motor Vehicles</u>	<u>Entire Part 392 is adopted and applies to Washington intrastate operations.</u>
<u>Part 393 -</u>	<u>Parts and Accessories Necessary for Safe Operation</u>	<u>Entire Part 393 is adopted and applies to Washington intrastate operations.</u>
<u>Part 395 -</u>	<u>Hours of Service of Drivers</u>	<u>Entire Part 395 is adopted and applies to Washington intrastate operations.</u>

<u>49 C.F.R. Part:</u>		<u>Notes:</u>
<u>Part 396 -</u>	<u>Inspection, Repair, and Maintenance</u>	<u>Entire Part 396 is adopted and applies to Washington intrastate operations.</u>
<u>Part 397 -</u>	<u>Transportation of Hazardous Materials, Driving and Parking Rules</u>	<u>Entire Part 397 is adopted and applies to Washington intrastate operations.</u>

(2) Companies must:

(a) Maintain all vehicles in a safe and sanitary condition.

(b) Ensure that vehicles are in proper working condition and repair all identified defects or deficiencies likely to result in an accident or breakdown.

(c) All motor vehicles must be equipped with fenders, covers, mud flaps, or splash aprons which effectively reduce the spray or splash of water from the road. All such devices must be as wide as the tires on which they are mounted and must extend from the top of the tires down to at least the center of the axle.

(3) All motor vehicles and drivers operating under the provisions of this chapter and used to provide permitted services are always subject to inspection by the commission or its duly authorized representatives. The commission will place out-of-service for the provision of household goods moving service any motor vehicle or the driver of that vehicle if the vehicle or driver meets any condition listed in the *North American Uniform Out-of-Service Criteria*. A company must not require or permit a vehicle or driver that has been placed out-of-service to operate until the condition(s) causing the out-of-service violation is corrected. Information about the *North American Uniform Out-of-Service Criteria* is set out in WAC 480-15-999.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-15-560, filed 1/25/11, effective 2/25/11. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. WSR 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-560, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-15-560, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. WSR 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-560, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. WSR 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-560, filed 12/15/98, effective 1/15/99.]

NEW SECTION

WAC 480-15-565 Motor vehicle identification. (1) (a) A household goods carrier must display its permit name and number, as registered with the commission, on both sides of the self-propelled motor vehicle.

(b) The markings must be:

(i) Legible, during daylight hours, from 50 feet while the motor vehicle is not moving.

(ii) In a color that contrasts with the background color of the motor vehicle.

(iii) Permanent. *Exception:* Carriers may use temporary markings on vehicles when operated under a lease, when the rental agreement or lease has a term of 30 days or less.

(2) All carriers must display the U.S. Department of Transportation identification number on both sides of self-propelled motor vehicles.

[]

NEW SECTION

WAC 480-15-575 Intrastate medical waivers. (1) **Department of licensing intrastate medical waiver.** A household goods carrier may use a driver that is not physically qualified to drive a commercial motor vehicle under Title 49 C.F.R. Part 391.41, if the driver:

(a) Only operates motor vehicles intrastate, wholly within the state of Washington; and

(b) Has obtained from the Washington state department of licensing an intrastate medical waiver to drive a commercial motor vehicle.

For the purposes of a department of licensing medical waiver, a commercial motor vehicle means a motor vehicle:

(i) With a gross vehicle weight rating of 26,001 pounds or more;

(ii) Transporting 16 or more passengers, including the driver; or

(iii) With a manufacturer's seating capacity of 16 or more passengers, including the driver.

(2) **Doctor's statement of intrastate medical waiver.** A carrier may use a driver that is not physically qualified to drive a commercial motor vehicle under Title 49 C.F.R. Part 391.41 if the driver:

(a) Holds a valid Washington state driver's license;

(b) Has received a doctor's statement that:

(i) The driver's medical condition is not likely to interfere with the driver's ability to safely operate a commercial motor vehicle; and

(ii) The driver's condition is likely to remain stable for the next two years or other specified date, but not more than the two years that the medical certificate is valid.

(c) Operates commercial motor vehicles intrastate wholly within the state of Washington. For the purposes of a doctor's statement of intrastate medical waiver, a commercial motor vehicle means a motor vehicle:

(i) With a gross vehicle weight rating under 26,001 pounds;

(ii) Transporting 15 or fewer passengers, including the driver; or

(iii) With a manufacturer's seating capacity of 15 or fewer passengers, including the driver.

(3) **Driver qualification files.** Carriers that use a driver under an intrastate medical waiver must maintain in the driver's qualification file a physical or digital copy of the doctor's statement of intrastate medical waiver.

[]

AMENDATORY SECTION (Amending WSR 13-23-048, filed 11/15/13, effective 12/16/13)

WAC 480-15-590 Leasing vehicles. A carrier must enter into an equipment lease agreement before operating a leased motor vehicle. The carrier must ensure that all ~~((of))~~ the following conditions are met:

- (1) The carrier signs the form and ensures the lessor signs the form.
- ~~((2))~~ ~~((The carrier marks "master lease" if the carrier intends to use a master lease instead of individual leases.~~
- ~~((3))~~ A physical or digital copy of the lease is carried in all leased motor vehicles.
- ~~((4))~~ ~~Copies of all leases are kept in the carrier's permanent files for at least))~~ (3) A physical or digital copy of the lease is kept in the carrier's files during the effective period of the lease and for one year after the lease expires.
- ~~((5))~~ (4) The carrier gives a physical or digital copy of the lease to the owner of the leased motor vehicle.
- ~~((6))~~ (5) The carrier takes possession, control, and use of the motor vehicle during the period of the lease agreement.
- ~~((7))~~ (6) The leased motor vehicle is properly insured as specified in WAC 480-15-530 and 480-15-550.
- ~~((8))~~ (7) The carrier properly identifies the motor vehicle as specified in RCW 81.80.305.
- ~~((9))~~ (8) The carrier charges appropriate tariff rates and charges.
- ~~((10))~~ (9) The driver of the leased motor vehicle is on the carrier's payroll during the leased period.
- ~~((11))~~ (10) The leased motor vehicle is operated in compliance with laws and rules as specified in WAC 480-15-560 and 480-15-570.
- ~~((12))~~ (11) The driver of the leased motor vehicle is subject to the ~~((company's))~~ carrier's alcohol and controlled substance policies.
- ~~((13))~~ (12) The carrier and the owner of the leased motor vehicle specify on the lease form who is responsible for all expenses relating to the leased motor vehicles.
- ~~((14))~~ (13) The carrier complies with the terms of the lease.

[Statutory Authority: RCW 80.01.040, 81.01.010, 81.04.160, and 81.80.130. WSR 13-23-048 (Docket TV-130079, General Order R-573), § 480-15-590, filed 11/15/13, effective 12/16/13. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. WSR 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-590, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. WSR 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-590, filed 12/15/98, effective 1/15/99.]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-15-570 Driver safety requirements.

