

SSB5362 – 2015 PARTY BUS LEGISLATION
SUMMARY OF CHANGES
WAC 480-30 and RCW 81.70

1. Definitions:

“Charter party carrier” or “charter carrier” include persons “engaged in the transportation of persons by party bus over any public highway in this state.”

“Customer” includes “a person, corporation, or other entity that prearranges for transportation services with a charter party carrier or purchases a ticket for transportation services aboard an excursion service carrier.”

“Double-decker bus” means a “motor vehicle with more than one passenger deck.”

“Liquor permit holder” is a holder of an appropriate special permit to provide liquor issued under chapter 66.20 RCW, who is twenty-one years of age or older and who is responsible for compliance with the requirements of WAC 480-30-244 and chapter 66.20 RCW during the provision of transportation service.” See requirements below.

“Party bus means any motor vehicle whose interior enables passengers to stand and circulate throughout the vehicle because seating is placed around the perimeter of the bus or is nonexistent and in which food, beverages, or entertainment may be provided. A motor vehicle configured in the traditional manner of forward-facing seating with a center aisle is not a party bus.”

2. Removes the current exemption for buses operating within a single city.

SSB 5362 removes the exemption for charter/excursion operations occurring wholly within the limits of incorporated cities

3. Smoking prohibited

Smoking is prohibited on board all regulated passenger transportation vehicles. No smoking signs must be posted.

4. Regulates alcohol served or consumed on party buses.

A new section is added which requires a liquor permit if alcohol is going to be served, a responsible person to monitor alcohol consumption and party activities, and the removal of alcoholic beverages if conditions become unsafe. The permit must be kept on file

along with the transportation contact for a period of six months. Penalties for alcohol related violations are up to \$5,000.

5. Changes the due date for charter bus regulatory fees.

WAC 480-30-076. Regulatory fees become due and payable on or before May 1 of the calendar year, which is consistent with other regulated transportation industries.

6. Defines charter party services to include certain advertising activities.

RCW 81.70.360 is amended to include advertising, soliciting, offering or entering into an agreement to provide service as evidence of operating a charter party excursion service.

7. Allows a penalty up to \$5,000 for operating without a permit.

A penalty of up to \$5,000 per violation is authorized for operating a charter party carrier or excursion service without permit or with a cancelled or revoked permit.

RCW 81.70.380**Party buses—Alcohol consumption requirements, penalty.**

(1)(a) A charter party carrier or excursion service carrier operating a party bus must determine whether alcoholic beverages will be served or consumed in the passenger compartment of the vehicle. If it is expected that alcoholic beverages will be served or consumed in the passenger compartment, the permit holder must have obtained the appropriate liquor permit, provided a copy of the permit to the charter party carrier or excursion service carrier in advance of the trip, and be on the vehicle or reasonably proximate and available to the vehicle during the transportation service. The company must maintain the copy of the permit required with the contract of carriage.

(b) If the charter party carrier or excursion service carrier operating a party bus is the permit holder, the carrier must have a person separate from the driver be responsible for the permit holder requirements in this section and either chapter 66.20 or 66.24 RCW.

(c) The permit holder must:

(i) Be on the party bus or reasonably proximate and available to the vehicle during the transportation service;

(ii) Monitor and control party activities in a manner to prevent the driver from being distracted by the party activities; and

(iii) Assume responsibility for compliance with the terms of the special permit, if a permit is required, including compliance with RCW 66.44.270 concerning the prohibition against furnishing liquor to minors.

(2) If at any time the charter party carrier or excursion service carrier operating a party bus believes that conditions aboard the vehicle are unsafe due to party activities involving alcohol, the carrier must remove all alcoholic beverages and lock them in the party bus trunk or other locked compartment. The carrier may cancel the trip and return the passengers to the place of origin.

(3) This section does not limit the right of a charter party carrier or excursion service carrier to prohibit the consumption of alcohol aboard the vehicle.

(4) This section does not limit the right of a permit holder to seek indemnity from any person, corporation, or other entity other than the charter party carrier or excursion service carrier.

(5) This section does not relieve a passenger of legal responsibility for his or her own conduct or the permit holder of legal responsibility for compliance with Title 66 RCW.

(6) Any charter party carrier or excursion service carrier in violation of this section is subject to a penalty of up to five thousand dollars per violation.

[2015 c 233 § 8.]

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.

~~((e))~~ (2) Commuter ride sharing or ride sharing for persons with special transportation needs under RCW 46.74.010, provided the ride-sharing operation does not compete with nor infringe upon comparable service that was actually provided by an auto transportation company under chapter 81.68 RCW before the ride-sharing operation started.

~~((d))~~ (3) Municipal corporations and other government entities.

~~((e))~~ (4) Public transit agencies.

~~((f))~~ (5) Persons operating vehicles under exclusive contract to a public transit agency.

~~((g))~~ (6) Persons owning, operating, controlling, or managing taxi cabs, hotel buses, or school buses, when operated as such.

~~((h))~~ (7) Passenger vehicles carrying passengers on a noncommercial basis, including but not limited to, nonprofit corporations.

~~((i))~~ (8) Private carriers who, in their own vehicles, transport passengers as an incidental adjunct to some other established private business owned or operated by them in good faith.

~~((j))~~ (9) Transporting transient air flight crew or in-transit airline passengers between an airport and temporary hotel accommodations under an arrangement between the airline carrier and the passenger transportation company.

~~((k))~~ (10) Substituting ground transportation for air transportation under an arrangement between the airline carrier and the passenger transportation company in emergency situations arising from the inability of the air carrier to perform air transportation due to adverse weather conditions, equipment failure, or other causes.

~~((l))~~ (11) Transporting passengers who have had or will have had a prior or subsequent movement by air under a through ticket or common arrangement with an airline or with a connecting out-of-state passenger transportation company.

~~((m))~~ (12) Any other carrier or company that does not come within the term:

~~((i))~~ (a) "Auto transportation company" as defined in RCW 81.68.010;

~~((ii))~~ (b) "Charter party carrier ~~((of passengers))~~" as defined in RCW 81.70.020; or

~~((iii))~~ (c) "Excursion service carrier" as defined in RCW 81.70.020.

WAC 480-30-036 Definitions, general. (1) See WAC 480-30-261 for definition of terms used primarily in tariffs and time schedules and WAC 480-30-216 for definitions used in driver and vehicle safety rules.

(2) Unless the language or context indicates that a different meaning is intended, the following definitions apply:

"Agent" means a person authorized to transact business for, and in the name of, another.

"Airporter service" means an auto transportation service that starts or ends at a station served by another type of transportation such as, air or rail transportation. Airporter service is often a premium service that involves handling luggage. Although stops may be made along the way, they are usually limited to picking up or discharging passengers, luggage, and/or express freight bound to or from the airport or depot served.

"Alternate arrangements for passengers" means the travel arrangements made by an auto transportation company that has accepted a trip booking or reservation from a passenger and that is unable to provide the agreed transportation. The alternate arrangements may require travel by another carrier or mode of transportation at no additional cost to the passenger beyond what the passenger would have paid for the original transportation arrangement.

"Application docket" means a commission publication providing notice of all applications requesting auto transportation operating authority, with a description of the authority requested. The commission sends this publication to all persons currently holding auto transportation authority, to all persons with pending applications for auto transportation authority, to affected local jurisdictions or agencies, and to all other persons who asked to receive copies of the application docket.

"Area" means a defined geographical location. Examples include, but are not limited to:

- (a) A specified city or town;
- (b) A specified county, group of counties, or subdivision of the state, e.g., western Washington;
- (c) A zone, e.g., company designated territory; or (d) A route, e.g., area within four road miles of Interstate 5.

"Auto transportation company" means every person owning, controlling, operating, or managing any motor-propelled vehicle not usually operated on or over rails, used in the business of transporting persons over any public highway in this state between fixed termini or over a regular route, and not operating exclusively within the incorporated limits of any city or town.

"Between fixed termini or over a regular route" means the fixed points between which an auto transportation company provides service or the route over which an auto transportation company ordinarily operates any motor-propelled vehicle, even though there may be variance whether the variance is periodic or irregular.

