

WAC 480-70-181 Public liability and property damage insurance.

(1) **Insurance coverage.** A company must have public liability and property damage insurance covering each motor vehicle it operates in the state of Washington.

(a) The insurance policy must be written by an insurance company authorized to write insurance in the state of Washington or by an unauthorized insurer providing surplus lines coverage subject to the provisions of RCW 48.15.040.

(b) The insurance policy must include the Uniform Motor Carrier Bodily Injury and Property Damage Liability Endorsement (Form F).

(c) If a company operates without the required insurance coverage, the commission may take immediate compliance action as described in WAC 480-70-161 and WAC 480-70-166.

(2) **Insurance limits.** The minimum limits of required public liability and property damage insurance for motor vehicles operated by companies are:

Vehicles that:	Must have bodily injury and property damage insurance or bond with the following minimum limits:
Have Gross Vehicle Weight Rating (GVWR) less than ((10,000)) <u>10,001</u> pounds	\$300,000 combined single limit coverage
Have GVWR ((10,000)) <u>10,001</u> pounds or more	\$750,000 combined single limit coverage
Transport quantities of biomedical waste not subject to federal regulation	\$1,000,000 combined single limit coverage
Transport quantities of hazardous or biomedical waste that are subject to federal regulation	The federal minimum combined single limit coverage

(3) **Insurance filings.** A company must file and maintain a Uniform Motor Carrier Bodily Injury Property Damage Certificate of Insurance (Form E) as a condition of being issued and maintaining a certificate.

(a) The Form E is a standard motor carrier insurance form recognized by the insurance industry and is normally filed with the commission by an insurance company rather than an insurance agent.

(b) The Form E must be issued in the company name exactly as it appears on the company's certificate or application for certificate.

(c) The Form E filing must remain in effect until canceled by a Notice of Cancellation (Form K). The Form K must be filed with the commission by the insurance company not less than ~~((thirty))~~ 30 days before the cancellation effective date.

(d) A company may file a Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond (Form G) instead of the Form E.

(4) **Insurance binders.** The commission will accept an insurance certificate or binder for up to ~~((sixty))~~ 60 days.

(a) An insurance certificate or binder may be canceled by written notice filed with the commission at least (~~ten~~) 10 days before the cancellation effective date.

(b) An insurance certificate or binder must be replaced by a Form E within (~~sixty~~) 60 days of filing, or before the expiration date, whichever occurs first.

(c) Insurance certificates or binders must show:

- (i) The commission as the named insurance certificate holder;
- (ii) The company name, exactly as it appears on the company's certificate or application for a certificate, as the insured;
- (iii) The insurance company name;
- (iv) The insurance policy number;
- (v) The insurance policy effective and expiration dates; and
- (vi) The insurance limits of coverage.

AMENDATORY SECTION (Amending WSR 18-13-106, filed 6/19/18, effective 7/20/18)

WAC 480-70-201 Vehicle and driver safety requirements. (1) Companies must comply with all state and local laws and rules governing vehicle and driver safety. Companies must also comply with the parts of Title 49, Code of Federal Regulations (49 C.F.R.) shown in the following chart, that are adopted by reference. Information about 49 C.F.R. regarding the version adopted and where to obtain copies is set out in WAC 480-70-999.

49 C.F.R. Part ((Adopted)) ADOPTED:		((Portions Not Adopted)) NOT ADOPTED:
Part 40 -	Procedures for Transportation Workplace Drug and Alcohol Testing Programs	n/a
Part 379 -	Preservation of Records	n/a
Part 380 -	Special Training Requirements	n/a
Part 382 -	Controlled Substance and Alcohol Use and Testing	n/a
Part 383 -	Commercial Driver's License Standards; Requirements and Penalties	n/a
Part 385 -	Safety Fitness Procedures	n/a
Part 390 -	Safety Regulations, General	<p>(1) The terms "motor vehicle," "commercial motor vehicle," and "private vehicle" are not adopted. Instead, where those terms are used in Title 49 C.F.R., they shall have the meanings assigned to them in WAC 480-70-041 (private vehicle) and WAC 480-70-196 (commercial motor vehicle).</p> <p>(2) Whenever the term "director" is used in Title 49 C.F.R., it shall mean the commission.</p>

