



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Washington Utilities and Transportation Commission

- Preproposal Statement of Inquiry was filed as WSR 15-13-130; or
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_

**Title of rule and other identifying information:** (Describe Subject) The Party Bus Rulemaking in Docket TE-151080 proposes rules limited to the provisions of SSB 5362, passed and signed into law in the 2015 legislative session. Docket TE-151080. The rulemaking affects WAC Chapter 480-30 relating to charter bus companies; specifically,

- Defines "party bus"
- Removes the current exemption for buses operating within a single city
- Regulates alcohol served or consumed on party buses
- Prohibits smoking on charter buses
- Changes the due date for charter bus regulatory fees
- Defines charter party services to include certain advertising activities
- Allows a penalty up to \$5,000 for operating without a permit.

**Hearing location(s):**

Commission Hearing Room 206  
Second Floor, Richard Hemstad Building  
1300 S. Evergreen Park Drive S.W.  
Olympia, WA 98504-7250

**Submit written comments to:**

Name: Washington Utilities and Transportation Commission  
Address: 1300 S. Evergreen Park Drive S.W.  
PO Box 47250  
Olympia, WA 98504-7250  
e-mail [records@utc.wa.gov](mailto:records@utc.wa.gov). Please include "Docket TE-151080" in your comments.  
fax (360) 586-1150 by (date) November 23, 2015

Date: December 15, 2015 Time: 9:30 a.m.

**Date of intended adoption:** December 15, 2015  
(Note: This is NOT the effective date)

**Assistance for persons with disabilities:** Contact  
Debbie Aguilar by December 1, 2015  
TTY (360) 586-8203 or (360) 664-1132

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The proposed rules implement the provisions of SSB 5362. Under RCW 81.70, the Washington Utilities and Transportation Commission (Commission) regulates passenger charter bus carriers operating within Washington state for public safety. The 2015 Legislature passed legislation (SSB 5362) requiring RCW 81.70 to include transportation of persons by party bus over any public highway within the state as a charter party carrier.

- If alcoholic beverages are served or consumed aboard a charter party carrier vehicle, a responsible party must first obtain a liquor permit. The holder of the permit must be on the vehicle or reasonably proximate and available, must monitor and control party activities to prevent driver distraction and assume responsibility for compliance with the alcohol permit. If the carrier is the permit holder, then the carrier must have a person other than the driver satisfy the alcohol permit holder requirements. If the carrier believes the conditions aboard the vehicle are unsafe, the carrier must remove all alcoholic beverages and lock them in the trunk or other compartment. Any carrier violating these provisions is subject to a penalty up to \$5,000.
- A carrier may not knowingly allow any passenger to smoke aboard a carrier's vehicle. Smoke is defined in RCW 70.160.202 as the carrying or smoking of any kind of lighted pipe, cigar, cigarette, or any other lighted smoking equipment.
- Engaging in the business of a charter party carrier or excursion service carrier is clarified to include certain advertising activities. Engaging in the business without a valid UTC certificate could result in a penalty up to \$5,000 per violation.
- Fees paid to the Commission under this chapter must be submitted by May 1 rather than December 31 of any calendar year.

**Reasons supporting proposal:** See above.

**Statutory authority for adoption:** RCW 81.04, 81.70; specifically, 81.70.020, 81.70.030, 81.70.220, 81.70.260, 81.70.270, 81.70.320, 81.70.350, and 81.70.360.

**Statute being implemented:** N/A

**Is rule necessary because of a:**

- Federal Law?  Yes  No
- Federal Court Decision?  Yes  No
- State Court Decision?  Yes  No

If yes, CITATION:

**DATE**  
October 21, 2015

**NAME** (type or print)  
Steven V. King

**SIGNATURE**

**TITLE**  
Executive Director and Secretary

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: October 21, 2015**

**TIME: 8:43 AM**

**WSR 15-21-087**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None.

**Name of proponent:** (person or organization) Washington Utilities and Transportation Commission

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Suzanne Stillwell	1300 S. Evergreen Park Drive SW, Olympia, WA 98504	(360) 664-1224
Implementation..... Steven V. King	1300 S. Evergreen Park Drive SW, Olympia, WA 98504	(360) 664-1115
Enforcement..... Steven V. King	1300 S. Evergreen Park Drive SW, Olympia, WA 98504	(360) 664-1115

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

The proposed rules will not result in or impose more than minor costs. Because there will not be more than minor increases in costs resulting from the proposed rule changes, a SBEIS is not required under RCW 19.85.030(1).