"Bus" means a motor vehicle designed, constructed, and/or used for the transportation of passengers.

"Business days" means days of the week excluding Saturdays, Sundays, and official state holidays.

"By-reservation-only service" means transportation of passengers by an auto transportation company, with routes operated only if passengers have made prior reservations.

"Certificate" means:

(a) The certificate of public convenience and necessity issued by the Washington utilities and transportation commission under the provisions of chapter 81.68 RCW to operate as an auto transportation company; or

(b) The certificate issued by the Washington utilities and transportation commission under chapter 81.70 RCW to operate as a charter and excursion carrier in the state of Washington.

"Certificated authority" means:

(a) The territory and services granted by the commission and described in an auto transportation company's certificate of public convenience and necessity; or

(b) Operations in the state of Washington for charter and excursion service carriers.

"Charter party carrier ((of passengers))" or "charter carrier" means every person engaged in the transportation of a group of persons who, pursuant to a common purpose and under a single contract, have acquired the use of a motor bus to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartering group after having left the place of origin, or who is engaged in the transportation of persons by party bus over any public highway in this state.

"Claim" means a demand made on a company for payment resulting from a loss sustained through the company's negligence or for inadequate service provided by the company.

"Closed-door service" means a portion of a route or territory in which an auto transportation company is not allowed to pick up or deliver passengers. Closed-door service restrictions must be clearly stated in an auto transportation company's certificate.

"Common purpose" means that a group of persons is traveling together to achieve a common goal or objective. For example, a group of persons traveling together to attend a common function or to visit a common location. For the purposes of these rules it does not mean a group of persons who have no common goal other than transportation to, or from, the airport.

"Commission" means the Washington utilities and transportation commission.

"Common carrier" means any person who transports passengers by motor vehicle over the public highways for compensation.

"Company" means an entity authorized by the commission to transport passengers, for compensation, using a motor vehicle, over the public highways of the state.

"Complaint" means one of two types of actions by a person against a passenger transportation company that the commission regulates:

(a) **"Informal complaints"** are those complaints filed with the commission under the provisions of WAC 480-07-910. Informal complaints are normally investigated and resolved by commission staff.

(b) **"Formal complaints"** are those complaints filed with the commission under the provisions of WAC 480-07-370. In a formal complaint, the burden of proof resides with the complaining party who must prove its assertions in a formal commission proceeding.

"**Connecting service**" means an auto transportation company service over a route, or routes, that require passengers to transfer from one vehicle to another vehicle operated by either the same company or a different company before reaching the ending point.

"**Contract carrier**" means a person holding a certificate issued by the commission authorizing transportation of passengers under special and individual contracts or agreements.

"**Customer**" means a person who purchased transportation services from an auto transportation company or a person, corporation, or other entity that prearranges for transportation services with a charter party carrier or purchases a ticket for transportation services aboard an excursion service carrier.

"**Direct route**" means an auto transportation company service over a route that goes from the beginning point to the ending point with limited, if any, stops along the way, and traveling only to points located on the specific route without requiring a passenger to transfer from one vehicle to another.

"**Discontinuance of service**":

(a) "**Permanent discontinuance of service**" means that a company holding auto transportation authority issued by the commission is unable to continue to provide all, or part of, the service authorized by the company's certificate, filed tariff, or filed time schedule and requests commission permission to permanently discontinue all, or part of, its service and relinquish that certificate or portion of that certificate. See WAC 480-30-186.

(b) "**Temporary discontinuance of service**" means that a company holding auto transportation authority issued by the commission is unable to continue to provide all, or part of, the service authorized by the company's certificate, filed tariff, or filed time schedule and requests commission permission to discontinue all, or part of, its service for a specified, limited period of time.

"**Door-to-door service**" means an auto transportation company service provided between a location identified by the passenger and a point specifically named by the company in its filed tariff and time schedule.

"**Double-decker bus**" means a motor vehicle with more than one passenger deck.

"**Excursion service carrier**" or "**excursion carrier**" means every person engaged in the transportation of persons for compensation over any public highway in the state from points of origin within any city, town, or area, to any other location within the state of Washington and returning to that origin. The service will not pick up or drop off passengers after leaving and before returning to the area of origin. The excursions may or may not be regularly scheduled. Compensation for the transportation offered must be computed, charged, or assessed by the excursion service company on an individual fare basis.

"**Express freight/package service**" means transportation of freight and packages, other than packages or baggage carried or checked by passengers, offered by a passenger transportation company.

"**Express passenger service**" means auto transportation company service provided between fixed points or stations with few, if any, stops along the route, and is designed to get passengers from origin to destination more quickly than normally scheduled passenger service.

"**Federal Motor Carrier Safety Administration**" means an agency of the United States Department of Transportation (USDOT) and successor agency to the former Interstate Commerce Commission.

"**Filing**" means any application, petition, tariff proposal, annual report, comment, complaint, pleading, or other document submitted to the commission.

"**Fixed termini**" means points of origin and destination that are set, static locations or defined geographic areas. Examples include a city or town, a building or an airport. In addition "fixed termini" can include service between an airport and unlimited points within a defined geographic area.

"**Flag stops**" means a point along an auto transportation company's normally traveled routes where the company stops only if it receives notification that a passenger wishes to board the vehicle at that point. An auto transportation company must list available flag stops in the company's tariffs and time schedules. Flag stops may only be named at points that provide waiting passengers safe access to the vehicle.

"**Group**" means:

- (a) Two or more passengers traveling together;
- (b) A class of passengers to whom special rates and/or rules apply. For example, active military personnel.

"**Intermediate point**" means a point located on a route between two other points that are specifically named in an auto transportation company's certificate or tariff.

"**Intermediate service**" means service to an intermediate point.

"**Interruption in service**" means a period of time during which an auto transportation company cannot provide service listed in its certificate, its filed tariff, or its filed time schedule. An interruption in service is normally short lived, lasting no more than a few hours or a few days.

"**Leasing**":

(a) "**Leasing authority**" means one auto transportation company allowing another person to operate all, or a portion, of the authority granted to the first company by the commission. A joint application to, and approval from, the commission is required to lease authority. See WAC 480-30-141.

(b) "**Leasing equipment**" means the act of a passenger transportation company to supplement its fleet by acquiring a vehicle(s) from a third party for a specified period of time under contract. See WAC 480-30-236.

"**Liquor permit holder**" means a holder of an appropriate special permit to provide liquor issued under chapter 66.20 RCW, who is twenty-one years of age or older and who is responsible for compliance with the requirements of WAC 480-30-244 and chapter 66.20 RCW during the provision of transportation services.

"**Motor vehicle**" or "**vehicle**" means:

(a) As related to auto transportation companies: Every self-propelled vehicle used on the public highways, for the transportation of persons for compensation.

(b) As related to charter and excursion carriers: Every self-propelled vehicle with a manufacturer's seating capacity for eight or more passengers, including the driver, used on the public highways, for the transportation of persons for compensation.

"**Named points**" means cities, towns, or specific locations that are listed in an auto transportation company's certificate, tariff, or time schedule.

"Nonstop service" means transportation of passengers from point of origin to point of destination without stopping at any intermediate points.

"On-call service" means unscheduled auto transportation company service provided only to those passengers that have by prior arrangement requested service prior to boarding.

"Party bus" means any motor vehicle whose interior enables passengers to stand and circulate throughout the vehicle because seating is placed around the perimeter of the bus or is nonexistent and in which food, beverages, or entertainment may be provided. A motor vehicle configured in the traditional manner of forward-facing seating with a center aisle is not a party bus.

"Passenger facility" means a location at which an auto transportation company stations employees and at which passengers can purchase tickets or pay fares for transportation service.

"Passenger transportation company" means an auto transportation company or charter and excursion carrier.

"Person" means an individual, firm, corporation, association, partnership, lessee, receiver, trustee, consortium, joint venture, or commercial entity.

"Premium service" means a type of service provided by an auto transportation company that is outside normal service. Examples include express service, direct route service, and nonstop door-to-door service.