OTS-4218.2

AMENDATORY SECTION (Amending WSR 17-16-114, filed 7/31/17, effective 8/31/17)

WAC 480-30-036 Definitions, general. (1) See WAC 480-30-261 for definition of terms used primarily in tariffs and time schedules and WAC 480-30-216 for definitions used in driver and vehicle safety rules.

(2) Unless the language or context indicates that a different meaning is intended, the following definitions apply:

"Agent" means a person authorized to transact business for, and in the name of, another.

"Airporter service" means an auto transportation service that starts or ends at a station served by another type of transportation such as, air or rail transportation. Airporter service is often a premium service that involves handling luggage. Although stops may be made along the way, they are usually limited to picking up or discharging passengers and luggage bound to or from the airport or depot served.

"Alternate arrangements for passengers" means the travel arrangements made by an auto transportation company that has accepted a trip booking or reservation from a passenger and that is unable to provide the agreed transportation. The alternate arrangements may require travel by another carrier or mode of transportation at no additional cost to the passenger beyond what the passenger would have paid for the original transportation arrangement.

"Application docket" means a commission publication providing notice of all applications requesting auto transportation operating authority, with a description of the authority requested. The commission sends this publication to all persons currently holding auto transportation authority, to all persons with pending applications for auto transportation authority, to affected local jurisdictions or agencies, and to all other persons who asked to receive copies of the application docket.

"Area" means a defined geographical location. Examples include, but are not limited to:

- (a) A specified city or town;
- (b) A specified county, group of counties, or subdivision of the state, e.g., western Washington;
- (c) A zone, e.g., company designated territory; or
- (d) A route, e.g., area within four road miles of Interstate 5.

"Auto transportation company" means every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever owning, controlling, operating, or managing any motor-propelled vehicle used in the business of transporting persons and their baggage on the vehicles of auto transportation companies carrying passengers, for compensation over any public highway in this state between fixed termini or over a regular route, and not operating exclusively within the incorporated limits of any city or town.

"Between fixed termini or over a regular route" means the fixed points between which an auto transportation company provides service or the route over which an auto transportation company ordinarily operates any motor-propelled vehicle, even though there may be variance whether the variance is periodic or irregular.

"Bus" means a motor vehicle designed, constructed, and/or used for the transportation of passengers.

"Business days" means days of the week excluding Saturdays, Sundays, and official state holidays.

"By-reservation-only service" means transportation of passengers by an auto transportation company, with routes operated only if passengers have made prior reservations.

"Certificate" means:

(a) The certificate of public convenience and necessity issued by the Washington utilities and transportation commission under the provisions of chapter 81.68 RCW to operate as an auto transportation company; or

(b) The certificate issued by the Washington utilities and transportation commission under chapter 81.70 RCW to operate as a charter and excursion carrier in the state of Washington.

"Certificated authority" means:

(a) The territory and services granted by the commission and described in an auto transportation company's certificate of public convenience and necessity; or

(b) Operations in the state of Washington for charter and excursion service carriers.

"Charter party carrier" or **"charter carrier"** means every person engaged in the transportation over any public highways in this state of a group of persons who, pursuant to a common purpose and under a single contract, acquire the use of a motor vehicle to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartering group after leaving the place of origin. A person who is engaged in the transportation of persons by party bus over any public highway in this state is considered engaging in the business of a charter party carrier or excursion service carrier.

"Claim" means a demand made on a company for payment resulting from a loss sustained through the company's negligence or for inadequate service provided by the company.

"Closed-door service" means a portion of a route or territory in which an auto transportation company is not allowed to pick up or deliver passengers. Closed-door service restrictions must be clearly stated in an auto transportation company's certificate.

"Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers if the vehicle:

(a) Has a gross (~~combination~~) vehicle weight rating or gross combination weight of (~~(11,794 kilograms (-))~~) 26,001 pounds (~~(+)~~) or more, inclusive of a towed unit(s) with a gross vehicle weight rating or gross (~~vehiele~~) combination weight of more than (~~(4,536 kilograms (-10,000 pounds))~~) 10,001 pounds or more; or

(b) Has a gross vehicle weight rating or gross (~~vehiele~~) combination weight of (~~(11,794 kilograms (-))~~) 26,001 pounds (~~(+)~~) or more; or

(c) Is designed to transport (~~sixteen~~) 16 or more passengers, including the driver; or

(d) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. Sec. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 C.F.R. Part 172, Subpart F).

"Commission" means the Washington utilities and transportation commission.

"Common carrier" means any person who transports passengers by motor vehicle over the public highways for compensation.

"Common purpose" means that a group of persons is traveling together to achieve a common goal or objective. For example, a group of persons traveling together to attend a common function or to visit a common location. For the purposes of these rules, it does not mean a group of persons who have no common goal other than transportation to, or from, the airport.

"Company" means an entity authorized by the commission to transport passengers, for compensation, using a motor vehicle, over the public highways of the state.

"Complaint" means one of two types of actions by a person against a passenger transportation company that the commission regulates:

(a) **"Informal complaints"** are those complaints filed with the commission under the provisions of WAC 480-07-910. Informal complaints are normally investigated and resolved by commission staff.

(b) **"Formal complaints"** are those complaints filed with the commission under the provisions of WAC 480-07-370. In a formal complaint, the burden of proof resides with the complaining party who must prove its assertions in a formal commission proceeding.

"Connecting service" means an auto transportation company service over a route, or routes, that require passengers to transfer from one vehicle to another vehicle operated by either the same company or a different company before reaching the ending point.

"Contract" as used in this chapter means any agreement between a passenger transportation company and another person to obtain property or services the company uses to provide passenger transportation services including, but not limited to, sales agreements, service agreements, employment agreements, mortgages, loans, and leases for real or personal property.

"Customer" means a person who purchased transportation services from an auto transportation company or a person, corporation, or other entity that prearranges for transportation services with a charter party carrier or purchases a ticket for transportation services aboard an excursion service carrier.

"Direct route" means an auto transportation company service over a route that goes from the beginning point to the ending point with limited, if any, stops along the way, and traveling only to points located on the specific route without requiring a passenger to transfer from one vehicle to another.

"Discontinuance of service":

(a) **"Permanent discontinuance of service"** means that a company holding auto transportation authority issued by the commission is unable to continue to provide all, or part of, the service authorized by the company's certificate, filed tariff, or filed time schedule and requests commission permission to permanently discontinue all, or part of, its service and relinquish that certificate or portion of that certificate. See WAC 480-30-186.

(b) **"Temporary discontinuance of service"** means that a company holding auto transportation authority issued by the commission is unable to continue to provide all, or part of, the service authorized by the company's certificate, filed tariff, or filed time schedule and requests commission permission to discontinue all, or part of, its service for a specified, limited period of time.

"Door-to-door service" means an auto transportation company service provided between a location identified by the passenger and a

point specifically named by the company in its filed tariff and time schedule.

"Double-decker bus" means a motor vehicle with more than one passenger deck.

