

Chapter 480-31 WAC Private, Nonprofit Transportation Providers

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491 filed 9/28/01, effective 10/29/01)

WAC 480-31-050 Certificates. (1) The commission will issue a certificate to any corporation which files a completed application, as provided by the commission, which provides:

- (a) Satisfactory proof of its status as a private, nonprofit corporation;
- (b) Information sufficient to determine the particular service to be provided;
- (c) Satisfactory proof of insurance or surety bond, in accordance with WAC 480-31-070

(Insurance);

(d) The number and type of vehicles to be operated, together with satisfactory proof that the vehicles are adequate for the proposed service, that the vehicles are or will be licensed in compliance with the laws of the state, and that drivers of such vehicles will be adequately trained and qualified.

(2) Applications for certificates must be on forms to be furnished by the commission, giving all information requested and accompanied by a fifty dollar application fee.

(3) Remittances will be made by money order, bank draft, personal check or certified check, made payable to the Washington utilities and transportation commission.

(4) No provider may operate, establish, or begin operation of any business for the purpose of transporting persons with special transportation needs on the public highways of this state, without first having obtained from the commission a certificate.

(5) No certificate will be issued to persons operating under a trade name, unless a certificate of said trade name is filed in accordance with the provisions of RCW 19.80.010, and a copy thereof filed with the commission.

(6) Each vehicle operated by a provider must carry a copy of the company's certificate, and will be subject at all times to inspection by an authorized representative of the commission.

~~(7) Any certificate to operate as a private, nonprofit transportation provider obtained by any false affidavit or representation will be subject to cancellation by the commission.~~

~~(8) No certificate will be sold, assigned, leased, acquired, or transferred except upon authorization of the commission.~~

NEW SECTION

WAC 480-31-052 Suspending and canceling certificates. (1) Cause for suspension. The commission may suspend a certificate for cause. Cause includes, but is not limited to:

(a) Failure to maintain evidence of required liability insurance coverage for all areas of a private, nonprofit transportation provider's operations;

(b) Failure to file an annual report or pay required regulatory fees;

(c) Failure or refusal to comply with operating standards that protect the public health, safety, or welfare;

(d) Allowing others to operate under a provider's certificated authority without having first obtained commission approval;

(e) Operating in a manner that violates the rights of customers and/or constitutes an unfair or deceptive business practice; or

(f) Repeated failure or refusal to comply with laws and rules pertaining to operations of private, nonprofit transportation providers.

(2) Cause for cancellation. The commission may cancel a certificate for cause. Cause includes, but is not limited to:

(a) Operating without proper insurance;

(b) Failure to file an annual report or pay required fees;

(c) Failure to correct within the time specified in a suspension order all conditions listed in the suspension order that led to the certificate's suspension;

(d) Continued violations of laws and rules affecting the public health, safety, or welfare when the commission has reason to believe the private, nonprofit transportation provider will not comply with those laws and rules following a specified period of suspension;

(e) Failure to supply requested information needed by the commission in the performance of its regulatory functions; or

(f) Submission of false, misleading or inaccurate information.

(3) Notice of pending suspension and cancellation. When the commission believes cause exists to suspend or cancel a certificate, it will issue a notice to the private, nonprofit transportation provider of the commission's intention to suspend or cancel the authority.

(4) Contest of suspension and cancellation. A private, nonprofit transportation provider may contest the pending suspension and/or cancellation of its certificate by requesting a hearing or brief adjudicative proceeding within ten days following the date of the notice.

NEW SECTION

WAC 480-31-054 Certificates, reinstatement.

(1) The commission may reinstate a certificate canceled for cause under the provisions of WAC 480-31-052 (Suspending and canceling certificates) if the private, nonprofit transportation provider:

(a) Corrects all conditions leading to the cancellation;

(b) Provides a written statement explaining the circumstances surrounding the cancellation and commits that it is unlikely to recur; and

(c) Files an application to reinstate authority with the proper application fee.

(2) The commission may reinstate a certificate suspended under the provisions of WAC 480-31-052 (Suspending and canceling certificates) if the provider satisfies the terms of the suspension and all conditions leading to the suspension are corrected.

AMENDATORY SECTION (Amending Docket No. TC 961102, General Order No. R-440 filed 3/27/97, effective 4/27/97)

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. 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 passengers, including the driver;

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

~~Failure to file and keep such insurance or surety bond in full force and effect will be cause for dismissal of an application or cancellation of a certificate.~~

(2) ~~A provider's insurance agency or company must submit E~~evidence of insurance ~~must be submitted~~ 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 days' written notice served on the insured and the commission by the insurance company. The thirty-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 days' written notice.