"Private carrier" means a person who transports passengers in the person's own vehicle purely as an incidental adjunct to some other established private business owned or operated by that person in good faith.

"Private motor vehicle" means a vehicle owned or operated by a private carrier.

"Public highway" means every street, road, or highway in this state.

"Public transit agency" means a municipal corporation or agency of state or local government formed under the laws of the state of Washington for the purpose of providing transportation services including, but not limited to, public transportation benefit areas, regional transit authorities, municipal transit authorities, city and county transit agencies.

"Residence" means the regular dwelling place of an individual or individuals.

"Route" means a highway or combination of highways over which an auto transportation company provides passenger service. There are two types of routes:

(a) **"Irregular route"** means travel between points named in an auto transportation company's certificate via any highway or combination of highways the company wishes to operate over. The certificate issued to the company does not list highways to be used, but the company defines routes in its tariffs and time schedules.

(b) **"Regular route"** means an auto transportation company providing passenger transportation over a route named in the certificate issued to the company by the commission.

"Scheduled service" means an auto transportation company providing passenger service at specified arrival and/or departure times at points on a route.

"Single contract" means an agreement between a charter carrier and a group of passengers to provide transportation services at a set price

for the group or trip. Under a single contract, passengers are not charged individually.

"**Small business**" means any company that has fifty or fewer employees.

"**Special or promotional fares**" means temporary fares for specific services offered for no more than ninety days.

"**State**" means the state of Washington.

"**Subcontracting - Auto transportation company**" means that an auto transportation company holding authority from the commission contracts with a second auto transportation company to provide service that the original company has agreed to provide, but finds it is unable to provide. See WAC 480-30-166.

"**Subcontracting - Charter and excursion carrier**" means that a charter and excursion carrier holding authority from the commission contracts with a second charter and excursion carrier to provide service that the original carrier has agreed to provide, but finds it is unable to provide.

"**Substitute vehicle**" means a vehicle used to replace a disabled vehicle for less than thirty days.

"**Suspension**" means an act by the commission to temporarily revoke a company's certificated authority; or an act by the commission to withhold approval of an auto transportation company's tariff filing.

"**Tariff**" or "**tariff schedule**" means a document issued by an auto transportation company containing the services provided, the rates the company must assess its customers for those services, and the rules describing how the rates apply.

"**Tariff service territory**" means a company-defined geographic area of its certificated authority in which a specific tariff applies.

"**Temporary certificate**" means the certificate issued by the Washington utilities and transportation commission under RCW 81.68.046 to operate as an auto transportation company for up to one hundred eighty days or pending a decision on a parallel filed auto transportation company certificate application.

"**Temporary certificate authority**" means the territory and services granted by the commission and described in an auto transportation company's temporary certificate.

"**Ticket agent agreements**" means a signed agreement between an auto transportation company and a second party in which the second party agrees, for compensation, to sell tickets to passengers on behalf of the auto transportation company. See WAC 480-30-391.

"**Time schedule**" means a document filed as part of an auto transportation company's tariff, or as a separate document, that lists the routes operated by the company including the times and locations at which passengers may receive service and any rules specific to operating those routes.

AMENDATORY SECTION (Amending WSR 06-13-006, filed 6/8/06, effective 7/9/06)

WAC 480-30-076 Regulatory fees. A regulatory fee is an annual assessment paid by each company to cover the costs of regulation.

(1) **Auto transportation company regulatory fees.** The maximum auto transportation company regulatory fee is set by statute at two-fifths of one percent of gross intrastate operating revenue.

(a) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum.

(b) The minimum fee that an auto transportation company must pay is twenty dollars.

(c) The twenty dollar minimum regulatory fee is waived for any auto transportation company with less than five thousand dollars in gross intrastate operating revenue.

(d) Each auto transportation company must pay its regulatory fee by May 1st of each year.

(2) **Charter and excursion carrier regulatory fees.** The charter and excursion carrier regulatory fee is established by commission order.

(a) The minimum fee a charter and excursion carrier must pay is the amount established for a single vehicle.

(b) Each charter and excursion carrier must pay its regulatory fee on or before ~~((December 31))~~ May 1st of each year ~~((to cover the ensuing year beginning February 1))~~.

(3) **Extension of time to pay regulatory fees.** The commission cannot grant extensions for payment of regulatory fees.

(4) **Penalties for late fees.** If a company does not pay its regulatory fee by the due date established in this rule, the commission will assess an automatic late fee of two percent of the amount due, plus one percent interest for each month the fee remains unpaid.

(5) The commission may take action to suspend or cancel a certificate, if a company fails to pay its regulatory fee.

AMENDATORY SECTION (Amending WSR 06-13-006, filed 6/8/06, effective 7/9/06)

WAC 480-30-086 Certificates, general. (1) **Certificate required.** A person must have a certificate from the commission before operating as a passenger transportation company in the state of Washington.

(2) **Company name.** The company name is the name of the certificate holder.

(a) A company electing to conduct operations under a trade name must first register the trade name with the commission.

(b) A company must conduct all operations under the company name, a registered trade name, or both. ~~((The term "Operations"))~~ Operations ~~(("))~~ includes, but is not limited to, advertising, ticketing, and identifying vehicles.

(c) A company may not operate under a company name or trade name that is similar to that of another company if use of the similar name misleads the public or results in unfair or destructive competitive practices.

(3) **Display.** A company must keep its original certificate on file at its principal place of business open to inspection by any customer, law enforcement officer, or authorized commission representative who asks to see it.

(4) **Replacement.** The commission will replace a lost or destroyed original certificate at no charge.

(5) **Description of certificated authority.** When a company's certificate authority includes boundaries such as cities, towns, streets, avenues, roads, highways, townships, ranges or other descriptions, the boundaries remain established as they existed at the time the commission granted the authority.

(6) **Operating within certificated authority.**

(a) A company must operate strictly within the authority described in its certificate.

(b) The commission may take administrative action against a company operating outside its certificated authority. Refer to WAC 480-30-241 for information regarding the commission's compliance policy.

AMENDATORY SECTION (Amending WSR 06-13-006, filed 6/8/06, effective 7/9/06)

WAC 480-30-216 Operation of motor vehicles, general. (1) **Discrimination prohibited.** No company operating motor vehicles under the provisions of this chapter will operate a vehicle in intrastate commerce on which the seating of passengers is based on race, color, creed, or national origin.

(2) **Inspection of baggage and other materials passengers wish to be carried in or on a motor vehicle.** Auto transportation companies are responsible for the safety and comfort of all passengers transported. To ensure the safety and comfort of passengers and employees it may be necessary for companies to inspect baggage and other materials to be transported in or on motor vehicles.

(a) Companies must include in their filed tariffs, in information provided to passengers, and on their tickets, information that advises passengers that all baggage and other materials to be carried in or on a motor vehicle is subject to inspection by the company.

(b) The information required by (a) of this subsection must include a list of examples of materials that will not be accepted for transportation. Examples may include, but are not limited to, the following items:

(i) Articles whose transportation as baggage are prohibited by law or regulation;

(ii) Fragile or perishable articles;

(iii) Articles whose dimensions exceed the size limitations in the company's filed tariff;

(iv) Packages, bags, or parcels that are leaking;

(v) Firearms;

(vi) Articles that have foul and obnoxious odors; or

(vii) Items that cause annoyance, discomfort, or harm to persons or property.

(3) **Service requirement.**

(a) An auto transportation company is a public service company with an obligation to provide service to the satisfaction of the commission to all customers within its certificated authority.

(b) Except to the extent allowed by WAC 480-30-451, no driver or operator of a motor vehicle used in the transportation of passengers by an auto transportation company shall refuse to carry any person presenting him or herself at a regular stopping place who tenders the appropriate fare. Exception: Companies limiting operations to passengers with prior reservations are not subject to this provision.

(4) **Passenger loading capacity.** No motor vehicle used in the transportation of passengers will carry more passengers than can be carried safely. In no case will a motor vehicle transport more than one hundred fifty percent of its rated seating capacity.

(5) **Standing passengers.** No passenger will be permitted to stand unless the vehicle is equipped with devices designed and permanently installed to provide stability and safety for standing passengers. Even if the vehicle is properly equipped, no passenger will be permitted to stand for a distance exceeding thirty-five miles.