49 C.F.R. Part ((Adopted)) <u>ADOPTED:</u>		((Portions Not Adopted)) <u>NOT ADOPTED:</u>
Part 391 - Qualification of Drivers		(1) A driver who operates exclusively within the state of Washington is not subject to the provisions of Part 391.49 (waiver of certain physical defects), if that driver has obtained from the Washington department of licensing a driver's license with endorsements and restrictions allowing operation of the motor vehicle being driven. (2) A driver who operates exclusively in intrastate commerce is not subject to the provisions of Part 391.11(b)(1) (general qualifications - age). A driver operating exclusively in intrastate commerce may drive a motor vehicle if he or she is at least ((eighteen)) 18 years of age.
Part 392 - Driving of Motor Vehicles		n/a
Part 393 - Parts and Accessories Necessary for Safe Operation		n/a
Part 395 - Hours of Service of Drivers		n/a
Part 396 - Inspection, Repair, and Maintenance		n/a
Part 397 - Transportation of Hazardous Materials, Driving and Parking Rules		n/a

(2) Companies must:

- (a) Maintain all motor vehicles in a safe and sanitary condition;
- (b) Ensure that vehicles are free of defects likely to result in an accident or breakdown; and
- (c) Make vehicles available for inspection by commission representatives at any time upon request.

(3) ~~((The commission will place out-of-service any motor vehicle having safety defects identified in the North American Uniform Out-Of-Service Criteria. Information about the North American Uniform Out-Of-Service Criteria regarding the version adopted and where to obtain copies is set out in WAC 480-70-999. A company must not operate any vehicle placed out-of-service until after proper repairs have been completed.~~

~~((4) The commission will place out-of-service any driver meeting criteria identified in the North American Uniform Out-Of-Service Criteria. A company must not allow a driver who has been placed out-of-service to operate a motor vehicle until such time as the conditions causing the driver to be placed out-of-service have been corrected.))~~
All motor vehicles and drivers operating under the provisions of this chapter and used to provide certificated services are always subject to inspection by the commission or its duly authorized representatives. The commission will place out-of-service for the provision of solid waste collection service any motor vehicle or the driver of that vehicle if the vehicle or driver meets any condition listed in the

North American Uniform Out-of-Service Criteria. A company must not require or permit a vehicle or driver that has been placed out-of-service to operate until the condition(s) causing the out-of-service violation is corrected. Information about the North American Uniform Out-of-Service Criteria is set out in WAC 480-70-999.

(4) All motor vehicles must be equipped with fenders, covers, mud flaps, or splash aprons which effectively reduce the spray or splash of water from the road. All such devices must be as wide as the tires on which they are mounted, and must extend from the top of the tires down to at least the center of the axle.

NEW SECTION

WAC 480-70-203 Intrastate medical waivers. (1) **Department of licensing intrastate medical waiver.** Companies may use a driver that is not physically qualified to drive a commercial motor vehicle under Title 49 C.F.R. Part 391.41, if the driver:

(a) Only operates motor vehicles intrastate, wholly within the state of Washington; and

(b) Has obtained from the Washington state department of licensing an intrastate medical waiver to drive a commercial motor vehicle.

For the purposes of a department of licensing medical waiver, a commercial motor vehicle means a motor vehicle:

(i) With a gross vehicle weight rating of 26,000 pounds or more;

(ii) Transporting 16 or more passengers, including the driver; or

(iii) With a manufacturer's seating capacity of 16 or more passengers, including the driver.

(2) **Doctor's statement of intrastate medical waiver.** Solid waste collection companies may use a driver that is not physically qualified to drive a commercial motor vehicle under Title 49 C.F.R. Part 391.41 or WAC 480-70-201, as applicable, if the driver:

(a) Holds a valid Washington state driver's license;

(b) Has received a doctor's statement that:

(i) The driver's medical condition is not likely to interfere with the driver's ability to safely operate a commercial motor vehicle; and

(ii) The driver's condition is likely to remain stable for the two years or other specified date, but not more than the two years that the medical certificate is valid.

(c) Operates commercial motor vehicles intrastate wholly within the state of Washington. For the purposes of a doctor's statement of intrastate medical waiver, a commercial motor vehicle means a motor vehicle:

(i) With a gross vehicle weight rating under 26,001 pounds;

(ii) Transporting 15 or fewer passengers, including the driver;

or

(iii) With a manufacturer's seating capacity of 15 or fewer passengers, including the driver.

(3) **Driver qualification files.** A solid waste collection company that uses a driver under an intrastate medical waiver must maintain in the driver's qualification file a physical or digital copy of the doctor's statement of intrastate medical waiver.