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No: Please explain: The Commission is not an agency to which RCW 34.05.328 applies. The proposed rules are not significant legislative rules of the sort referenced in RCW 34.05.328(5).

**WAC 480-30-011 Exempt operations.** ~~((1))~~ The commission does not regulate the following passenger transportation operations under this chapter:

~~((a) Operations conducted wholly within the limits of an incorporated city or town.~~

~~(b))~~ (1) Auto transportation company operations from a point in a city or town in the state of Washington for a distance of not more than three road miles beyond the corporate limits of the city or town in which the trip began. The operations must not be part of a journey beyond the three-mile limit, either alone or in conjunction with another vehicle or vehicles.

~~((e))~~ (2) Commuter ride sharing or ride sharing for persons with special transportation needs under RCW 46.74.010, provided the ride-sharing operation does not compete with nor infringe upon comparable service that was actually provided by an auto transportation company under chapter 81.68 RCW before the ride-sharing operation started.

~~((d))~~ (3) Municipal corporations and other government entities.

~~((e))~~ (4) Public transit agencies.

~~((f))~~ (5) Persons operating vehicles under exclusive contract to a public transit agency.

~~((g))~~ (6) Persons owning, operating, controlling, or managing taxi cabs, hotel buses, or school buses, when operated as such.

~~((h))~~ (7) Passenger vehicles carrying passengers on a noncommercial basis, including but not limited to, nonprofit corporations.

~~((i))~~ (8) Private carriers who, in their own vehicles, transport passengers as an incidental adjunct to some other established private business owned or operated by them in good faith.

~~((j))~~ (9) Transporting transient air flight crew or in-transit airline passengers between an airport and temporary hotel accommodations under an arrangement between the airline carrier and the passenger transportation company.

~~((k))~~ (10) Substituting ground transportation for air transportation under an arrangement between the airline carrier and the passenger transportation company in emergency situations arising from the inability of the air carrier to perform air transportation due to adverse weather conditions, equipment failure, or other causes.

~~((l))~~ (11) Transporting passengers who have had or will have had a prior or subsequent movement by air under a through ticket or common arrangement with an airline or with a connecting out-of-state passenger transportation company.

~~((m))~~ (12) Any other carrier or company that does not come within the term:

~~((i))~~ (a) "Auto transportation company" as defined in RCW 81.68.010;

~~((ii))~~ (b) "Charter party carrier ~~((of passengers))~~" as defined in RCW 81.70.020; or

~~((iii))~~ (c) "Excursion service carrier" as defined in RCW 81.70.020.

**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, luggage, and/or express freight 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 person owning, controlling, operating, or managing any motor-propelled vehicle not usually operated on or over rails, used in the business of transporting persons 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 ((of passengers))"** or **"charter carrier"** means every person engaged in the transportation of a group of persons who, pursuant to a common purpose and under a single contract, have acquired the use of a motor bus 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 having left the place of origin, or who is engaged in the transportation of persons by party bus over any public highway in this state.

**"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.

**"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.

**"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.

**"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 carrier"** means a person holding a certificate issued by the commission authorizing transportation of passengers under special and individual contracts or agreements.

**"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 will not pick up or drop off passengers after leaving and before returning to the area of origin. The excursions may or may not be regularly scheduled. Compensation for the transportation offered must be computed, charged, or assessed by the excursion service company on an individual fare basis.

**"Express freight/package service"** means transportation of freight and packages, other than packages or baggage carried or checked by passengers, offered by a passenger transportation company.

**"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.

**"Leasing":**

(a) **"Leasing authority"** means one auto transportation company allowing another person to operate all, or a portion, of the authority granted to the first company by the commission. A joint application to, and approval from, the commission is required to lease authority. See WAC 480-30-141.

(b) **"Leasing equipment"** means the act of a passenger transportation company to supplement its fleet by acquiring a vehicle(s) from a third party for a specified period of time under contract. See WAC 480-30-236.

**"Liquor permit holder"** means a holder of an appropriate special permit to provide liquor issued under chapter 66.20 RCW, who is twenty-one 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 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 or fewer employees.

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

"State" means the state of Washington.



**"Subcontracting - Auto transportation company"** means that an auto transportation company holding authority from the commission contracts with a second auto transportation company to provide service that the original company has agreed to provide, but finds it is unable to provide. See WAC 480-30-166.