(6) **Double-decker bus.** Any company that operates a double-decker bus must comply with the maximum height vehicle requirement of RCW 46.44.020.

(7) **Reserve equipment.** All auto transportation companies must maintain sufficient reserve equipment to insure the reasonable operation of established routes and fixed time schedules.

((+7)) (8) **Smoking on motor vehicles.**

(a) Smoking or carrying lit cigars, cigarettes, or other smoking materials is prohibited on vehicles (~~operated by auto transportation companies~~).

(b) Each (~~auto transportation~~) company must post signs in its vehicles informing passengers that smoking is not permitted.

NEW SECTION

WAC 480-30-244 Liquor permit required. (1) A charter party carrier or excursion service carrier operating a party bus must be in compliance with the requirements of section 8, chapter 233, Laws of 2015.

(2) A charter party carrier or excursion service carrier operating a party bus must be in compliance with Title 66 RCW.

(3) A copy of the liquor permit obtained by any party under Title 66 RCW must be maintained with the contract of carriage for at least six months from the ending date of the trip.

AMENDATORY SECTION (Amending WSR 06-13-006, filed 6/8/06, effective 7/9/06)

WAC 480-30-246 Sanctions for operating without a valid certificate. (1) Operating without a certificate - Auto transportation companies.

(a) If a representative of the commission or other law enforcement agency observes a company operating as a passenger transportation company without a certificate from the commission, that company is

subject to a gross misdemeanor citation, for which the company must appear in court.

(b) If the commission receives information that a company is operating as a passenger transportation company without a certificate, and a commission representative or other law enforcement agency has not observed those operations, the commission may:

(i) Issue a citation through the court; or

(ii) Contact the company and provide education and technical assistance concerning applicable regulations. This includes giving the company a copy of the applicable laws, rules, and certificate application forms.

(c) If the company continues to operate without a certificate after commission education and technical assistance is offered, the commission may begin an administrative proceeding to classify the company as a regulated company under RCW 81.04.510. If, as a result of that proceeding, the commission formally classifies the company as an auto transportation company or a charter and excursion carrier operating without the required certificate, the commission will issue a cease and desist order under RCW 81.04.510.

(d) If a company operates in violation of a commission order, the commission may impose penalties and/or take legal action in court.

(2) Operating without a certificate - Charter and excursion service carriers.

(a) For the purposes of this section, "engage in the business of a charter party carrier or excursion service carrier" includes advertising or soliciting, offering or entering into an agreement to provide such service.

(b) Each advertisement reproduced, broadcast or displayed via a particular medium constitutes a separate violation.

(c) Any person who engages in the business of a charter party carrier or excursion service carrier in violation of (a) of this subsection is subject to a penalty of up to five thousand dollars per violation.

(3) Operating while certificate is suspended - Auto transportation company. A company that operates after the commission suspends the company's certificate is subject to:

(a) Misdemeanor or gross misdemeanor citations, for which the company must appear in district court;

(b) Monetary penalty assessments or other commission administrative actions; or

(c) Commission proceedings to cancel the company's certificate.

~~((+3))~~ **(4) Operating after certificate is canceled - Auto transportation company.** A company that continues to operate after the commission cancels the company's certificate is subject to:

(a) Misdemeanor or gross misdemeanor citations, for which the company must appear in district court; and

(b) Enforcement proceedings in superior court.

(5) Operating while certificate is suspended or canceled - Charter party or excursion service carriers.

(a) Operations includes advertising or soliciting, offering or entering into an agreement to provide such service.

(b) Each advertisement reproduced, broadcast, or displayed via a particular medium constitutes a separate violation.

(c) Any person who engages in the business of a charter party carrier or excursion service carrier in violation of subsection (2)(a)

of this section is subject to a penalty of up to five thousand dollars per violation.



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • www.utc.wa.gov

August 21, 2014

Subject: Marijuana Use on State-Permitted Charter and/or Excursion Vehicles

Dear Permit Holder:

The Washington Utilities and Transportation Commission is advising you that under state law you may not permit consumption or use of marijuana products on state-permitted charter and excursion vehicles, nor permit a driver to be exposed to marijuana smoke or vapor.

- RCW 69.50.445 states that it is “unlawful to open a package containing marijuana, useable marijuana, or a marijuana-infused product, or consume marijuana, useable marijuana, or a marijuana-infused product, in view of the general public.”
- RCW 70.160.030 provides that “No person may smoke in a public place or in any place of employment.”
- WAC 480-30-221 incorporates by reference certain federal safety regulations, 49 CFR 382.213, which prohibit use of marijuana by drivers of commercial motor vehicles.

The commission believes activity in your vehicles is “in view of the general public” for the purposes of RCW 69.50.445; your vehicles are “a public place” or a “place of employment” for the purposes of RCW 70.160.030; and your drivers may be subject to WAC 480-30-221. For these reasons you must prohibit consumption or use of marijuana on your vehicles.

If you fail to comply with these state requirements, the commission may commence a proceeding to cancel your permit for violation of state law.

If you have questions regarding this notice, please contact David Pratt, Assistant Director for Transportation Safety, at (360) 664-1100 or dpratt@utc.wa.gov.

Sincerely,

Steven V. King
Executive Director and Secretary





STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • www.utc.wa.gov

Investigation Report

Party Bus Regulation

January 2014

Investigation Report: Party Bus Regulation

Staff Report and Recommendations

Executive Summary

News stories about fatal party bus incidents, particularly those involving alcohol, are troubling to the Utilities and Transportation Commission (UTC). The UTC regulates safety for charter bus companies. A party bus may also be a charter bus, thus falling under UTC safety regulation. It is staff's intent to evaluate and consider changes to safety regulations to improve safety for party buses before Washington experiences some of the fatal incidents that have happened in other states. The purpose of this study is to determine to what extent party buses exist in Washington, to identify problems Washington or other states have seen specific to party buses and to explore options for increasing safety for party buses.

The study identifies the various types of passenger service that can be used as a party bus and identifies the regulatory structure for each type. The study describes the party bus industry as it operates in Washington State, jurisdictional challenges, current safety and insurance rules and enforcement issues. The study also explains the California party bus law for passengers under the age of 21. Finally, staff makes recommendations for increasing party bus passenger safety, including possible legislative changes.

Definitions

Charter party carrier. A "charter party carrier" is a person who uses a motor vehicle to transport a group of persons who, under a single contract, travel together as a group to a specified destination or for a particular itinerary. RCW 81.70.020(5). The motor vehicle must have capacity for seven or more persons, excluding the driver. RCW 81.70.020(4).

Charter bus carriers are regulated by the UTC under RCW 81 (in particular, RCW 81.70) and WAC 480-30. However, the UTC does not regulate charter party carriers to the extent they provide service "wholly within the limits of incorporated cities." RCW 81.70.030(1).

Limousine carrier. "Limousine" means a category of for-hire, chauffeur-driven, unmarked, unmarked luxury motor vehicle. RCW 46.04.274. Limousine carriers are regulated by the Department of Licensing (DOL). DOL rules further define "limousine" to include, among other things, automobiles that seat no less than four, and no more than 14, passengers behind the driver. WAC 308-83-010(12)(a).

DOL regulates limousine carriers under RCW 46 (in particular, RCW 46.72A) and WAC 308-83. Limousine carriers regulated by DOL under RCW 46.72A are exempt from UTC regulation. RCW 81.70.030(4).

Note that although the DOL statute (RCW 46.04.274) does not limit limousines to any particular passenger capacity, DOL personnel have advised UTC staff that DOL does not license limousine carriers that operate motor vehicles with a capacity greater than 14 passengers behind the driver.

This is the largest capacity vehicle identified by DOL in its definition of "limousine" in WAC 308-83-010(12).¹

Party bus company. The term "party bus company" is not used in any statute in this state. For purposes of this report, "party bus" refers to a motor vehicle specially configured to accommodate a party on the motor vehicle itself. Amenities may include greater floor space, the addition of a bar to serve alcohol, flat-screen televisions, DVD players, enhanced audio system, karaoke equipment, DJ equipment, smoke machines, laser lights, disco lights, strobe lights or "stripper" poles. The party bus company may provide transportation to a group of people, or only to separate individuals that have no relationship to one another. It is important to understand the differences between a limousine and a charter bus, since each can be a party bus.