"Excursion service carrier" or **"excursion carrier"** means every person engaged in the transportation of persons for compensation over any public highway in the state from points of origin within any city, town, or area, to any other location within the state of Washington and returning to that origin. The service must not pick up or drop off passengers after leaving and before returning to the area of origin. The excursions may be regularly scheduled. Compensation for the transportation offered or afforded must be computed, charged, or assessed by the excursion service company on an individual fare basis.

"Express passenger service" means auto transportation company service provided between fixed points or stations with few, if any, stops along the route, and is designed to get passengers from origin to destination more quickly than normally scheduled passenger service.

"Federal Motor Carrier Safety Administration" means an agency of the United States Department of Transportation (USDOT) and successor agency to the former Interstate Commerce Commission.

"Filing" means any application, petition, tariff proposal, annual report, comment, complaint, pleading, or other document submitted to the commission.

"Fixed termini" means points of origin and destination that are set, static locations or defined geographic areas. Examples include a city or town, a building, or an airport. In addition, "fixed termini" can include service between an airport and unlimited points within a defined geographic area.

"Flag stops" means a point along an auto transportation company's normally traveled routes where the company stops only if it receives notification that a passenger wishes to board the vehicle at that point. An auto transportation company must list available flag stops in the company's tariffs and time schedules. Flag stops may only be named at points that provide waiting passengers safe access to the vehicle.

"Group" means:

- (a) Two or more passengers traveling together;
- (b) A class of passengers to whom special rates and/or rules apply. For example, active military personnel.

"Intermediate point" means a point located on a route between two other points that are specifically named in an auto transportation company's certificate or tariff.

"Intermediate service" means service to an intermediate point.

"Interruption in service" means a period of time during which an auto transportation company cannot provide service listed in its certificate, its filed tariff, or its filed time schedule. An interruption in service is normally short lived, lasting no more than a few hours or a few days.

"Liquor permit holder" means a holder of an appropriate special permit to provide liquor issued under chapter 66.20 RCW, who is (~~twenty-one~~) 21 years of age or older and who is responsible for compliance with the requirements of WAC 480-30-244 and chapter 66.20 RCW during the provision of transportation services.

"Motor vehicle" or **"vehicle"** means:

- (a) As related to auto transportation companies: Every self-propelled vehicle used on the public highways, for the transportation of persons for compensation.

(b) As related to charter and excursion carriers: Every self-propelled vehicle with a manufacturer's seating capacity for ~~((eight or))~~ more than eight passengers, including the driver, used on the public highways, for the transportation of persons for compensation.

"Named points" means cities, towns, or specific locations that are listed in an auto transportation company's certificate, tariff, or time schedule.

"Nonstop service" means transportation of passengers from point of origin to point of destination without stopping at any intermediate points.

"On-call service" means unscheduled auto transportation company service provided only to those passengers that have by prior arrangement requested service prior to boarding.

"Party bus" means any motor vehicle whose interior enables passengers to stand and circulate throughout the vehicle because seating is placed around the perimeter of the bus or is nonexistent and in which food, beverages, or entertainment may be provided. A motor vehicle configured in the traditional manner of forward-facing seating with a center aisle is not a party bus.

"Passenger facility" means a location at which an auto transportation company stations employees and at which passengers can purchase tickets or pay fares for transportation service.

"Passenger transportation company" means an auto transportation company or charter and excursion carrier.

"Person" means an individual, firm, corporation, association, partnership, lessee, receiver, trustee, consortium, joint venture, or commercial entity.

"Premium service" means a type of service provided by an auto transportation company that is outside normal service. Examples include express service, direct route service, and nonstop door-to-door service.

"Private carrier" means a person who transports passengers in the person's own vehicle purely as an incidental adjunct to some other established private business owned or operated by that person in good faith.

"Private motor vehicle" means a vehicle owned or operated by a private carrier.

"Public highway" means every street, road, or highway in this state.

"Public transit agency" means a municipal corporation or agency of state or local government formed under the laws of the state of Washington for the purpose of providing transportation services including, but not limited to, public transportation benefit areas, regional transit authorities, municipal transit authorities, city and county transit agencies.

"Residence" means the regular dwelling place of an individual or individuals.

"Route" means a highway or combination of highways over which an auto transportation company provides passenger service. There are two types of routes:

(a) **"Irregular route"** means travel between points named in an auto transportation company's certificate via any highway or combination of highways the company wishes to operate over. The certificate issued to the company does not list highways to be used, but the company defines routes in its tariffs and time schedules.

(b) **"Regular route"** means an auto transportation company providing passenger transportation over a route named in the certificate issued to the company by the commission.

"Scheduled service" means an auto transportation company providing passenger service at specified arrival and/or departure times at points on a route.

"Single contract" means an agreement between a charter carrier and a group of passengers to provide transportation services at a set price for the group or trip. Under a single contract, passengers are not charged individually.

"Small business" means any company that has (~~(fifty)~~) 50 or fewer employees.

"Special or promotional fares" means temporary fares for specific services offered for no more than (~~(ninety)~~) 90 days.

"Suspension" means an act by the commission to temporarily revoke a company's certificated authority; or an act by the commission to withhold approval of an auto transportation company's tariff filing.

"Tariff" or **"tariff schedule"** means a document issued by an auto transportation company containing the services provided, the rates the company must assess its customers for those services, and the rules describing how the rates apply.

"Tariff service territory" means a company-defined geographic area of its certificated authority in which a specific tariff applies.

"Temporary certificate" means the certificate issued by the Washington utilities and transportation commission under RCW 81.68.046 to operate as an auto transportation company for up to (~~(one hundred eighty)~~) 180 days or pending a decision on a parallel filed auto transportation company certificate application.

"Temporary certificate authority" means the territory and services granted by the commission and described in an auto transportation company's temporary certificate.

"Ticket agent agreements" means a signed agreement between an auto transportation company and a second party in which the second party agrees, for compensation, to sell tickets to passengers on behalf of the auto transportation company. See WAC 480-30-391.

"Time schedule" means a document filed as part of an auto transportation company's tariff, or as a separate document, that lists the routes operated by the company including the times and locations at which passengers may receive service and any rules specific to operating those routes.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-036, filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 80.04.160, 80.54.020, and 80.54.060. WSR 16-02-076 (Docket TE-151080, General Order R-583), § 480-30-036, filed 1/4/16, effective 2/4/16. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-036, filed 6/8/06, effective 7/9/06.]

AMENDATORY SECTION (Amending WSR 17-16-114, filed 7/31/17, effective 8/31/17)

WAC 480-30-191 Bodily injury and property damage liability insurance. (1) **Insurance coverage.** A company must have bodily injury and property damage liability insurance covering each motor vehicle used to provide passenger transportation services under the authority of the company's certificate in Washington.

(a) The insurance policy must be written by an insurance company authorized to write insurance in the state of Washington or by an unauthorized insurer providing surplus lines coverage subject to the provisions of RCW 48.15.040.

(b) The insurance policy must include the Uniform Motor Carrier Bodily Injury and Property Damage Liability Endorsement (Form F).