AMENDATORY SECTION (Amending WSR 01-08-012, filed 3/23/01, effective 4/23/01)

WAC 480-70-206 Motor vehicle identification. (1) A company must ensure (~~that~~) all motor vehicles operated, including leased, substitute or emergency vehicles, display the certificate holder's name (or registered trade name) and certificate number on each side of the vehicle. All identifications must be clearly legible. All identifications, except those displayed on leased or substitute vehicles, must be permanent.

(2) Exception: Companies may use temporary markings on vehicles when operated under a lease agreement with a term of 30 days or less.

AMENDATORY SECTION (Amending WSR 01-08-012, filed 3/23/01, effective 4/23/01)

WAC 480-70-211 Leasing vehicles. (1) A company operating a leased vehicle must have a (~~written~~) physical or digital copy of a lease agreement with the owner of the vehicle.

(2) It is the company's responsibility to ensure that:

(a) A physical or digital copy of the lease is carried in each leased vehicle;

(b) A physical or digital copy of the lease is kept in the company's files during the effective period of the lease and for (~~at least~~) one year after the lease expires;

(c) A physical or digital copy of the lease is provided to the owner of the leased vehicle;

(d) The company has complete possession, control, and use of the motor vehicle during the period of the lease;

(e) The leased motor vehicle is properly insured as specified in WAC 480-70-181;

(f) The leased vehicle is properly identified as specified in WAC 480-70-206;

(g) The leased vehicle is operated in compliance with all safety laws and rules, including those regarding vehicle inspection, records, and maintenance; and

(h) The terms of the lease are followed.

(3) If a company leases a vehicle with a driver, the company must also ensure that:

(a) The driver of the leased motor vehicle is on the company's payroll during the lease period;

(b) The driver operates in compliance with all driver qualification, safety and hours of service laws and rules;

(c) The driver is subject to the company's alcohol and controlled substance policies; and

(d) The company maintains appropriate files and paperwork on the driver for a period of (~~at least~~) one year following the expiration of the lease.

(4) The company and the owner of the leased vehicle must specify in the lease who is responsible for all expenses relating to the leased motor vehicle. The lease must contain all information shown in the following sample lease form. If a company uses an alternate form,

the company must ensure the alternate form contains all information requested on the sample.

Illustration of motor vehicle lease form:

EQUIPMENT LEASE					
A copy of this lease must be carried in the leased vehicle. Copies must also be maintained in the files of both parties for the length of the lease plus one year following the expiration of the lease. <u>Digital copies are acceptable.</u>					
Name and address of company leasing vehicle (lessee):				G certificate number:	
Name and address of party from whom the vehicle is being leased (lessor):				G certificate number((,if any)):	
Vehicle make ((and year)):	Vehicle year:	Vehicle ((Serial)) Identification Number:		Vehicle License Number:	
The lease will become effective at ((.....)) _____ (time) on ((.....)) _____ (date), and will continue until ((.....)) _____ (date) unless canceled in writing before that date.					
Compensation that will be paid to owner of vehicle (lessor): \$ ((.....)) _____ per ((.....)) _____					
If lease also includes driver, compensation for driver: \$ ((.....)) _____ per ((.....)) _____					
Lessee/Lessor Expense Agreement					
Place an "x" or a checkmark next to each item indicating whether the lessee or lessor is responsible for the listed expense.					
Item	Lessee	Lessor	Item	Lessee	Lessor
Vehicle Licensing Fees			Equipment Rental Taxes		
Toll and Ferry Charges			Fuel and Oil		
Vehicle Loan Payments			Vehicle Maintenance		
Parts & Tires			Major Vehicle Repairs		
Insurance, Comprehensive			Minor Vehicle Repairs		
Insurance, Theft			Other (explain):		
Insurance, Fire			Other (explain):		
Under the terms of this lease, the lessee must:					
<ul style="list-style-type: none"> • Have complete possession, control and use of the vehicle during the lease period; • Be in complete control of all operations; • Provide liability and property damage insurance; • Ensure that the driver of the leased vehicle is an employee of the lessee; 		<ul style="list-style-type: none"> • Ensure that the vehicle is properly identified; • Comply with all safety regulations; and • Bill and collect proper tariff rates and charges. 			
The parties signing this lease certify that the information shown above is true and correct, that the provisions of the lease will be enforced by both parties, and that all operations conducted with the leased equipment will be conducted in compliance with applicable laws and rules.					
((Lessee Signature/Title		date signed))	
Lessee Signature/Title		date signed		_____	
((Lessor Signature/Title		date signed))	
Lessor Signature/Title		date signed		_____	