- A limousine is a for-hire, chauffeur-driven, unmetered, unmarked luxury motor vehicle that seats no more than 14 passengers behind the driver. Limousines are regulated by the Department of Licensing (DOL) under RCW 46 and WAC 308-83.
- A charter bus is any vehicle that transports a group of persons who, under a single contract, travel together as a group to a specified destination or for a particular itinerary. Charter buses are regulated by the Utilities and Transportation Commission (UTC) under RCW 81 and WAC 480-30.

If a company operates primarily limousines, but operates vehicles that carry more than 14 passengers, regardless of whether the vehicle is a limousine or some other vehicle, the company becomes a charter bus company as well as a limousine company. The limousines that carry 14 or less passengers remain under the regulatory authority of DOL, but the vehicles that carry more than 14 passengers fall under the regulatory authority of the UTC. The company must obtain both DOL and UTC registrations.

Not every limousine or charter bus company offers party bus services. There are a number of limousine companies that offer only limousine or luxury car service. Likewise, there are a number of charter bus companies that offer only charter bus service. For the purposes of this study, which encompasses only buses under UTC regulation, a party bus company meets all of the following criteria:

- The company operates a vehicle that carries more than 14 passengers behind the driver.
- The company advertises itself as providing party bus service, or words to that effect.
- The vehicle's interior is altered from its original condition by adding amenities such as the removal of seats to allow greater floor space, the addition of a bar designed to serve alcohol, flat-screen televisions, DVD players, enhanced audio system, karaoke equipment, DJ equipment, smoke machines, laser lights, disco lights, strobe lights or "stripper" poles.

¹ The DOL rule, WAC 308-83-010(12), uses the term "includes" to refer to the list of vehicles DOL considers to be limousines. "Includes" is not a term of limitation, which suggests that DOL would regulate limousines with a capacity greater than 14 passengers. Because that is not consistent with the information DOL has provided UTC staff, we will assume limousines with capacity greater than 14 passengers behind the driver are not regulated by DOL, and thus: 1) the exemption from Commission regulation in RCW 81.70.030(4) does not apply to carriers using these larger capacity vehicles; and 2) a carrier operating such a vehicle would be subject to UTC regulation, assuming it satisfied the other requirements of RCW 81.70.

Research

Staff conducted two Internet searches. The first search was designed to identify carriers in Washington that offered party bus service. The second search was designed to identify incidents that involved party buses. This search was not limited to incidents just in Washington. The results are discussed below.

Party Buses in Washington

The first Internet search revealed 33 companies operating in Washington that appear to fit the above definition of a party bus company. These companies are listed in Appendix B. While this list likely contains the large majority of such companies, there may be other companies that offer party bus service.

The search included Washington as a whole, plus individual named cities such as Bellingham, Seattle, Tacoma, Olympia, Vancouver, Pasco and Spokane. The search may have missed companies advertising services in smaller locations such as Aberdeen or Moses Lake, although it is unlikely those smaller cities have limousine or charter companies limited to those cities. It appears most smaller cities are actually served by a carrier located in (or serving) the closest larger city. That carrier would be found in the search that included the larger city.

Of the 33 companies identified, only 14 hold a UTC charter party certificate. Most of the remaining 19 companies advertise as a "limousine company", and seven of the 19 are licensed as limousine carriers through DOL. These 19 companies may not be aware that if they operate a charter bus service using motor vehicles that hold more than 14 passengers, they must have a charter party carrier certificate from the UTC.

It is possible that some of these companies are exempt from UTC regulation because they operate wholly within the limits of incorporated cities, and thus are exempt from UTC regulation under RCW 81.70.030(4), or because they do not offer services to a group of persons, and thus do not meet the definition of "charter party carrier" in RCW 81.70.020(5). However, none of the companies advertised as operating only within city limits or indicated in the advertisement that it did not offer services to a group of persons. Staff was able to determine, either through reviews of advertising or personal contact, that none of the carriers identified as operating party buses limited their services to one city.

Party Bus Brokers

It is very easy for a person anywhere in Washington to find a party bus. A potential customer can go online, enter "party bus" plus the city and the search will generate pages and pages of listings. The most common type of listing is a "party bus broker." There are two types of brokers.

The first, less common type, is a "self-broker." In this case, a potential customer enters information about what he or she wants (i.e., type of vehicle, purpose, date and time). The website gives the customer a number of party bus companies the customer can contact directly for more information, and to make reservations.

The second type of broker, and the most common, has the customer enter the information and then the broker contacts the party bus company and sets up the reservation for the customer.

Membership Party Buses

There is at least one membership party bus, located in Seattle. The company advertises as “a private club which plans events and as a member, you [the customer] can plan your own event or go on an existing event.” The company accepts membership forms and a \$10 membership fee before the trip begins. One possible motive for this business structure could be to avoid regulation, under the theory that the company transports only club members, and not the public generally. If this theory were sustained, the company would be considered a private carrier and not regulated by the UTC.

Party Buses Operating Within a City

As noted above, the law provides an exemption for charter party carriers operating “wholly within the limits of incorporated cities.” RCW 81.70.030(1). This means that as long as the bus does not leave the city limits, it is not regulated as a charter bus by UTC. Staff was able to determine, either through reviews of advertising or personal contact, that none of the carriers identified as operating party buses in Washington limited their services to one city.

Party Bus Incidents

The second Internet search showed that, since 2009, party buses were involved in 22 incidents in the United States and British Columbia, Canada. These resulted in 21 fatalities and an additional 48 personal injuries (see Appendix C). The following chart summarizes these incidents:

January 2009 through August 2013

Cause of Incident	No. of Incidents	No. of Fatalities	No. of Injuries
Passenger fell out of bus	10	10	4
An at-fault vehicle hit the bus	3	2	29
Passenger stuck head out top emergency hatch and hit highway overpass/abutment	2	2	
Passenger overdrank alcohol	2	2	
Bus collided with vehicle; fault is unknown	2	2	14
Passenger on open top deck of double-decker bus hit head on highway overpass	1	2	
Passenger running for bus was hit by bus	1		1
Bus spun-out; driver reportedly charged with manslaughter, hit-and-run, DUI	1	1	
Total	22	21	48

As the chart shows, in 10 of the 22 incidents, and 10 of the 21 fatalities (47%), a passenger fell from the party bus. In most cases, the passenger fell against, or otherwise accidentally hit, the emergency exit lever, the emergency exit opened and the passenger fell out while the bus was traveling down the road. In 10 instances, the passenger died.

The second most common cause of the 22 fatalities was on three occasions where a passenger on the top deck of a double-decker bus hit his head on an overpass. In two incidents, a passenger stuck his head through the top emergency opening of the double-decker bus and hit his head. In one other case, two passengers were killed when a double-decker party bus, with passengers partying on the open top deck, traveled under an overpass and two of the passengers hit the overpass simply because there was not enough clearance.

In two of the fatality cases, passengers consumed an excessive amount of alcohol – a 16-year old male in Canada who apparently died of alcohol poisoning and a 19-year old male in California who drove after drinking on the party bus, and hit a traffic wall and two other cars.

In another case, a passenger was running to catch the moving bus and the bus hit the passenger.

Three incidents, resulting in two fatalities and 29 injuries, occurred when a driver of another vehicle accidentally hit the party bus.

In two other incidents, resulting in two fatalities, the cause of the incident remains unknown.

In one case, the bus driver was apparently driving while over the legal alcohol limit, and spun out. A passenger was killed. The driver fled the scene, but was apprehended and reportedly charged with manslaughter, hit-and-run and DUI.