(c) If a company operates without the required insurance coverage, the commission may take immediate compliance action as described in WAC 480-30-171.

(2) **Insurance limits.** The minimum limits of required bodily injury and property damage liability insurance for motor vehicles operated by companies are:

Motor vehicles that:	Must have bodily injury and property damage insurance or surety bond with the following minimum limits:
Have a passenger seating capacity of ((fifteen)) <u>15</u> or less (including the driver).	\$1,500,000 combined single limit coverage.
Have a passenger seating capacity of ((sixteen)) <u>16</u> or more (including the driver).	\$5,000,000 combined single limit coverage.

(3) **Insurance filings.** A company must file and maintain a Uniform Motor Carrier Bodily Injury Property Damage Certificate of Insurance (Form E) as a condition of being issued and maintaining a certificate to operate as a passenger transportation company.

(a) The Form E is a standard motor carrier insurance form recognized by the insurance industry and is normally filed with the commission by an insurance company rather than an insurance agent.

(b) The Form E must be issued in the company name exactly as it appears on the company's certificate or application for certificate.

(c) The Form E filing must remain in effect until canceled by a Notice of Cancellation (Form K). The Form K must be filed with the commission by the insurance company not less than ~~((thirty))~~ 30 days before the cancellation effective date.

(d) A company may file a Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond (Form G) instead of the Form E.

(4) **Insurance binders.** The commission will accept an insurance certificate or binder for up to ~~((sixty))~~ 60 days.

(a) An insurance certificate or binder may be canceled by written notice filed with the commission at least ~~((ten))~~ 10 days before the cancellation effective date.

(b) An insurance certificate or binder must be replaced by a Form E within ~~((sixty))~~ 60 days of filing, or before the expiration date, whichever occurs first.

(c) Insurance certificates or binders must show:

- (i) The commission as the named insurance certificate holder;
- (ii) The company name, exactly as it appears on the company's certificate or application for a certificate, as the insured;
- (iii) The insurance company name;
- (iv) The insurance policy number;
- (v) The insurance policy effective and expiration dates;
- (vi) The insurance limits of coverage; and
- (vii) The agent's or other insurance representative's signature.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-191, filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-191, filed 6/8/06, effective 7/9/06.]

AMENDATORY SECTION (Amending WSR 17-16-114, filed 7/31/17, effective 8/31/17)

WAC 480-30-221 Vehicle and driver safety requirements. (1) A passenger transportation company must ensure that all vehicles and drivers used to provide passenger transportation services under the authority of the company's certificate comply with all federal, state, (~~and~~) local laws and rules, and commission orders, governing licensing, vehicle safety, and driver safety. Except for vehicles with a seating capacity of (~~seven~~) eight or fewer passengers (including the driver) and the drivers of those vehicles, in which case the company must comply with the requirements in WAC 480-30-222, companies must also comply with the parts of Title 49, Code of Federal Regulations (49 C.F.R.), adopted by reference, that are shown in the following chart. Information about 49 C.F.R., including the version adopted by the commission and where to obtain copies is set out in WAC 480-30-999.

49 C.F.R. Part:		Notes:
Part 40 -	Procedures For Transportation Workplace Drug and Alcohol Testing Programs	Entire Part 40 is adopted and applies to Washington intrastate operations.
Part 382 -	Controlled Substance and Alcohol Use and Testing	Entire Part 382, is adopted and applies to Washington intrastate operations.
Part 383 -	Commercial Driver's License Standards; Requirements and Penalties	Entire Part 383, is adopted and applies to Washington intrastate operations.
Part 379 -	Preservation of Records	Entire Part 379 is adopted and applies to Washington intrastate operations.
Part 380 -	Special Training Requirements	Entire Part 380 is adopted and applies to Washington intrastate operations.
Part 385 -	Safety Fitness Procedures	Entire Part 385 is adopted and applies to Washington intrastate operations.
Part 390 -	Safety Regulations, General	Entire Part 390 is adopted and applies to Washington intrastate operations, with the following exceptions:
		(1) The terms "motor vehicle," "commercial motor vehicle," and "private <u>motor</u> vehicle" are not adopted. Instead, where those terms are used in Title 49 C.F.R., they have the meanings assigned to them in WAC 480-30-036.

49 C.F.R. Part:		Notes:
		(2) Whenever the term "director" is used in Title 49 C.F.R., it means the commission.
Part 391 -	Qualification of Drivers	Entire Part 391 is adopted, with the following exceptions:
		(1) Part 391.49 (alternative physical qualification standards for the loss or impairment of limbs) is not adopted for drivers who operate vehicles exclusively intrastate. Instead refer to WAC 480-30-226 for intrastate medical waivers.
Part 392 -	Driving of Motor Vehicles	Entire Part 392 is adopted and applies to Washington intrastate operations.
Part 393 -	Parts and Accessories Necessary for Safe Operation	Entire Part 393 is adopted and applies to Washington intrastate operations.
Part 395 -	Hours of Service of Drivers	Entire Part 395 is adopted and applies to Washington intrastate operations.
Part 396 -	Inspection, Repair, and Maintenance	Entire Part 396 is adopted and applies to Washington intrastate operations.
Part 397 -	Transportation of Hazardous Materials, Driving and Parking Rules	Entire Part 397 is adopted and applies to Washington intrastate operations.

(2) Companies must: Ensure that all motor vehicles used to provide certificated service are maintained in a safe and sanitary condition and are free of defects likely to result in an accident or breakdown.

(3) No company, its agents, contractors, officers, or employees ((~~r~~)) will allow any animal, article, commodity, or substance to be loaded in or on any motor vehicle used by the company to provide certificated services to transport passengers that is dangerous to the lives and safety of passengers.

(4) No company, its agents, contractors, officers, or employees will allow any article, commodity, or substance to be loaded in or on any motor vehicle used by the company to provide certificated services to transport passengers that is prohibited by the hazardous materials rules in Title 49 C.F.R. from being transported on passenger-carrying vehicles.

(5) All motor vehicles and drivers operating under the provisions of this chapter and used to provide certificated services are (~~at all times~~) subject to inspection by the commission or its duly authorized representatives at all times. (~~The commission will place out-of-service for the provision of passenger transportation service any motor vehicle with a seating capacity of eight or more passengers (including the driver) or the driver of that vehicle if the vehicle or driver meets any condition listed in the North American Uniform Out-of-Service Criteria. A company must not allow a vehicle or driver that has been placed out-of-service to operate until the condition(s) causing the out-of-service violation is corrected.~~)

(6) All motor vehicles must be equipped with fenders, covers, mud flaps, or splash aprons which effectively reduce the spray or splash of water from the road. All such devices must be as wide as the tires on which they are mounted, and must extend from the top of the tires down to at least the center of the axle.

(a) The commission will place out-of-service a motor vehicle with safety defects identified in the North American Uniform Out-of-Service Criteria. A carrier must not require or permit a driver to operate a vehicle placed out-of-service until all out-of-service violations have been satisfactorily repaired so that no violation(s) exists.