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

(5) No provider may operate upon the public highways of this state without insurance as required by this section. ~~The permit of any provider who fails to maintain evidence on file that its insurance is in current effect will be suspended by operation of law beginning with the time of the failure, until the permit is canceled or the cause of the suspension is cured and the permit is reinstated. The commission will make a good faith effort to notify providers of impending suspension for failure to maintain evidence of insurance and enter a timely order of suspension, but failure to do so will not invalidate the suspension.~~

AMENDATORY SECTION (Amending Docket No. TC 961102, General Order No. R-440, filed 3/27/97, effective 4/27/97)

WAC 480-31-080 Fees and annual report. (1) A private, nonprofit transportation provider must pay to the commission the sum of ten dollars annually for each vehicle operated. The provider must pay the annual fee ~~must be paid~~ with the filing of the annual report ~~of the provider.~~

(2) At the close of each calendar year, every provider must secure from the commission the proper forms and file with the commission its annual report as soon as possible after the close of the calendar year, but no later than May 1st of the succeeding year. ~~Failure to file such report will be sufficient cause for the commission, in its discretion to revoke a certificate.~~

Chapter 480-70 WAC
SOLID WASTE AND/OR REFUSE COLLECTION COMPANIES

AMENDATORY SECTION (Amending Docket No. TG-990161, General Order No. R-479, filed 3/23/01, effective 4/23/01)

WAC 480-70-161 Suspending and canceling certificates. (1) **Cause for suspension.** The commission may suspend a certificate for cause. Cause includes, but is not limited to:

(a) Failure to maintain evidence of required liability insurance coverage for all areas of a company's operations;

(b) Failure to file an annual report or pay required regulatory fees;

(c) Failure to comply with the rates and rules contained in the company's filed tariff;

(d) Failure or refusal to comply with operating standards that protect the public health, safety or welfare;

(e) Allowing others to operate under a company's certificated authority without having first obtained commission approval; or

(f) Operating in a manner that violates the rights of customers and/or constitutes an unfair or deceptive business practice.

(2) Cause for cancellation. The commission may cancel a certificate for cause. Cause includes, but is not limited to:

(a) Operating without proper insurance;

(b) Failure to file an annual report or pay required regulatory fees;

(c) Failure to correct within the time specified in a suspension order all conditions listed in the suspension order that led to the certificate's suspension;

(d) Continued violations of applicable laws and rules affecting the public health, safety, or welfare when the commission has reason to believe the company will not comply with those laws and rules following a specified period of suspension;

(e) Repeated failure or refusal to comply with applicable laws and rules pertaining to operations of solid waste collection companies;

(f) Failure to supply requested information needed by the commission in the performance of its regulatory functions;

(g) Submission of false, misleading, or inaccurate information; or

(h) Allowing others to operate under a company's certificated authority without having first obtained commission approval.

~~(23) Notice of **pending suspension and cancellation.** The When the commission believes cause exists to suspend or cancel a certificate, it will issue an order notifying a notice to the company of the commission's action intention to suspend a certificate or cancel the authority. Suspension is effective on the date the commission mails the suspension order (service date).~~

~~(34) Contest of suspension **and cancellation.** A company may contest the pending suspension and/or cancellation of its certificate by requesting a hearing or brief adjudicative proceeding within ten days following the date of the notice.~~

~~(4) **Suspension without opportunity for prior hearing.** The commission may suspend a certificate without providing an opportunity for prior hearing if there is imminent danger to the public health, safety, or welfare, and there is insufficient time to conduct a hearing. If the commission invokes this suspension clause, the commission will, as soon as is practical,~~

~~schedule a hearing or brief adjudicative proceeding to determine if the suspension should continue in force and effect.~~

AMENDATORY SECTION (Amending Docket No. TG-990161, General Order No. R-479, filed 3/23/01, effective 4/23/01)

~~**WAC 480-70-166 Canceling certificates.** (1) **Cause for cancellation of a certificate.** The commission may cancel a certificate for cause. Cause includes, but is not limited to:~~

- ~~(a) Operating without proper insurance;~~
- ~~(b) Failure to file an annual report or pay required regulatory fees;~~
- ~~(c) Failure to correct within the time specified in a suspension order all conditions listed in the suspension order that led to the certificate's suspension;~~
- ~~(d) Continued violations of applicable laws and rules affecting the public health, safety, or welfare when the commission has reason to believe the company will not comply with those laws and rules following a specified period of suspension;~~
- ~~(e) Repeated failure or refusal to comply with applicable laws and rules pertaining to operations of solid waste collection companies;~~
- ~~(f) Failure to supply requested information needed by the commission in the performance of its regulatory functions; —~~
- ~~(g) Submission of false, misleading or inaccurate information; or~~
- ~~(h) Allowing others to operate under a company's certificated authority without having first obtained commission approval.~~

~~**(2) Cancellation hearing.**~~

- ~~(a) The commission will normally hold a hearing prior to canceling a certificate, or will offer the company an opportunity for a hearing.~~
- ~~(b) No hearing will be held if an order of suspension issued by the commission stated a date by which a company must correct the causes that led to the suspension, and the company failed to take corrective action within the time frame shown in that order.~~

~~**(3) Notice of cancellation.** The commission will issue an order notifying the company of the commission's action to cancel a certificate. The cancellation is effective on the date the commission mails the cancellation order (service date).~~

~~**(4) Contest of cancellation.** A company may contest the cancellation of its certificate by requesting a hearing or brief adjudicative proceeding.~~