Discussion

Jurisdictional challenges

No state agency regulates all party bus companies. Party bus companies may fall within any of three categories: 1) limousine carriers subject to DOL jurisdiction (i.e., vehicles with capacity of 14 or fewer passengers behind the driver); 2) charter party carriers subject to UTC jurisdiction (i.e., vehicles with capacity of 15 or more passengers behind the driver); or 3) party bus companies in neither of these categories, and thus they are private carriers subject to jurisdiction of the Washington State Patrol (WSP), as to safety only.

The result is that no particular Washington statute addresses all party bus companies, or issues specific to this category of business. The UTC, DOL and WSP do not have regulations specifically addressing party bus companies or the unique safety challenges presented by such companies.

Current Safety and Insurance Rules

The UTC has regulatory jurisdiction over charter bus carriers. Within the scope of this regulation is the safety of the motor vehicles operated by these carriers. UTC safety rules parallel federal safety rules for all passenger bus companies, whether charter or auto transportation companies. For vehicles with a seating capacity of fifteen or less, UTC rule WAC 480-30-191 requires the company to obtain and maintain insurance levels of \$1.5 million and for vehicle with a seating capacity of more than fifteen, the same rule requires the company to obtain and maintain insurance levels of \$5 million.

In addition, the UTC has adopted federal safety rules in WAC 480-30-221. Each regulated company must meet those federal safety regulations for the following:

- Drug and alcohol testing programs.
- Commercial driver's license standards.
- Preservation of records.
- Training requirements.
- Safety fitness procedures.
- Safety requirements for vehicles operated, including parts and accessories, inspections, repairs and maintenance.
- Driving motor vehicles, including hours of service.

Party bus companies not under UTC regulation do not necessarily have these safety measures in place. For example, limousine operators regulated by DOL must have \$1.05 million in liability insurance. The UTC requires charter bus carriers (including party bus companies using vehicles with passenger capacity greater than 15) to have \$5 million in liability insurance.

Enforcement Issues

UTC staff has identified problems in enforcing charter bus requirements for party bus companies under the current statutory structure.

- *Membership party buses:* As described above, there is at least one company that operates as a "membership" party bus. A "members only" bus, if legitimately classified as such, could be exempt from regulation because the company does not hold itself out to the public and thus would be considered a private carrier. This particular company advertises as "a private club which plans events and as a member you [the customer] can plan your own event or go on an existing event." The company accepts membership forms and a \$10 membership fee before each trip begins.

It is possible that a members-only company is not truly a private carrier, if, for example, the membership fee is nominal, the person becomes a member just before a trip begins, and only for purposes of that trip, and the point of joining is simply to take one bus ride to attend a party. In this scenario, there is no unifying activity or organization that binds the members together other than the one trip on the party bus. The members from different trips do not know each other, they do not belong to a single organization other than the one trip on the party bus and they do not socialize or plan activities together. To resolve this issue, the UTC would likely need to enter litigation on a case-by-case basis.

- *Intra-city exclusion:* The UTC staff study located one company that reports it operates only within the territorial limits of a city and, if so, would fall under the exemption in RCW 81.70.030(1). When staff first became aware of this company, it was operating outside the limits of the city and it did not have a charter party certificate from the UTC. The UTC held a classification proceeding in Docket TE-111232. The Commission determined the carrier was not exempt from UTC regulation, issued a cease and desist order, imposed a \$500 penalty and suspended an additional \$1,500 penalty. The company now reports that it operates only within the City of Seattle.

- *For compensation:* To prove a company is operating as a charter bus company in Washington without a required certificate, UTC staff must prove, among other things, that the company operates “for compensation.” This can be difficult to do. Typically, UTC staff must find a passenger who has a written receipt or other confirmation of payment and who is willing to testify about the transaction. Not only is that difficult because it is hard to find a passenger, many times passengers are not willing to testify against a company. Either the passenger had a good experience and does not want to get the company into trouble, or the passenger had a bad experience and feels threatened by the company and so will not testify.

California Under-21 Safety Law

In 2011, the state of California passed bill AB 45. This bill contains laws specific to charter bus companies that operate party buses. Among other things, these laws regulate, as a safety measure, the consumption of alcohol by minors on a charter bus. Specifically, a charter bus company that will serve alcohol or allow alcohol to be served must, on a trip-by-trip basis, require the chartering party to provide a designated chaperone, if any member of the charter party is under 21.

The chaperone’s role is to:

- Sign a form that outlines the chaperone’s responsibilities.
- Check the identification of all passengers to determine if any are under 21.
- Read a statement that alcohol is prohibited for any person under 21.
- Notify the driver if, at any time during the trip, any person under 21 consumes alcohol.

The law also holds the chaperone liable for “any reasonably foreseeable personal injury or property damage that is proximately caused by the consumption of alcoholic beverages by a person under 21 years of age.”

Moreover, if the party bus driver is informed that a passenger under 21 has consumed alcohol, he or she must immediately stop the trip and return to the point of origin. If the driver finds that passengers are consuming alcohol and did not make prior arrangements, including the appointment of a chaperone, he or she must immediately stop the trip and return to the point of origin. Failure by the driver to follow the law is a misdemeanor.

Survey of Other States

A survey of the 49 other states showed that only three had any current laws/rules about party buses. See Appendix A. California passed a law that prohibits drinking alcohol under the age of 21 on a party bus. The law assigns a chaperone to each party bus trip and puts responsibility on both the chaperone and the bus driver to ensure underage drinking does not occur. Nebraska passed legislation that makes it legal to drink on a party bus as long as the driver does not have access to the alcohol. New Jersey rules prohibit a party bus operator from providing alcohol to its passengers, but allows the passengers themselves to bring and consume alcohol on the bus.

One city, Royal Oak, Michigan, passed an ordinance designed to curb noise and disorderly activity on party buses.

Victoria, Australia, recently passed fairly comprehensive party bus legislation that puts responsibility on the party bus operator to promote responsible behavior of passengers, check passengers' identification for proof of age, remove alcohol once the bus has stopped at its first destination, ensure passengers do not remove alcohol from the bus and ensure the pick-up and drop-off points are near public restrooms and public transportation.

It is possible that other states, in addition to California, Nebraska and New Jersey have laws or rules about alcohol consumption on a party bus. It appears that for some states, these laws are found in the state's liquor control laws and not motor carrier safety laws. This study looked only at motor carrier safety laws.

There are several entities considering revisions to party bus safety rules or greater enforcement of existing rules.

- The Oklahoma legislature sponsored a bill that calls for an interim study on party bus operations and measures the legislature may take to improve safety. In particular, the study will consider holding vehicle owners and operators responsible for underage drinking if the driver "knowingly" allows it.
- The Iowa Department of Transportation is stepping up enforcement efforts for party buses. The party buses have the same requirements as other charter buses. The increased efforts simply ensure bus companies are registered, drivers have the appropriate licenses and they all comply with state and federal safety standards.
- The city of Bloomington, Illinois, is considering revisions to its regulations for party buses after one licensed by the city was put out of service by the Illinois State Police for safety violations.
- The Michigan Department of Transportation asked other states for any rules or regulations regarding party buses for consideration of new rules in its state. No state responded that it had rules specific to party buses.

* See appendix A for summary listing of other states laws/rules.

Conclusions and Recommendations

UTC staff makes the following recommendations for action.

