



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do **NOT** use for expedited rule making

**Agency:** Washington Utilities and Transportation Commission

**Subject of possible rule making:**

The Washington Utilities and Transportation Commission (Commission) opens an inquiry to determine if a rulemaking is necessary for the sole purpose of implementing SSB 5362, passed and signed into law in the 2015 legislative session. The potential rulemaking would affect WAC Chapter 480-30 relating to charter bus companies. The rulemaking would be limited to the provisions of SSB 5362, including:

- Define "party bus"
- Remove the current exemption for buses operating within a single city
- Regulate alcohol served or consumed on party buses
- Prohibit smoking on charter buses
- Change the due date for charter bus regulatory fees
- Define charter party services to include certain advertising activities
- Allow a penalty up to \$5,000 for operating without a permit.

This rulemaking has been assigned Docket TE-151080.

**Statutes authorizing the agency to adopt rules on this subject:** 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.

**Reasons why rules on this subject may be needed and what they might accomplish:** Under RCW 81.70, the 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 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.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**

The Washington State Liquor Control Board regulates the alcohol permits.

**Process for developing new rule (check all that apply):**

Negotiated rule making

Pilot rule making

Agency study

Other (describe) The Commission will ask for initial written comments, schedule a workshop if needed, and will provide the opportunity for stakeholders to submit additional written comments on draft rules and proposed CR-102 rules prior to adoption.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

Interested persons may file comments with the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504-7250; telephone (360) 664-1174; by facsimile (360) 586-1150, e-mail at records@utc.wa.gov, or through the UTC Web portal <http://www.utc.wa.gov/e-filing> by **5:00 p.m., Monday, July 20, 2015**. For specific information regarding opportunities for written comments and to ensure receipt of further information concerning this rulemaking, please see the attachment to this form.

**DATE**  
June 17, 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: June 17, 2015**

**TIME: 9:33 AM**

**WSR 15-13-130**

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**  
**CR-101 - ATTACHMENT**  
**DOCKET TE-151080**

Interested persons may contact the Executive Director and Secretary, Washington Utilities and Transportation Commission, P. O. Box 47250, Olympia, Washington, 98504-7250, 360-664-1174 (Fax: 360-586-1150).

**WRITTEN COMMENTS**

Written comments may be submitted to the Commission at the address given above and should be filed with the Commission no later than **5:00 p.m., Monday, July 20, 2015**.

Electronic copies. The Commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted via the Commission's Web portal at [www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing) or by electronic mail to the Commission's Records Center at [records@utc.wa.gov](mailto:records@utc.wa.gov). Please include:

- The docket number of this proceeding (TE-151080)
- The commenting party's name
- The title and date of the comment or comments

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a flash drive, DVD, or compact disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The Commission will post on the Commission's web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/151080>. If you are unable to file your comments electronically or to submit them on a disk, the Commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rulemaking, including comments, will be posted on the Commission's web site as it becomes available. If you wish to receive further information on this rulemaking you may (1) call the Commission's Records Center at 360-664-1234, (2) e-mail the Commission at [records@utc.wa.gov](mailto:records@utc.wa.gov), or (3) mail written comments to the address above to the attention of Steven V. King, Executive Director and Secretary. When contacting the Commission, please refer to Docket TE-151080 to ensure that you are placed on the appropriate service list. Questions may be addressed to Suzanne Stillwell (360) 664-1224 or e-mail at [sstillwe@utc.wa.gov](mailto:sstillwe@utc.wa.gov).

## NOTICE

**TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULEMAKING** -- The Commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. **ANY PERSON WHO COMMENTS** will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rulemaking, please advise the Records Center by any one of the following methods: (1) send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket TE-151080, and the words "Please keep me on the mailing list"; or (2) E-mail your name, address, telephone and fax numbers, referencing Docket TE-151080, and the words "Please keep me on the mailing list" to <[records@utc.wa.gov](mailto:records@utc.wa.gov)>. Please note that all information in the mailings will be accessible through the Commission's Internet web site at <<http://www.utc.wa.gov/151080>>. **THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULEMAKING.**