(b) The commission will place out-of-service a driver who operates a motor vehicle subject to an out-of-service order. No driver shall operate a commercial motor vehicle subject to an out-of-service order until all repairs required by the out-of-service order have been satisfactorily repaired. A driver subject to an out-of-service order shall not operate a commercial motor vehicle until the reason for the out-of-service order has been remedied.

(c) Information about the North American Uniform Out-of-Service Criteria is set out in WAC 480-30-999.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-221, filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-30-221, filed 1/25/11, effective 2/25/11. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-221, filed 6/8/06, effective 7/9/06.]

AMENDATORY SECTION (Amending WSR 17-16-114, filed 7/31/17, effective 8/31/17)

WAC 480-30-222 Vehicles with capacity for ~~((seven))~~ eight or fewer passengers (including the driver). A company must ensure compliance with the requirements of this section for all vehicles with a capacity of ~~((seven))~~ eight or fewer passengers (including the driver) used to provide passenger transportation service under the authority of the company's certificate and for all drivers of those vehicles. Regardless of whether a record required under this section is maintained by the certificated company or its contractor, the certificated company must make the record available to the commission upon request within ~~((forty-eight))~~ 48 hours of the request.

(1) All vehicles must be inspected annually by a mechanic who has successfully passed the applicable examinations of, and met the applicable experience requirements prescribed by, the National Institute for Automotive Service Excellence, and certified by the mechanic as safe to operate.

(2) At the beginning and end of each day's work, the driver must check each vehicle the driver operates to determine if the lights, brakes, tires, steering, seat belts, and other safety and operating equipment are working properly. The driver must document the inspection the driver performs at the end of each day.

(3) Records of inspection, repair, and maintenance indicating the date and nature of the inspection, repair, or maintenance must be kept by the certificated company or contractor for a period of three years.

(4) Drivers used to operate vehicles with a capacity of ~~((seven))~~ eight or fewer passengers (including the driver) must have the following qualifications ~~((at all times))~~ when operating a vehicle on behalf of a certificated company:

(a) Be licensed to drive in the state of Washington;

(b) Be a safe driver as demonstrated by a complete driving record from the Washington department of licensing and a complete driving record from any other state in which the driver held a driver's license in the previous five years;

(c) Have not been convicted within the past five years of hit-and-run, reckless driving, attempting to elude an officer by using a vehicle, vehicular assault, vehicular homicide, reckless endangerment, negligent driving in the first degree, or driving under the influence of alcohol or a controlled substance, and have not been convicted within the past five years of a crime pertaining to physical violence or crimes reasonably related to the driver's honesty including, but not limited to, robbery, fraud, theft, extortion, assault, or identity theft, as demonstrated by a state criminal background check;

(d) Have not been required to register as a sex offender or been convicted of a sex offense or been convicted of a kidnapping offense against a minor;

(e) Have been medically examined and certificated by a medical examiner who is listed on the National Registry of Certified Medical Examiners, and be physically and mentally qualified to operate a passenger carrying vehicle for compensation; and

(f) Have passed a defensive driving course certified by the National Safety Council or passed an equivalent course approved by the commission.

(5) The certificated company must verify and document the driver's qualifications under this section prior to initially allowing the driver to operate a vehicle under the company's authority and at least once every (~~twelve~~) 12 months thereafter during the time of employment or the contract.

(6) A driver shall not be in control of a vehicle more than (~~twelve~~) 12 consecutive hours. The (~~twelve~~) 12 hours can be spread over a (~~fifteen~~) 15 hour period within (~~twenty-four~~) 24 hours. Thereafter, the driver shall not drive a vehicle until the driver takes eight consecutive hours off duty.

(7) The certificated company or contractor must keep or require its contractors to keep, and provide or make available to the commission on request, the following records for the specified time periods:

(a) All documents related to driver hours for a period of at least six months;

(b) Verification of each driver's qualifications for the duration of the driver's employment or contract with the certificated company and for three years thereafter; and

(c) All documents related to any vehicle collisions or other accidents that occur while driving for compensation for a period of at least three years from the date of the accident. Such records must include copies of all accident reports and any other documents that identify the date and geographic location of the accident, the driver name, the number of fatalities or persons injured and a description of those injuries. The certificated company must ensure that its contractors immediately notify the certificated company of any accident or motor vehicle violation that occurs while driving for compensation.

(8) The commission will place a motor vehicle or driver out-of-service for the purposes of use by a certificated company if the vehicle or driver fails to meet any of the requirements in this section.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-222, filed 7/31/17, effective 8/31/17.]

AMENDATORY SECTION (Amending WSR 17-16-114, filed 7/31/17, effective 8/31/17)

WAC 480-30-226 Intrastate medical waivers. (1) **Department of licensing intrastate medical waiver.** A passenger transportation company may use a driver that is not physically qualified to drive a commercial motor vehicle under Title 49 C.F.R. Part 391.41, if the driver:

(a) Only operates motor vehicles intrastate, wholly within the state of Washington; and

(b) Has obtained from the Washington state department of licensing an intrastate medical waiver to drive a commercial motor vehicle.

For the purposes of a department of licensing medical waiver, a commercial motor vehicle means a motor vehicle:

(i) With a gross vehicle weight rating (~~(over 26,000 lbs.)~~) of 26,001 pounds or more;

(ii) Transporting (~~(sixteen)~~) 16 or more passengers, including the driver; or

(iii) With a manufacturer's seating capacity of (~~(sixteen)~~) 16 or more passengers, including the driver.

(2) **Doctor's statement of intrastate medical waiver.** A passenger transportation company may use a driver that is not physically qualified to drive a commercial motor vehicle under Title 49 C.F.R. Part 391.41 or WAC 480-30-222, as applicable, if the driver:

(a) Holds a valid Washington state driver's license;

(b) Has received a doctor's statement that:

(i) The driver's medical condition is not likely to interfere with the driver's ability to safely operate a commercial motor vehicle; and

(ii) (~~(The doctor's opinion is that)~~) The driver's condition is likely to remain stable for the next two years or other specified date, but not more than the two years that the medical certificate is valid.

(c) Operates commercial motor vehicles intrastate wholly within the state of Washington. For the purposes of a doctor's statement of intrastate medical waiver, a commercial motor vehicle means a motor vehicle:

(i) With a gross vehicle weight rating under 26,001 (~~(lbs.)~~) pounds;

(ii) Transporting (~~(fifteen)~~) 15 or fewer passengers, including the driver; or

(iii) With a manufacturer's seating capacity of (~~(fifteen)~~) 15 or fewer passengers, including the driver.

(3) **Driver qualification files.** A passenger transportation company that uses a driver under an intrastate medical waiver must maintain in the driver's qualification file a physical or digital copy of the doctor's statement of intrastate medical waiver.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-226, filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-226, filed 6/8/06, effective 7/9/06.]