1. Ensure that all companies identified in this report have the permit needed to provide service. UTC staff has already initiated investigations to determine the status of the 19 companies discovered in the course of this study that lack a charter party carrier certificate issued by the UTC. We will complete this investigation and, if UTC staff believes a certificate is required, we will initiate a classification proceeding if the company is unwilling to apply for a certificate.
2. Addressing all the safety issues in this report will require stakeholders to work together to implement changes to statutes to increase safety and decrease the chances of fatal incidents related to party buses. The need for safety regulation of party bus companies transcends the legal, regulatory categories of carriers described in this report. In the coming months staff recommends we discuss the following statutory changes with stakeholders:
 - a. *Define a party bus company to include carriers who advertise, solicit, offer, or enter into an agreement to provide party bus service.*

This makes it less difficult for the UTC to classify a carrier as a party bus company, because the emphasis is on what the carrier is holding itself out to do, rather than the details of particular transactions, which may lack documentation. This type of definition is used in RCW 81.80.010(5) to define "household goods carrier", and this has proven very effective in UTC obtaining compliance by household goods carriers who have failed to obtain a permit from the UTC.
 - b. *Remove the exclusion for buses operating intra-city (81.70.030(1)).*

This means that all persons meeting the definition of "charter party carrier" would be subject to UTC regulation, regardless of where they operate in this state. This will enable the UTC to require specific safety standards and levels of insurance for party bus companies that may not exist today. In any event, a charter bus operating within a city ought to be regulated for safety as strongly as a charter bus operating between cities.
 - c. *Initiate laws similar to California for passengers under the age of 21.*

While it is illegal for anyone under the age of 21 to drink alcohol in Washington, it does not always stop the behavior. Laws similar to California require a chaperone if alcohol is served and if any passenger is under 21, and it holds responsible both the chaperone and the bus driver for implementing a zero-tolerance policy for underage drinking.
 - d. *Prohibit the party bus company from providing alcohol to its passengers.*

This will limit the amount of alcohol a passenger can consume to the amount he or she brings on board. This prohibition should be enacted with the coordination of the Liquor Control Board. To address this issue, it may be advisable for the Legislature to amend statutes applicable to the Board.

- e. *Prohibit membership party bus companies.* The company that staff knows about that purports to operate as a “membership” bus may be doing so only to avoid regulation.
- f. *Prohibit the use of double-decker buses by private bus operators.*

UTC staff is unaware of any double-decker buses currently being operated by a private bus company in Washington. Consequently this prohibition should not disadvantage any existing company. It is clear from the experience of New Jersey, Michigan and Illinois that these buses are inherently dangerous in the party bus context. Each of these states experienced one or more fatalities when passengers of a double-decker party bus hit their heads on an overpass or bridge abutment while on the top deck.

Contact

For more information, please contact:

Dave Pratt, Assistant Director
Transportation Safety
(360) 664-1100
dpratt@utc.wa.gov

Appendix A

Laws or rules in other states

	State	Rules Exist?	Content if Applicable
1	Alabama	No	
2	Alaska	No	
3	Arizona	No	
4	Arkansas	No	
5	California	Yes	Prohibits drinking under the age of 21 on a party bus
6	Colorado	No	
7	Connecticut	No	
8	Delaware	No	
9	Florida	No	
10	Georgia	No	
11	Hawaii	No	
12	Idaho	No	
13	Illinois	No	
14	Indiana	No	
15	Iowa	No	
16	Kansas	No	
17	Kentucky	No	
18	Louisiana	No	
19	Maine	No	
20	Maryland	No	
21	Massachusetts	No	
22	Michigan	No	
23	Minnesota	No	
24	Mississippi	No	
25	Missouri	No	
26	Montana	No	
27	Nebraska	No	May drink if the driver does not have access to alcohol
28	Nevada	No	
29	New Hampshire	No	
30	New Jersey	Yes	Party bus may not provide alcohol but passengers may bring their own
31	New Mexico	No	
32	New York	No	
33	North Carolina	No	
34	North Dakota	No	
35	Ohio	No	
36	Oklahoma	No	
37	Oregon	No	
38	Pennsylvania	No	
39	Rhode Island	No	
40	South Carolina	No	
41	South Dakota	No	
42	Tennessee	No	
43	Texas	No	
44	Utah	No	
45	Vermont	No	
46	Virginia	No	
47	West Virginia	No	
48	Wisconsin	No	
49	Wyoming	No	

APPENDIX B

Party Buses
Washington State

	Name	Address	Phone #	Web Reference(s)	Advertised Equipment	Permitted in WA/Agency
1.	Creative Bus	PO Box 4053, Renton, WA 98057 Email: reservations@creativebus.net	206-853-1892	<ul style="list-style-type: none"> creativebus.net gigmasters.com/Party-Bus/Creative-Bus/ 	Buses for 10, 15, 27 passengers	Yes/UTC CH-487
2.	Lady in a Limo LLL	Email: aladayinalimo@hotmail.com	206-423-9603	<ul style="list-style-type: none"> gigmasters.com/partybus/ladyinalimo 	Sedans, limos, party bus	Yes/UTC CH-64931
3.	A & A Limousine	PO Box 25589, Seattle, WA 98165 E-mail: info@a-alimo.com	206-367-5466	<ul style="list-style-type: none"> a-alimo.com 	Limo buses for up to 38 passengers	Yes/UTC CH-063247 (DBA of JPH Int.)
4.	Dave's Party Bus	Email: davespartybus@hotmail.com	206-601-1800	<ul style="list-style-type: none"> davespartybus.com thumbtack.com/listing 	Bus for up to 14 passengers	No; Canceled 10/2011
5.	Super Stretch Limousine and Tyson Glawe LLC	Email: cblimo99@aol.com	360-887-3003	<ul style="list-style-type: none"> superstretchlimousine.com Facebook 	Limos, Hummer, Escalade, buses for 18-26 passengers	Yes/UTC CH-63113
6.	Spokane Party Bus SwiftySwift LLC	1519 E Central Ave, Spokane WA 99218 Email: info@spokanepartybus.com	509-701-3392	<ul style="list-style-type: none"> thepartytransport.com 	Buses for 14 and 30 passengers	Yes/UTC CH-63856
7.	Seattle Party Bus Rentals	No address listed, but it appears to be based in Seattle	206-910-8858	<ul style="list-style-type: none"> seattlepartybusrentals.com 	Buses for up to 24 passengers	Yes/UTC CH-64010
8.	Cascadia Cruiser	No address listed, but it appears to be based in Portland, OR	971-277-3984	<ul style="list-style-type: none"> cascadiacruiser.com 	Bus for 35 seated or more standing passengers	No
9.	Presidential Transportation	PO Box 28401, Seattle WA 98118 Email:	206-280-8488	<ul style="list-style-type: none"> presidentialpartybus.com 	Town car, buses for 9, 12,	No

	Name	Address	Phone #	Web Reference(s)	Advertised Equipment	Permitted in WA/Agency
		reservations@presidentialtranspo.com			18, 24 passengers	
10.	Seattle Limo Bus	No address listed, but it appears to be based in Seattle	206-457-2600	<ul style="list-style-type: none"> seattle-limobus.com 	Hummer, SUV, executive car and van, stretch limo, party bus	No
11.	JJ Limousine Service	PO Box 40172 Bellevue, WA	888-604-LIMO/206-524-7211/425-454-5053	<ul style="list-style-type: none"> jjlimo.com 	Limos, sedans, vans, limo bus, Navigator, Hummer, Escalade	Yes/UTC CH-64030
12.	Tacoma Party Bus	Email: sales@tacomapartybus.com	555-555-5555	<ul style="list-style-type: none"> tacomapartybus.com 	Multi-passenger bus	No
13.	Valet Town Car Svc	2910 49 th Ave NE, Tacoma WA 98422	866-840-7077	Unknown	Town cars and vans	Yes/DOL Limo
14.	HR Limousine	17854 38 th Ave S, Seatac WA 98188	206-335-8167	<ul style="list-style-type: none"> hrlimousine.com 	20 pass Hummer disco floor	Yes/DOL Limo
15.	Tacoma Limo Svc (Elegant Limo, Inc.)	1201 Pacific Ave Ste 600, Tacoma WA 98402 Email: info@limoservicetacoma.com	253-777-3444	<ul style="list-style-type: none"> limoservicetacoma.com 	Town car, SUV, limos, 20 pass Hummer, 24 pass stretch Escalade, 35 pass bus	Yes/DOL Limo
16.	NSO Party Bus	10305 139 th St Ct E, Ste D8, Puyallup WA 98374 Email: infor@nso-partybus.com	253-435-9200	<ul style="list-style-type: none"> nso-partybus.com 	Buses for 14 passengers	Yes/UTC CH-63760
17.	Xtreme Limousine (J&A Enterprise, LLC)	2213 4 th Ave, Seattle WA Email: xtremelinousine@gmail.com	206-979-2150 425-749-7318	<ul style="list-style-type: none"> xtremelinowa.com 	Hummers, limos, limo buses, luxury cars and SUVs	No

