



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
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STAFF INVESTIGATION

Of

Blessed Limousine, Inc.

Docket TE-151667

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PURPOSE, SCOPE, AND AUTHORITY

Purpose

The purpose of this investigation is to determine if Blessed Limousine, Inc. (Blessed Limousine or the company), is engaged in the business of operating as a charter party or excursion carrier transporting passengers for compensation on the public highways of the state of Washington without the necessary certificate required for such operations by RCW 81.70.220.

Scope

The investigation focuses on information obtained by commission staff of the Washington Utilities and Transportation Commission (commission) relating to Blessed Limousine's operations.

Authority

Staff undertakes this investigation under the authority of the Revised Code of Washington (RCW) 81.01.010, which adopts RCW 80.01, which directs the Commission to regulate passenger transportation providers in the public interest, and to adopt such rules and regulations as may be necessary to do so. In addition, RCW 81.04.510 makes it clear that the Commission is authorized to conduct such an investigation. Appendix A includes copies of relevant laws and rules.

BACKGROUND

Previous Contact with Company

On February 17, 2015 UTC staff received a complaint from a regulated carrier that Blessed Limousine was providing passenger transportation service in a large Hummer vehicle and party bus without UTC passenger transportation authority.

On February 23, 2015, commission staff sent the company an email providing technical assistance about passenger transportation regulations in Washington. The email provided a Department of Licensing flyer explaining licensing requirements for limousines, for hire vehicles and charter & excursion carriers.¹ Staff informed the owner of Blessed Limousine, Mr. Clussie Bagby, that operating the larger vehicles, such as the hummer limousine and party bus, may require authority from the commission. Staff further explained operating as a charter or excursion provider within Washington without the required authority is illegal and that, until the commission grants such authority, Mr. Bagby must cease offering and providing regulated services. Staff requested that Mr. Bagby either submit an application for authority or explain in writing why Blessed Limousine operations do not require authority from the commission by March 6, 2015.² Mr. Bagby did not respond.

On March 24, 2015, David Pratt, Assistant Director for Transportation Safety, sent a certified letter to Blessed Limousine explaining that the commission had received no response to staff's February 23 email and that although Blessed Limousine had a limousine license, larger vehicles, such as the hummer limousine and party bus, fall under the commission jurisdiction as charter buses. Mr. Pratt explained that if evidence was found that regulated passenger transportation service was being provided staff would recommend that the commission take enforcement action. Mr. Pratt provided an application and contact information for questions.³ Mr. Bagby did not respond.

On May 4, 2015 staff made another attempt to reach out to Blessed Limousine. John Foster, Transportation Safety Supervisor visited Mr. Bagby at his business office in Tukwila. Mr. Foster explained that in addition to his limousine authority he was required to hold a charter and excursion certificate issued by the commission for the larger vehicles. Mr. Foster provided Mr. Bagby another application.⁴

On June 3, 2015, having not received an application for authority, Betty Young, commission staff, called Blessed Limousine and asked Mr. Bagby the status of the application. Mr. Bagby told Ms. Young that he would submit an application "right away". Ms. Young followed up the

¹ Copy of DOL flyer at Appendix B.

² Copy of February 23, 2015 email at Appendix C.

³ Copy of March 24, 2015 letter at Appendix D.

⁴ Copy of May 4, 2015 assignment report at Appendix E.

conversation with an email to Blessed Limousine, explaining that if Blessed Limousine provided passenger transportation for compensation in either of the larger vehicles without authority, the commission would pursue enforcement action.⁵

As of the date of this report, Blessed Limousine has not submitted an application for a Charter and Excursion Carrier Services Certificate.

⁵ Copy of June 3, 2015 email at Appendix F.

INVESTIGATION

By law, no person may engage in the business of a charter party carrier or excursion service carrier of passengers over any public highway in Washington without first having obtained a certificate from the commission to do so or having registered as an interstate carrier. (RCW 81.70.220)

RCW 81.70.020 defines a charter party carrier, subject to the exclusions outlined in RCW 81.70.030, as 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 chartered group after leaving the place of origin.