AMENDATORY SECTION (Amending WSR 17-16-114, filed 7/31/17, effective 8/31/17)

WAC 480-30-231 Vehicle and driver identification. (1) Unless otherwise prohibited by law, a passenger transportation company must ensure that all motor vehicles used to provide passenger transportation services are clearly and easily identifiable as being operated under the authority of the company.

(a) Each motor vehicle must display the certificate holder's name (or registered trade name) and certificate number on each side of the vehicle. A company with both intrastate and interstate operations may display its U.S. Department of Transportation identification number in addition to, or in place of, its commission-issued certificate number.

(b) Each motor vehicle operated in regular route service with scheduled stops must display a suitable destination sign.

(c) Each motor vehicle operated in transportation of passengers must display on the vehicle a company identification or unit number.

(d) All identifications must be ~~((clearly legible, conspicuous, and of a size that is easily readable.~~

~~(e) For all vehicles owned by the company, all identifications must be permanent.))~~;

(i) Legible, during daylight hours, from 50 feet while the motor vehicle is not moving.

(ii) In a color that contrasts with the background color of the motor vehicle.

(e) All company owned vehicles must have permanent identification.

(f) Permanent. **Exception:** Companies may use temporary markings on vehicles when operated under a lease agreement with a term of 30 calendar days or less.

(2) An auto transportation company must ensure that all drivers operating motor vehicles in the transportation of passengers are clearly and easily identifiable as driving under the authority of the company. Identification may include, but is not limited to, an identification badge or a uniform with a name tag identifying the driver by name or number. If applicable law prohibits the vehicle from being marked as required under subsection (1) of this section, the driver must have an identification badge or name tag clearly visible on the driver's person and must carry a sign at the point of pickup with the name of the certificated company and the name of the passenger(s) to be picked up clearly printed.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-231, filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-231, filed 6/8/06, effective 7/9/06.]

AMENDATORY SECTION (Amending WSR 17-16-114, filed 7/31/17, effective 8/31/17)

WAC 480-30-236 Leasing vehicles. (1) A passenger transportation company operating a leased vehicle must have a ~~((written))~~ physical or digital copy of the lease agreement with the owner of the vehicle.

(2) It is the company's responsibility to ensure that:

(a) A physical or digital copy of the lease is carried in each leased vehicle, unless the vehicle's registration names the certificate holder as registered owner or lessee.

(b) A physical or digital copy of the lease is kept in the company's files during the effective period of the lease and for ((at least)) one year after the lease expires.

(c) The leased vehicle is properly insured as specified in WAC 480-30-191.

(d) The driver of the leased vehicle is on the carrier's payroll during the leased period.

(e) The leased vehicle is operated in compliance with laws and rules as specified in WAC 480-30-216 and 480-30-221.

(f) The driver of the leased vehicle is subject to the company's alcohol and controlled substance policies.

(g) The company and the owner of the leased vehicle specify on the lease form who is responsible for all expenses relating to the leased motor vehicles.

(h) The company complies with the terms of the lease.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-236, filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-236, filed 6/8/06, effective 7/9/06.]

OTS-4219.1

AMENDATORY SECTION (Amending WSR 06-07-100, filed 3/15/06, effective 4/15/06)

WAC 480-31-070 Insurance. (1) Evidence of liability and property damage insurance or a surety bond must be on file before a certificate will be issued to a private, nonprofit transportation provider. The insurance or surety bond must have been written by a company authorized to write such insurance in the state of Washington or by an unauthorized insurer providing surplus lines coverage subject to the provisions of RCW 48.15.040. The combined bodily injury and property damage liability insurance or surety bond must not be less than:

Five hundred thousand dollars combined single limit for vehicles with a passenger capacity of less than ((~~sixteen~~)) 16 passengers, including the driver;

One million dollars combined single limit for vehicles with a passenger capacity of ((~~sixteen~~)) 16 or more passengers, including the driver.

(2) A provider's insurance agency or company must submit evidence of insurance on a "uniform motor carrier bodily injury and property damage liability certificate of insurance" (form E).

(3) All liability and property damage insurance policies issued to providers must carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(4) Insurance termination. All insurance policies issued must provide that the same will continue in full force and effect until canceled by at least (~~(thirty)~~) 30 days' written notice served on the insured and the commission by the insurance company. The (~~(thirty-day)~~) 30-day notice will commence to run from the date notice is actually received by the commission, except for binders which may be canceled on (~~(ten)~~) 10 days' written notice.

A provider's insurance agency or company must submit notice of cancellation or expiration in duplicate on forms prescribed by the commission and must not submit the notice more than (~~(sixty)~~) 60 days before the desired termination date, except binders which may be canceled by (~~(ten)~~) 10 days' written notice from the insurance agency or company.

(5) No provider may operate (~~(upon)~~) on the public highways of this state without insurance as required by this section.

[Statutory Authority: RCW 80.01.040(4), 81.04.160. WSR 06-07-100 (Docket No. T-051359, General Order No. R-529), § 480-31-070, filed 3/15/06, effective 4/15/06. Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. WSR 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-070, filed 3/27/97, effective 4/27/97.]

NEW SECTION

WAC 480-31-150 Intrastate medical waivers. (1) **Department of licensing intrastate medical waiver.** A private, nonprofit transportation provider may use a driver that is not physically qualified to drive a commercial motor vehicle under Title 49 C.F.R. Part 391.41, if the driver:

(a) Only operates commercial motor vehicles intrastate, wholly within the state of Washington; and

(b) Has obtained from the Washington state department of licensing an intrastate medical waiver to drive a commercial motor vehicle.

For the purposes of a department of licensing medical waiver, a commercial motor vehicle means a motor vehicle:

(i) With a gross vehicle weight rating of 26,001 pounds or more;

(ii) Transporting 16 or more passengers, including the driver; or

(iii) With a manufacturer's seating capacity of 16 or more passengers, including the driver.

(2) **Doctor's statement of intrastate medical waiver.** A private, nonprofit transportation provider may use a driver that is not physically qualified to drive a motor vehicle under Title 49 C.F.R. Part 391.41 or WAC 480-31-130, as applicable, if the driver:

(a) Holds a valid Washington state driver's license;

(b) Has received a doctor's statement that:

(i) The driver's medical condition is not likely to interfere with the driver's ability to safely operate a motor vehicle; and

(ii) The driver's condition is likely to remain stable for the two years or other specified date, but not more than the two years that the medical certificate is valid.

(c) Operates motor vehicles intrastate wholly within the state of Washington. For the purposes of a doctor's statement of intrastate medical waiver, a motor vehicle means a motor vehicle:

(i) With a gross vehicle weight rating under 26,001 pounds;

- (ii) Transporting 15 or fewer passengers, including the driver;
- or
- (iii) With a manufacturer's seating capacity of 15 or fewer passengers, including the driver.

(3) **Driver qualification files.** A private, nonprofit transportation provider that uses a driver under an intrastate medical waiver must maintain in the driver's qualification file a physical or digital copy of the doctor's statement of intrastate medical waiver.

