



TO: David Danner, Chairman
Philip B. Jones, Commissioner
Ann Rendahl, Commissioner

FROM: Party Bus Rulemaking Team
Suzanne Stillwell, Licensing Services Manager, Team Lead
Julian Beattie, Assistant Attorney General
Rayne Pearson, Administrative Law Judge
Transportation Safety Staff Vicki Elliott, Pam Smith, John Foster and
Mike Turcott
Policy Staff Chris Rose and Jason Lewis

DATE: December 11, 2015

SUBJECT: Rulemaking to consider modifications and additions to rules relating to
charter bus companies in WAC 480-30, Docket TE-151080

RE: Adoption Hearing, December 15, 2015

RECOMMENDATION

Staff recommends that the Commission adopt the revised rules as published in the CR-102 filed with the Code Reviser, with one clarifying change as shown in the proposed rules attachment.

BACKGROUND

The 2015 Legislature passed legislation and the Governor signed into law 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. The legislation also imposed requirements specific to the operation of a party bus.

On June 17, the Commission filed with the Code Reviser a Preproposal Statement of Inquiry (CR-101) to determine if a rulemaking is necessary for the sole purpose of implementing SSB 5362. The potential rulemaking affects WAC Chapter 480-30, relating to charter bus companies.

On August 12, Commission staff sought comments from interested persons on proposed changes to the rule. There were two comments pointing out the need for clarification. However, no changes were made to the draft rules. After filing a Notice of Proposed Rulemaking (CR-102) on October 21 with the Office of the Code Reviser, staff sought final comments on October 23.

STAKEHOLDER COMMENTS

We received one comment in response to the October 23 notice. While the commenter agrees with the recommendations made by the commission, he suggests that if there are passengers under 21 on the bus, liquor should not be served and a chaperone should not be required. The

proposed rules do not specifically require a chaperone for passengers under 21. If someone charters a bus and serves alcoholic beverages, that party must obtain a liquor permit. The holder of the liquor permit must be 21 or older and responsible for compliance with the requirements of WAC 480-30-244 and chapter 66.20 RCW during the provision of transportation services. These are the only requirements for chaperone-type service.

PROPOSED CHANGE TO THE PROPOSED RULES

There was an oversight with our draft rules. The rulemaking team wants to clarify that auto transportation companies were not impacted by removing the exemption in WAC 480-30-011(1)(a) for operations conducted wholly within the limits of an incorporated city or town. The legislation SSB 5362 only pertains to charter and excursion companies and not auto transportation companies. The edit proposed below (underlined) makes clear that the exemption still applies to auto transportation companies.

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 conducted wholly within the limits of an incorporated city or town, or 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.

The rulemaking team believes that this edit merely corrects an oversight and does not expand the subject matter or reach of the original rule. Further, there are no public comments that specifically address the exemption and the likelihood that any individual or company will be surprised by the change is low. For these reasons, Staff believes that no additional process is required by RCW 34.05.340, which governs variances between proposed and final rules.

CONCLUSION

Staff recommends that the commission adopt the revised rules as shown in Attachment A.

ATTACHMENTS

- A – Proposed Rule Revisions, as published on October 21, 2015, with clarifying change
- B – Comment Summary and Commission’s Response