**"Subcontracting - Charter and excursion carrier"** means that a charter and excursion carrier holding authority from the commission contracts with a second charter and excursion carrier to provide service that the original carrier has agreed to provide, but finds it is unable to provide.

**"Substitute vehicle"** means a vehicle used to replace a disabled vehicle for less than thirty 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 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.

AMENDATORY SECTION (Amending WSR 06-13-006, filed 6/8/06, effective 7/9/06)

**WAC 480-30-076 Regulatory fees.** A regulatory fee is an annual assessment paid by each company to cover the costs of regulation.

(1) **Auto transportation company regulatory fees.** The maximum auto transportation company regulatory fee is set by statute at two-fifths of one percent of gross intrastate operating revenue.

(a) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum.

(b) The minimum fee that an auto transportation company must pay is twenty dollars.

(c) The twenty dollar minimum regulatory fee is waived for any auto transportation company with less than five thousand dollars in gross intrastate operating revenue.

(d) Each auto transportation company must pay its regulatory fee by May 1<sup>st</sup> of each year.

(2) **Charter and excursion carrier regulatory fees.** The charter and excursion carrier regulatory fee is established by commission order.

(a) The minimum fee a charter and excursion carrier must pay is the amount established for a single vehicle.

(b) Each charter and excursion carrier must pay its regulatory fee on or before (~~December 31~~) May 1<sup>st</sup> of each year (~~(to cover the ensuing year beginning February 1)~~).

(3) **Extension of time to pay regulatory fees.** The commission cannot grant extensions for payment of regulatory fees.

(4) **Penalties for late fees.** If a company does not pay its regulatory fee by the due date established in this rule, the commission will assess an automatic late fee of two percent of the amount due, plus one percent interest for each month the fee remains unpaid.

(5) The commission may take action to suspend or cancel a certificate, if a company fails to pay its regulatory fee.

AMENDATORY SECTION (Amending WSR 06-13-006, filed 6/8/06, effective 7/9/06)

**WAC 480-30-086 Certificates, general.** (1) **Certificate required.** A person must have a certificate from the commission before operating as a passenger transportation company in the state of Washington.

(2) **Company name.** The company name is the name of the certificate holder.

(a) A company electing to conduct operations under a trade name must first register the trade name with the commission.

(b) A company must conduct all operations under the company name, a registered trade name, or both. (~~(The term "Operations")~~) Operations (~~(")~~) includes, but is not limited to, advertising, ticketing, and identifying vehicles.

(c) A company may not operate under a company name or trade name that is similar to that of another company if use of the similar name misleads the public or results in unfair or destructive competitive practices.

(3) **Display.** A company must keep its original certificate on file at its principal place of business open to inspection by any customer, law enforcement officer, or authorized commission representative who asks to see it.

(4) **Replacement.** The commission will replace a lost or destroyed original certificate at no charge.

(5) **Description of certificated authority.** When a company's certificate authority includes boundaries such as cities, towns, streets, avenues, roads, highways, townships, ranges or other descriptions, the boundaries remain established as they existed at the time the commission granted the authority.

(6) **Operating within certificated authority.**

(a) A company must operate strictly within the authority described in its certificate.

(b) The commission may take administrative action against a company operating outside its certificated authority. Refer to WAC 480-30-241 for information regarding the commission's compliance policy.

AMENDATORY SECTION (Amending WSR 06-13-006, filed 6/8/06, effective 7/9/06)

**WAC 480-30-216 Operation of motor vehicles, general.** (1) **Discrimination prohibited.** No company operating motor vehicles under the provisions of this chapter will operate a vehicle in intrastate commerce on which the seating of passengers is based on race, color, creed, or national origin.

(2) **Inspection of baggage and other materials passengers wish to be carried in or on a motor vehicle.** Auto transportation companies are responsible for the safety and comfort of all passengers transported. To ensure the safety and comfort of passengers and employees it may be necessary for companies to inspect baggage and other materials to be transported in or on motor vehicles.

(a) Companies must include in their filed tariffs, in information provided to passengers, and on their tickets, information that advises passengers that all baggage and other materials to be carried in or on a motor vehicle is subject to inspection by the company.

(b) The information required by (a) of this subsection must include a list of examples of materials that will not be accepted for transportation. Examples may include, but are not limited to, the following items:

(i) Articles whose transportation as baggage are prohibited by law or regulation;

(ii) Fragile or perishable articles;

(iii) Articles whose dimensions exceed the size limitations in the company's filed tariff;

(iv) Packages, bags, or parcels that are leaking;

(v) Firearms;

(vi) Articles that have foul and obnoxious odors; or

(vii) Items that cause annoyance, discomfort, or harm to persons or property.