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OTS-4220.1

AMENDATORY SECTION (Amending WSR 01-08-012, filed 3/23/01, effective 4/23/01)

WAC 480-70-181 Public liability and property damage insurance.

(1) **Insurance coverage.** A company must have public liability and property damage insurance covering each motor vehicle it operates in the state of Washington.

(a) The insurance policy must be written by an insurance company authorized to write insurance in the state of Washington or by an unauthorized insurer providing surplus lines coverage subject to the provisions of RCW 48.15.040.

(b) The insurance policy must include the Uniform Motor Carrier Bodily Injury and Property Damage Liability Endorsement (Form F).

(c) If a company operates without the required insurance coverage, the commission may take immediate compliance action as described in WAC 480-70-161 and WAC 480-70-166.

(2) **Insurance limits.** The minimum limits of required public liability and property damage insurance for motor vehicles operated by companies are:

Vehicles that:	Must have bodily injury and property damage insurance or bond with the following minimum limits:
Have Gross Vehicle Weight Rating (GVWR) less than ((10,000)) <u>10,001</u> pounds	\$300,000 combined single limit coverage
Have GVWR ((10,000)) <u>10,001</u> pounds or more	\$750,000 combined single limit coverage
Transport quantities of biomedical waste not subject to federal regulation	\$1,000,000 combined single limit coverage
Transport quantities of hazardous or biomedical waste that are subject to federal regulation	The federal minimum combined single limit coverage

(3) **Insurance filings.** A company must file and maintain a Uniform Motor Carrier Bodily Injury Property Damage Certificate of Insurance (Form E) as a condition of being issued and maintaining a certificate.

(a) The Form E is a standard motor carrier insurance form recognized by the insurance industry and is normally filed with the commission by an insurance company rather than an insurance agent.

(b) The Form E must be issued in the company name exactly as it appears on the company's certificate or application for certificate.

(c) The Form E filing must remain in effect until canceled by a Notice of Cancellation (Form K). The Form K must be filed with the commission by the insurance company not less than (~~thirty~~) 30 days before the cancellation effective date.

(d) A company may file a Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond (Form G) instead of the Form E.

(4) **Insurance binders.** The commission will accept an insurance certificate or binder for up to (~~sixty~~) 60 days.

(a) An insurance certificate or binder may be canceled by written notice filed with the commission at least (~~ten~~) 10 days before the cancellation effective date.

(b) An insurance certificate or binder must be replaced by a Form E within (~~sixty~~) 60 days of filing, or before the expiration date, whichever occurs first.

(c) Insurance certificates or binders must show:

(i) The commission as the named insurance certificate holder;

(ii) The company name, exactly as it appears on the company's certificate or application for a certificate, as the insured;

(iii) The insurance company name;

(iv) The insurance policy number;

(v) The insurance policy effective and expiration dates; and

(vi) The insurance limits of coverage.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. WSR 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-181, filed 3/23/01, effective 4/23/01.]

AMENDATORY SECTION (Amending WSR 18-13-106, filed 6/19/18, effective 7/20/18)

WAC 480-70-201 Vehicle and driver safety requirements. (1) Companies must comply with all state and local laws and rules governing vehicle and driver safety. Companies must also comply with the parts of Title 49, Code of Federal Regulations (49 C.F.R.) shown in the following chart, that are adopted by reference. Information about 49 C.F.R. regarding the version adopted and where to obtain copies is set out in WAC 480-70-999.

49 C.F.R. Part ((Adopted)) ADOPTED:	((Portions Not Adopted)) NOT ADOPTED:
Part 40 - Procedures for Transportation Workplace Drug and Alcohol Testing Programs	n/a
Part 379 - Preservation of Records	n/a
Part 380 - Special Training Requirements	n/a

49 C.F.R. Part ((Adopted)) ADOPTED:	((Portions Not Adopted)) NOT ADOPTED:
Part 382 - Controlled Substance and Alcohol Use and Testing	n/a
Part 383 - Commercial Driver's License Standards; Requirements and Penalties	n/a
Part 385 - Safety Fitness Procedures	n/a
Part 390 - Safety Regulations, General	<p>(1) The terms "motor vehicle," "commercial motor vehicle," and "private vehicle" are not adopted. Instead, where those terms are used in Title 49 C.F.R., they shall have the meanings assigned to them in WAC 480-70-041 (private vehicle) and WAC 480-70-196 (commercial motor vehicle).</p> <p>(2) Whenever the term "director" is used in Title 49 C.F.R., it shall mean the commission.</p>
Part 391 - Qualification of Drivers	<p>(1) A driver who operates exclusively within the state of Washington is not subject to the provisions of Part 391.49 (waiver of certain physical defects), if that driver has obtained from the Washington department of licensing a driver's license with endorsements and restrictions allowing operation of the motor vehicle being driven.</p> <p>(2) A driver who operates exclusively in intrastate commerce is not subject to the provisions of Part 391.11(b)(1) (general qualifications – age). A driver operating exclusively in intrastate commerce may drive a motor vehicle if he or she is at least ((eighteen)) 18 years of age.</p>
Part 392 - Driving of Motor Vehicles	n/a
Part 393 - Parts and Accessories Necessary for Safe Operation	n/a
Part 395 - Hours of Service of Drivers	n/a
Part 396 - Inspection, Repair, and Maintenance	n/a
Part 397 - Transportation of Hazardous Materials, Driving and Parking Rules	n/a

(2) Companies must:

(a) Maintain all motor vehicles in a safe and sanitary condition;

(b) Ensure that vehicles are free of defects likely to result in an accident or breakdown; and

(c) Make vehicles available for inspection by commission representatives at any time upon request.

~~(3) ((The commission will place out-of-service any motor vehicle having safety defects identified in the *North American Uniform Out-Of-Service Criteria*. Information about the *North American Uniform Out-Of-Service Criteria* regarding the version adopted and where to obtain copies is set out in WAC 480-70-999. A company must not operate any vehicle placed out-of-service until after proper repairs have been completed.~~

~~(4) The commission will place out-of-service any driver meeting criteria identified in the *North American Uniform Out-Of-Service Criteria*. A company must not allow a driver who has been placed out-of-service to operate a motor vehicle until such time as the conditions causing the driver to be placed out-of-service have been corrected.))~~ All motor vehicles and drivers operating under the provisions of this chapter and used to provide certificated services are always subject to inspection by the commission or its duly authorized representatives. The commission will place out-of-service for the provision of solid waste collection service any motor vehicle or the driver of that vehicle if the vehicle or driver meets any condition listed in the *North American Uniform Out-of-Service Criteria*. A company must not require or permit a vehicle or driver that has been placed out-of-service to operate until the condition(s) causing the out-of-service violation is corrected. Information about the *North American Uniform Out-of-Service Criteria* is set out in WAC 480-70-999.

(4) All motor vehicles must be equipped with fenders, covers, mud flaps, or splash aprons which effectively reduce the spray or splash of water from the road. All such devices must be as wide as the tires on which they are mounted, and must extend from the top of the tires down to at least the center of the axle.