	Name	Address	Phone #	Web Reference(s)	Advertised Equipment	Permitted in WA/Agency
			888-607-3098			
18.	US Party Bus Seattle Party Bus	1027 Harbor Ave SW, Seattle WA 98116 Email: info@uspartybusseattle.com	206-219-5392/888-919-4895	<ul style="list-style-type: none"> uspartybusseattle.com 	Buses for up to 42 passengers	No
19.	Legend Limo	Email: info@legendlimo.com Reservation service	800-348-6985	<ul style="list-style-type: none"> legendlimo.com 	Buses for 20, 30, 40, 50 passengers	No
20.	Elegant Limo Service	2400 4 th Ave, Seattle 98121 Email: info@elegantlimous.com	800-209-1082/ 206-913-3260/425-643-2280	<ul style="list-style-type: none"> elegantlimous.com 	Luxury cars and SUVs, Limos, Hummer with 24 seats, 35 passenger bus	No
21.	Northwest Limousine Service	589 D Street Blaine, WA, 98230-5133	360-220-0207	<ul style="list-style-type: none"> limobellingham.com 	16 passenger bus	Yes/DOL Limo
22.	Jimmy's Limousine Service	4524 Pacific Ave SE, Lacey 98503 Email: info@jimmysautoservices.com	360-459-7113	<ul style="list-style-type: none"> jimmysautoservices.com 	18 passenger Hummer	Yes/UTC CH-472(Notes: Permit under other name)
23.	Fantasy Limousine	530 Ronlee Ln NW, Olympia 98502 Email: drowshe@comcast.net	360-402-2700	<ul style="list-style-type: none"> fantasylimos.net 	14-18 passenger Hummer	Yes/UTC CH-472 (dba of Jimmy's Limousine)
24.	A-Star Limousine	816 W Francis PMB #141, Spokane 99205 Email: sales@a-starlimousine.com	509-879-7948	<ul style="list-style-type: none"> a-starlimousine.com 	Luxury cars, 14-passenger stretch limos	Yes/DOL Limo
25.	Spokane Legacy Limousine	120 E Mission Ave, Spokane 99202	509-216-6990	<ul style="list-style-type: none"> limoinspokane.com 	14 passenger stretch limos	Yes/DOL Limo
26.	Aspen Limos and Tours	16420 SE McGillivray Blvd, Vancouver 98683	503-274-9505	<ul style="list-style-type: none"> aspenlimotours.com 	30 passenger bus	Yes/DOL Limo

	Name	Address	Phone #	Web Reference(s)	Advertised Equipment	Permitted in WA/Agency
			360-260-0515 509-572-7494		20 passenger bus	
27.	Fiesta Limousine	2917 NE 65 th St #A, Vancouver 98663 Email: info@fiestalimos.com	503-641-8100 360-693-5758 866-533-5758	<ul style="list-style-type: none"> fiestalimos.com 	22 and 32 passenger bus	No
28.	Portland Limousine/ Opex Limousine	9703 NE Covington Rd, Vancouver 98662 Email: info@portlandlimousine.net	877-763-0891 503-828-9884	<ul style="list-style-type: none"> portlandlimousine.net 	Buses for 20, 24, 30 passengers	No
29.	A Custom Limousine/West Coast Limousines	No address listed; appears to be based in Portland	360-567-8092 /503-661-1555	<ul style="list-style-type: none"> westcoastlimousines.net 	20 passenger Hummer, 20 passenger party bus	Yes/UTC CH-63215
30.	Limo Bus Seattle Dba of JPH International/A&A Limo	No address listed; appears to be based in Seattle Email: info@limobusseattle.net	206-365-1800	<ul style="list-style-type: none"> limobusseattle.net 	Buses for 20, 22, 30, 34, 36 passengers	Yes/UTC CH-63247
31.	SP+ Plus Transportation NW	1300 Dexter Ave N Ste155, Seattle 98109 Email: transportation-nw@spplus.com	206-282-6442	<ul style="list-style-type: none"> spplusnw.com 	18 and 21 passenger limos	Yes/UTC CH-443 (Note: Permit under other name)
32.	LX Limo	Email: info@seattlexlimo.com	206-428-3087	<ul style="list-style-type: none"> seattlexlimo.com 	Buses for up to 26 passengers	No
33.	Seattle Party Limo	Email: infor@seattlepartybus.net	206-914-3560	<ul style="list-style-type: none"> Seattlepartylimo.com 	Buses for up to 28 passengers	Yes/UTC CH-63859

APPENDIX C

Party Bus Incidents

Date	City	Road	Victim(s)	Outcome	Circumstances
1. 08-11-2013	Portola Valley, CA	I-280	43-year old male	Fatality	Off-duty party bus with one passenger spun-out and slid down an embankment. Passenger died. Driver reportedly charged with manslaughter, hit-and-run, DUI.
2. 05-26-2013	Near San Francisco, CA	Highway 101	36-year old female 8 bus passengers	Fatality Injury	Car went out of control and the party bus hit the car. The fatality was in the car; the injuries in the bus.
3. 05-18-2013	Ellsworth, MN	Highway 10	23-year old male	Fatality	Passenger fell out of the back of the bus.
4. 05-10-2013	Kansas City, KS	I-35	26-year old female	Fatality	Passenger fell out bus emergency door.
5. 02-15-2013	Flores Island, BC	City street	16-year old male	Fatality	Unknown cause of death but alcohol suspected.
6. 09-29-2012	Portland, OR	City street	11-year old female	Fatality	Passenger fell out bus window.
7. 08-31-2012	Fort Lee, NJ	Geo Wash Bridge	16-year old male	Fatality	Passenger stuck his head out the top emergency hatch of the double-decker bus and hit highway overpass.
8. 07-27-2012	Los Gatos, CA	Highway 17	25-year old female 20-year old female	Fatality Injury	Allegedly drunken passengers began arguing on the bus and two passengers fell out of the emergency door.
9. 06-16-2012	Chicago, IL	Expressway	19 passengers	Injury	SUV sideswiped the party bus.
10. 05-05-2012	Cedar Falls, IA	City street	21-year old female	Injury	Passenger fell out bus door.
11. 03-04-2012	Tampa, FL	City street	20-something male	Fatality	Party bus with only driver aboard hit car at an intersection. Unclear which vehicle had the green light.
12. 10-29-2011	Erhard, MN	Unknown	24-year old male	Fatality	Passenger fell out of the back of the bus.
13. 06-24-2011	Detroit, MI	I-94	24-year old male	Fatality	Passenger stuck his head out the top emergency hatch of the bus and hit highway abutment.
14. 03-12-2011	Los Angeles, CA	City street	22-year old male	Injury	Passenger running to catch bus allegedly hit by bus in an intersection.
15. 06-05-2010	Langley, BC	Highway 10	17-year old female	Injury	Two passengers fell out bus door; one injury.
16. 06-05-2010	Indianapolis, IN	City street	29-year old male 14 passengers	Fatality Injury	Party bus hit car at an intersection. Unclear which vehicle had the green light.
17. 09-11-2010	Hazel Park, MI	I-75	23-year old male 26-year old male	Fatality Fatality	One passenger fell out of the bus. The second passenger got out to help and was hit by a car.
	City	Road	Victim(s)	Outcome	Circumstances

18.	02-05-2010	Burlingame, CA	Highway 101	19-year old male	Fatality	Passenger drank on the party bus to level of .26 on party bus, then drove, hitting a wall and two other cars.
19.	09-06-2009	Tukwila, WA	I-5	26-year old male 39-year old male 50-year old female	Fatality Injury Injury	Bus stopped at side of freeway for repairs was hit by an allegedly drunk driver.
20.	09-01-2009	Flint, MI	I-75	27-year old male 24-year old male	Fatality Fatality	Two passengers fell out bus door.
21.	01-10-2009	Detroit, MI	I-75	26-year old male 36-year old male	Fatality Injury	Two passengers fell out bus door.
22.	06-14-2009	Chicago, IL	I-57	22-year old male 22-year old male	Fatality Fatality	Two passengers on the top open deck of a double-decker bus hit their heads on a highway overpass.