(3) **Service requirement.**

(a) An auto transportation company is a public service company with an obligation to provide service to the satisfaction of the commission to all customers within its certificated authority.

(b) Except to the extent allowed by WAC 480-30-451, no driver or operator of a motor vehicle used in the transportation of passengers by an auto transportation company shall refuse to carry any person presenting him or herself at a regular stopping place who tenders the appropriate fare. Exception: Companies limiting operations to passengers with prior reservations are not subject to this provision.

(4) **Passenger loading capacity.** No motor vehicle used in the transportation of passengers will carry more passengers than can be carried safely. In no case will a motor vehicle transport more than one hundred fifty percent of its rated seating capacity.

(5) **Standing passengers.** No passenger will be permitted to stand unless the vehicle is equipped with devices designed and permanently installed to provide stability and safety for standing passengers.

Even if the vehicle is properly equipped, no passenger will be permitted to stand for a distance exceeding thirty-five miles.

(6) Double-decker bus. Any company that operates a double-decker bus must comply with the maximum height vehicle requirement of RCW 46.44.020.

(7) Reserve equipment. All auto transportation companies must maintain sufficient reserve equipment to insure the reasonable operation of established routes and fixed time schedules.

~~((7))~~ (8) Smoking on motor vehicles.

(a) Smoking or carrying lit cigars, cigarettes, or other smoking materials is prohibited on vehicles (~~operated by auto transportation companies~~).

(b) Each (~~auto transportation~~) company must post signs in its vehicles informing passengers that smoking is not permitted.

#### NEW SECTION

**WAC 480-30-244 Liquor permit required.** (1) A charter party carrier or excursion service carrier operating a party bus must be in compliance with the requirements of section 8, chapter 233, Laws of 2015.

(2) A charter party carrier or excursion service carrier operating a party bus must be in compliance with Title 66 RCW.

(3) A copy of the liquor permit obtained by any party under Title 66 RCW must be maintained with the contract of carriage for at least six months from the ending date of the trip.

AMENDATORY SECTION (Amending WSR 06-13-006, filed 6/8/06, effective 7/9/06)

**WAC 480-30-246 Sanctions for operating without a valid certificate.** (1) Operating without a certificate - Auto transportation companies.

(a) If a representative of the commission or other law enforcement agency observes a company operating as a passenger transportation company without a certificate from the commission, that company is subject to a gross misdemeanor citation, for which the company must appear in court.

(b) If the commission receives information that a company is operating as a passenger transportation company without a certificate, and a commission representative or other law enforcement agency has not observed those operations, the commission may:

(i) Issue a citation through the court; or

(ii) Contact the company and provide education and technical assistance concerning applicable regulations. This includes giving the company a copy of the applicable laws, rules, and certificate application forms.

(c) If the company continues to operate without a certificate after commission education and technical assistance is offered, the commission may begin an administrative proceeding to classify the company as a regulated company under RCW 81.04.510. If, as a result of that

proceeding, the commission formally classifies the company as an auto transportation company or a charter and excursion carrier operating without the required certificate, the commission will issue a cease and desist order under RCW 81.04.510.

(d) If a company operates in violation of a commission order, the commission may impose penalties and/or take legal action in court.

**(2) Operating without a certificate - Charter and excursion service carriers.**

(a) 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.

(b) Each advertisement reproduced, broadcast or displayed via a particular medium constitutes a separate violation.

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

**(3) Operating while certificate is suspended - Auto transportation company.** A company that operates after the commission suspends the company's certificate is subject to:

(a) Misdemeanor or gross misdemeanor citations, for which the company must appear in district court;

(b) Monetary penalty assessments or other commission administrative actions; or

(c) Commission proceedings to cancel the company's certificate.

~~((3))~~ **(4) Operating after certificate is canceled - Auto transportation company.** A company that continues to operate after the commission cancels the company's certificate is subject to:

(a) Misdemeanor or gross misdemeanor citations, for which the company must appear in district court; and

(b) Enforcement proceedings in superior court.

**(5) Operating while certificate is suspended or canceled - Charter party or excursion service carriers.**

(a) Operations includes advertising or soliciting, offering or entering into an agreement to provide such service.

(b) Each advertisement reproduced, broadcast, or displayed via a particular medium constitutes a separate violation.

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