An excursion service carrier, subject to the exclusions outlined in RCW 81.70.030, means every person engaged in the transportation of persons for compensation over any public highway in this state from points of origin within the incorporated limits of any city or 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.

RCW 81.70.030 excludes the following types of transportation from commission regulation as passenger charter carriers:

1. Persons or their lessees, receivers, or trustees insofar as they own, control, operate, or manage taxicabs, hotel buses, or school buses, when operated as such.
2. Passenger vehicles carrying passengers on a noncommercial enterprise basis.
3. Limousine charter party carriers of passengers under chapter [46.72A](#) RCW.

In WAC 308-83-010 a limousine means vehicles that meet one of the following definitions, in part:

“Stretch limousine” means an automobile with a seating capacity behind the driver of not less than four passengers and not more than fourteen passengers.

“Executive van” means a van or minivan, having a seating capacity behind the driver of not less than seven passengers and not more than fourteen passengers.

“Stretch sport utility vehicle” means a sport utility vehicle with a seating capacity behind the driver of not less than four and not more than fourteen passengers.

A “motor vehicle” or “vehicle” as related to charter and excursion carriers in WAC 480-30-036 means: Every self-propelled vehicle with a manufacturer’s seating capacity for eight or more passengers, including the driver.

Therefore, companies providing transportation for compensation, using vehicles with a seating capacity of more than fourteen passengers behind the driver is considered a charter party carrier, and regulated by the commission.

Current Investigation

Compliance Investigator Pam Smith began an investigation into Blessed Limousine in August 2015 to determine if Blessed Limousine was operating as a charter party carrier or excursion service carrier without the proper authority. This report documents Ms. Smith's findings during her investigation.

Blessed Limousine, Inc.

Blessed Limousine is registered with the Washington Business Licensing Service (BLS) under UBI # 602438928. The business name is Blessed Limousine, Inc. The company currently holds a limousine license at address 3932 62nd Ave Ct. E Fife, WA, 98424. Clussie Babgy and Genise Bagby are listed as governing people. The mailing address is listed as 14203 56th Ave. S. Tukwila, WA, 98168.⁶ The company has an active account with the Department of Revenue.⁷

Website Advertising

Commission staff reviewed Blessed Limousine's advertising at its website (<http://www.blessedlimo.net/>) on September 2, 2015. The "About Us" tab of the website states, in part:

"Experience the comfort and extravagance your event deserves with our fleet that ranges from 7-passenger SUV's to luxurious 22-passenger limousines."⁸

The website has a "Services & Rates" tab it states in part:

"Our estimated hourly rates:

- 22 passenger Hummer Limo \$175 per hour
- 18 passenger Executive/Party Bus \$175 per hour."⁹

The next tab, "Our Fleet" lists the vehicles in the fleet and highlights the amenities for each vehicle.

The Hummer limousine states in part:

"With seating for 22 passengers, this limousine is stretched out 200 inches and downright fun from the inside out!"

⁶ Copy of BLS information at Appendix G.

⁷ Copy of DOR information at Appendix H.

⁸ Copy of "About Us" website page at Appendix I.

⁹ Copy of "Services & Rates" website page at Appendix J.

The amenities highlighted in part:

- Privacy Glass and Blackout Divider
- Fiber Optic Lighting and Mirrored Ceiling
- Ice chests
- Disco Flower Lights
- 3 Flat Screen HDTV's

The Executive/Party Bus states:

“22-passenger vehicle with ample sitting and standing room. Executive bus by day transforms into party bus by night...perfect for birthday celebrations, bachelor/bachelorette parties or group tours.”

The amenities highlighted:

- Fiber optic lights from floor to ceiling.
- 42-inch flat screen in the rear and 32 inch flat screen in the front.
- DVD/CD/AUX/USB ports for your viewing and listening pleasure.
- Surround sound system with 12+ speakers.
- Two bars and two extra large ice buckets w/glassware for your convenience.

The website also highlights passenger vans with seating for 12-15 passengers.¹⁰

Facebook Advertising

Commission staff reviewed Blessed Limousine's Facebook page on September 3, 2015.

