

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

WAC 480-31-100 Equipment--Safety. In addition to other laws and regulations of this state, all providers must comply with the ~~((following:~~

~~The))~~ rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, as follows:

(1) Part 379, Preservation of Records;

(2) Part 380, Special Training Requirements;

(3) Part 392, ~~((+))~~Driving of Motor Vehicles~~((+))~~;

(4) Part 393, ~~((+))~~Parts and Accessories Necessary for Safe Operation~~((+))~~;

(5) Part 396, ~~((+))~~Inspection, Repair and Maintenance~~((+), and)~~;

(6) Part 397, ~~((+))~~Transportation of Hazardous Materials; Driving and Parking rules~~((+))~~;

(7) Part 390, Safety Regulations, General; except the terms "motor vehicle" and "private vehicle" are not adopted. Instead, where those terms are used in Title 49 CFR, they have the meanings assigned to "motor vehicle" in WAC 480-31-030. In addition, the term "commercial motor vehicle," where used in Title 49 CFR has the meaning assigned to "commercial motor vehicle" in WAC 480-31-030.

The commission adopts by reference the provisions of federal rules in effect on the date specified in WAC 480-31-999.

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

WAC 480-31-110 Identification of motor vehicle equipment. Providers must display identification markings on the driver and passenger side of the vehicles.

The markings must include the name of the provider as registered with the commission and the certificate number. Provided however, providers holding both intrastate and interstate authority may display either the U.S. Department of Transportation certificate number, commission certificate number, or both.

The markings must be clearly legible, with letters no less than three inches high, in a color that contrasts with the surrounding body panel. Leased vehicles may display either permanent markings or placards on the driver and passenger sides of the vehicle.

Vehicles operated by or under lease must display the name and permit number of either the business operating the vehicle or the registered owner. The markings may be permanent or placards on the driver and passenger sides of the vehicle.

When identification of the provider would create an embarrassment to the persons with special transportation needs, the name of the provider may be omitted when authorized by letter from the secretary of the commission.

~~((The commission adopts by reference the provisions of federal rules cited in this section. The material incorporated by reference in this section is available for public examination in the Washington utilities and transportation commission branch of the Washington state library associated with the commission's headquarters office in Olympia and is available for purchase at the Seattle office of the government printing office.))~~

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

WAC 480-31-130 Operation of motor vehicles. (1) All motor vehicles must be operated in accordance with the requirements of existing state laws and no driver or operator will operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highways by others, or so as to endanger the life and limb of any person.

(2) Qualification of drivers. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 391 (Qualifications of Drivers) in effect on the date specified in WAC 480-31-999, are adopted and prescribed by the commission to be observed by all providers. Vehicles meeting the definition of a commercial motor vehicle must also comply with part 382 (Controlled Substances and Alcohol Use and Testing), and part 383 (Commercial Driver's License Standards; Requirements and Penalties).

(3) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395 (Hours of Service of Drivers) in effect on the date specified in WAC 480-31-999, are adopted and prescribed by the commission.

(4) The rules and regulation relating to workplace drug and alcohol testing programs adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, Part 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs) in effect on the date specified in WAC 480-31-999, are adopted and prescribed by the commission.

(5) The rules and regulation relating to general safety fitness procedures adopted by the United States Department of

Transportation in Title 49, Code of Federal Regulations, Part 385 (Safety Fitness Procedures) in effect on the date specified in WAC 480-31-999, are adopted and prescribed by the commission.

(6) The rules and regulation relating to general safety fitness procedures adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, Part 380 (Special Training Requirements) in effect on the date specified in WAC 480-31-999, are adopted and prescribed by the commission.

(7) No driver or operator of a motor vehicle carrying passengers may smoke any cigar, cigarette, tobacco or other substance in such vehicle while driving the vehicle.

~~((+5))~~ (8) No driver or operator of any motor vehicle will permit smoking on said vehicle by passengers or other persons.

Suitable signs, of sufficient size and number to adequately inform passengers, must be placed in buses to inform passengers that smoking is not permitted in the motor vehicle.

~~((+6))~~ (9) No driver or operator of a motor vehicle will create any disturbance or unnecessary noise to attract persons to the vehicle.

~~((+7))~~ (10) The driver or operator of any motor vehicle may refuse to carry any person who is in an intoxicated condition or conducting themselves in an unreasonably boisterous or disorderly manner or is using profane language, or whose condition is such as to be obnoxious to other passengers. A driver is responsible for the comfort and safety of passengers and should be constantly on the alert for and immediately correct any act of misconduct on the part of occupants of the vehicle.

~~((+8))~~ (11) The commission adopts by reference the provisions of federal rules cited in this section in effect on the date specified in WAC 480-31-999.

AMENDATORY SECTION (Amending Docket A-081419, General Order R-554, filed 12/23/08, effective 1/23/09)

WAC 480-31-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Standard Out-of-Service Criteria** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ~~((2008))~~ 2010.

(b) This publication is referenced in WAC 480-31-120 (Equipment--Inspection--Ordered for repairs).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA in

Washington, D.C.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on (~~December 31, 2007~~) June 30, 2010, except that for 49 CFR Part 40, the commission adopts the version in effect on October 1, 2010.

(b) This publication is referenced in WAC 480-31-100 (Equipment--Safety), WAC 480-31-120 (Equipment--Inspection--Ordered for repairs), and WAC 480-31-130 (Operation of motor vehicles).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.