[Statutory Authority: RCW 80.10.040, 80.04.160, 81.04.160, and 34.05.353. WSR 18-13-106, § 480-70-201, filed 6/19/18, effective 7/20/18. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-70-201, filed 1/25/11, effective 2/25/11. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. WSR 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-201, filed 3/23/01, effective 4/23/01.]

NEW SECTION

WAC 480-70-203 Intrastate medical waivers. (1) **Department of licensing intrastate medical waiver.** Companies may use a driver that is not physically qualified to drive a commercial motor vehicle under Title 49 C.F.R. Part 391.41, if the driver:

(a) Only operates motor vehicles intrastate, wholly within the state of Washington; and

(b) Has obtained from the Washington state department of licensing an intrastate medical waiver to drive a commercial motor vehicle.

For the purposes of a department of licensing medical waiver, a commercial motor vehicle means a motor vehicle:

- (i) With a gross vehicle weight rating of 26,000 pounds or more;
- (ii) Transporting 16 or more passengers, including the driver; or

(iii) With a manufacturer's seating capacity of 16 or more passengers, including the driver.

(2) **Doctor's statement of intrastate medical waiver.** Solid waste collection companies may use a driver that is not physically qualified to drive a commercial motor vehicle under Title 49 C.F.R. Part 391.41 or WAC 480-70-201, as applicable, if the driver:

(a) Holds a valid Washington state driver's license;

(b) Has received a doctor's statement that:

(i) The driver's medical condition is not likely to interfere with the driver's ability to safely operate a commercial motor vehicle; and

(ii) The driver's condition is likely to remain stable for the two years or other specified date, but not more than the two years that the medical certificate is valid.

(c) Operates commercial motor vehicles intrastate wholly within the state of Washington. For the purposes of a doctor's statement of intrastate medical waiver, a commercial motor vehicle means a motor vehicle:

(i) With a gross vehicle weight rating under 26,001 pounds;

(ii) Transporting 15 or fewer passengers, including the driver;

or

(iii) With a manufacturer's seating capacity of 15 or fewer passengers, including the driver.

(3) **Driver qualification files.** A solid waste collection company that uses a driver under an intrastate medical waiver must maintain in the driver's qualification file a physical or digital copy of the doctor's statement of intrastate medical waiver.

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AMENDATORY SECTION (Amending WSR 01-08-012, filed 3/23/01, effective 4/23/01)

WAC 480-70-206 Motor vehicle identification. (1) A company must ensure (~~that~~) all motor vehicles operated, including leased, substitute or emergency vehicles, display the certificate holder's name (or registered trade name) and certificate number on each side of the vehicle. All identifications must be clearly legible. All identifications, except those displayed on leased or substitute vehicles, must be permanent.

(2) Exception: Companies may use temporary markings on vehicles when operated under a lease agreement with a term of 30 days or less.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. WSR 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-206, filed 3/23/01, effective 4/23/01.]

AMENDATORY SECTION (Amending WSR 01-08-012, filed 3/23/01, effective 4/23/01)

WAC 480-70-211 Leasing vehicles. (1) A company operating a leased vehicle must have a (~~written~~) physical or digital copy of a lease agreement with the owner of the vehicle.

(2) It is the company's responsibility to ensure that:

- (a) A physical or digital copy of the lease is carried in each leased vehicle;
- (b) A physical or digital copy of the lease is kept in the company's files during the effective period of the lease and for ((at least)) one year after the lease expires;
- (c) A physical or digital copy of the lease is provided to the owner of the leased vehicle;
- (d) The company has complete possession, control, and use of the motor vehicle during the period of the lease;
- (e) The leased motor vehicle is properly insured as specified in WAC 480-70-181;
- (f) The leased vehicle is properly identified as specified in WAC 480-70-206;
- (g) The leased vehicle is operated in compliance with all safety laws and rules, including those regarding vehicle inspection, records, and maintenance; and
- (h) The terms of the lease are followed.

(3) If a company leases a vehicle with a driver, the company must also ensure that:

- (a) The driver of the leased motor vehicle is on the company's payroll during the lease period;
- (b) The driver operates in compliance with all driver qualification, safety and hours of service laws and rules;
- (c) The driver is subject to the company's alcohol and controlled substance policies; and
- (d) The company maintains appropriate files and paperwork on the driver for a period of ((at least)) one year following the expiration of the lease.

(4) The company and the owner of the leased vehicle must specify in the lease who is responsible for all expenses relating to the leased motor vehicle. The lease must contain all information shown in the following sample lease form. If a company uses an alternate form, the company must ensure the alternate form contains all information requested on the sample.

Illustration of motor vehicle lease form:

EQUIPMENT LEASE			
A copy of this lease must be carried in the leased vehicle. Copies must also be maintained in the files of both parties for the length of the lease plus one year following the expiration of the lease. <u>Digital copies are acceptable.</u>			
Name and address of company leasing vehicle (lessee):		G certificate number:	
Name and address of party from whom the vehicle is being leased (lessor):		G certificate number((,if any)):	
Vehicle make ((and year)):	<u>Vehicle year:</u>	Vehicle ((Serial)) <u>Identification Number:</u>	Vehicle License Number:
The lease will become effective at ((.....)) _____ (time) on ((.....)) _____ (date), and will continue until ((.....)) _____ (date) unless canceled in writing before that date.			
Compensation that will be paid to owner of vehicle (lessor): \$ ((.....)) _____ per ((.....)) _____			
If lease also includes driver, compensation for driver: \$ ((.....)) _____ per ((.....)) _____			
Lessee/Lessor Expense Agreement			
Place an "x" or a checkmark next to each item indicating whether the lessee or lessor is responsible for the listed expense.			

Item	Lessee	Lessor	Item	Lessee	Lessor
Vehicle Licensing Fees			Equipment Rental Taxes		
Toll and Ferry Charges			Fuel and Oil		
Vehicle Loan Payments			Vehicle Maintenance		
Parts & Tires			Major Vehicle Repairs		
Insurance, Comprehensive			Minor Vehicle Repairs		
Insurance, Theft			Other (explain):		
Insurance, Fire			Other (explain):		
Under the terms of this lease, the lessee must:					
<ul style="list-style-type: none"> • Have complete possession, control and use of the vehicle during the lease period; • Be in complete control of all operations; • Provide liability and property damage insurance; • Ensure that the driver of the leased vehicle is an employee of the lessee; • Ensure that the vehicle is properly identified; • Comply with all safety regulations; and • Bill and collect proper tariff rates and charges. 					
<p>The parties signing this lease certify that the information shown above is true and correct, that the provisions of the lease will be enforced by both parties, and that all operations conducted with the leased equipment will be conducted in compliance with applicable laws and rules.</p> <p>((Lessee Signature/Title date signed)) <u>Lessee Signature/Title</u> <u>date signed</u></p> <p>((Lessor Signature/Title date signed)) <u>Lessor Signature/Title</u> <u>date signed</u></p>					

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. WSR 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-211, filed 3/23/01, effective 4/23/01.]