The main Facebook page has a “contact information” button that links the viewer to the Blessed Limousine website.¹¹

Scrolling through Facebook there are interior pictures of a bus showing bench seating, a middle aisle, lights, an entertainment system. The heading states:

“Inside look Seattle H2 Hummer seats up to 22 comfortably. Party b4 and after party.”¹²

The page also has an exterior picture of a bus and the heading states, in part:

“...and this is all with seating for 22 passengers, the limousine is stretched out 200 INCHES and downright fun from the inside out. <http://www.blessedlimo.net>.”¹³

¹⁰ Copy of “Our Fleet” website page at Appendix K.

¹¹ Copy of Facebook page at Appendix L.

¹² Copy of Facebook page at Appendix M.

¹³ Copy of Facebook page at Appendix N.

Offers to Provide Charter or Excursion service

1st contact: On August 3, 2015, Ms. Smith emailed Blessed Limousine posing as a customer named Rachel. She explained she was having a 2nd anniversary party of her 29th birthday. She explained that there would be 17-20 people going to dinner then out to a few bars. She asked if the 22 passenger limousine was available.¹⁴ On August 4, 2015, Genise of Blessed Limousine responded via email in part:

“Thank you for inquiring, we absolutely do have a 22 passenger limo available for either Aug 13 or 15.”¹⁵

2nd contact: On August 24, 2015 Ms. Smith emailed Blessed Limousine posing as a customer named Steve Webster. She explained that her group had considered a Mariner game but had decided on a Sounders game. She asked if they had a vehicle that would have room for 16-18 guys. On August 25, 2015, Genise of Blessed Limousine responded via email stating in part:

“Thank you for your inquiry. We do have a bus available on September 23. It can accommodate your party.”¹⁶

¹⁴ Copy of 8/3/2015 email at Appendix O.

¹⁵ Copy of 8/4/2015 email at Appendix P.

¹⁶ Copy of 8/24/2015 and 8/25/2015 emails at Appendix Q.

STAFF FINDINGS & RECOMMENDATIONS

Commission staff has determined that Blessed Limousine, Inc. is engaging in the business of operating as a passenger charter carrier within the state of Washington without proper authority from the Washington Utilities and Transportation Commission.

According to WAC 480-30-086, a person must have a certificate from the commission before operating as a passenger transportation company in the state of Washington.

According to RCW 81.70.220:

(1) No person may engage in the business of a charter party carrier of passengers over any public highway without first having obtained a certificate from the commission to do so. For the purposes of this section, “engage in the business of a charter party carrier or excursion service carrier” includes advertising or soliciting, offering, or entering into an agreement to provide such service. Each advertisement reproduced, broadcast, or displayed via a particular medium constitutes a separate violation under this chapter.

(2) Any person who engages in the business of a charter party carrier or excursion service carrier in violation of subsection (1) of this section is subject to a penalty of up to five thousand dollars per violation.

RCW 81.04.510 Engaging in business or operating without approval or authority — Procedure, states, in part:

Whenever the commission believes that any person or corporation is engaged in operations without the necessary approval or authority required by any provision of this title, it may institute a special proceeding requiring such person or corporation to appear before the commission at a location convenient for witnesses and the production of evidence and bring with him books, records, accounts and other memoranda, and give testimony under oath as to his operations or acts, and the burden shall rest upon such person or corporation of proving that his operations or acts are not subject to the provisions of this chapter.

RCW 81.04.010(11) states that a common carrier “... includes ... charter party carriers and excursion service carriers...”

RCW 81.04.010(16) states that a public service company “... includes every common carrier.”

Blessed Limousine knew or should have known that advertising and offering to provide charter party and excursion service violates commission laws and rules. Staff made four technical assistance contacts with the company, each time explaining that using the larger vehicles (seating for more than 14 passengers) to provide transportation services fall under UTC Charter

regulation. Staff believes Blessed Limousine is unwilling to comply despite ample technical assistance.

Staff Recommendations

Commission staff recommends the commission initiate a proceeding against Blessed Limousine, Inc. as provided by RCW 81.04.510 to determine whether Blessed Limousine Inc. engaged in the business of a charter party carrier or excursion service carrier.

Staff also recommends that the commission impose penalties of up to \$5,000.00 each, for four violations of RCW 81.70.220(1), as provided by in RCW 81.70.220(2)