

TC161262 Draft Rule Amendments for Comment

New Section WAC 480-30-022

A passenger transportation company may contract with a person or company to perform tasks that are subject to the rules under this chapter. If the passenger transportation company's contractor or any of its subcontractors engages in conduct that violates any federal, state or local law or regulation, or any commission order, while performing tasks under the contract, the passenger transportation company is subject to commission enforcement actions as if the passenger transportation company itself engaged in that conduct. The passenger transportation company is responsible for maintaining measures designed to prevent and detect violation of these rules by a contractor or any of its subcontractors. The passenger transportation company must maintain records regarding its use of the contractor that fully enable the commission to audit, investigate, and determine the company's compliance with applicable law while using the contractor.

Commented [RC(1): A new section is added to codify the responsibility of a passenger transportation company for any violations of statute, rule or Commission order by a contractor when working for the company.

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 corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever owning, controlling, operating, or managing any motor-propelled vehicle ~~((not usually operated on or over rails,))~~ used in the business of transporting persons and their baggage on the vehicles of auto transportation companies carrying passengers, for compensation 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.

Commented [RC(2): The statutory definition of auto transportation is restored. The term "controlling" includes making arrangements for others to provide service on the company's behalf.

Commented [RC(3): By restoring the statutory definition, the rule refers to the vehicles "of auto transportation companies." The vehicles may be owned or they may be leased or contracted for.

"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" or **"charter carrier"** means every person engaged in the transportation over any public highways in this state of a group of persons who, pursuant to a common purpose and under a single contract, ~~((have acquired))~~ acquire the use of a motor ~~((bus))~~ vehicle 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))~~ leaving the place of origin. ~~((, or))~~ A person who is engaged in the transportation of persons by party bus over any public highway in this state is considered engaging in the business of a charter party carrier or excursion service carrier.

Commented [RC4]: The definition of charter party carrier is returned to the RCW version. The party bus reference is added as a separate sentence.

"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.

"Commercial Motor Vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers if the vehicle:

Commented [RC(5): The definition of commercial motor vehicle is made consistent with CFR definition and transferred from WAC 480-30-221.

(1) has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or

(2) Has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 or more pounds), whichever is greater; or

(3) Is designed to transport 16 or more passengers, including the driver.

(4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 C.F.R. part 172, subpart F).

Commented [RC(6): Some companies have cargo that is considered hazardous material under the federal rules.

"**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" as used in this chapter means any agreement between a passenger transportation company and another person to obtain property or services the company uses to provide passenger transportation services, including but not limited to sales agreements, service agreements, employment agreements, mortgages, loans, and leases for real or personal property.

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

Commented [RC(7)]: A single definition of contract is created so that all other sections can refer only to contracts, rather than listing several types of contracts.

Commented [RC(8)]: This term is never used in WAC 480-30; it may confuse the reader in interpreting whether or not a company may contract out on a routine basis.

"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))~~ must not pick up or drop off passengers after leaving and before returning to the area of origin. The excursions may ~~((or~~

Commented [RC(9): The definition is returned to the RCW version.

~~may not~~) be regularly scheduled. Compensation for the transportation offered or afforded 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

Commented [RC(10): The definition defines "leasing"... by referring to two sections that define leasing and how it is handled. This amendment removes the potential for confusion or conflicting interpretations.

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~~

Commented [RC(11)]: The term is not used in WAC 480-30.

~~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.

Commented [RC(12)]: The two subcontracting definitions define terms never again used in WAC 480-30. The amendment removes them to avoid potential conflict with use of contractors.

Commented [RC(13)]: The term is removed because it is only used in WAC 480-30-236, leasing vehicles, and is part of the language removed from that section of the WAC.

"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.

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.54.020, and 80.54.060. WSR 16-02-076 (Docket TE-151080, General Order R-583), § 480-30-036, filed 1/4/16, effective 2/4/16. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-036, filed 6/8/06, effective 7/9/06.]

WAC 480-30-056 Records retention, auto transportation company. (1) **General provisions.** An auto transportation company must keep all business records and reports for at least three years following the date those documents are created unless otherwise specified in subsection (2) of this section or unless a longer retention period is required by another governmental body.

(2) Retention schedule table. The following schedule shows periods that auto transportation companies must preserve various records.

Type of Record:	Retention Period:
1. Original certificate	Until cancellation.
2. Contracts (Service contracts (management, accounting, financial or legal services))	Until expiration, redemption, or termination, as applicable, plus three years.
(b) Contracts with employees and employee groups. All employment records	Until termination plus one year.

Commented [RC(14)]: The amendment simplifies the language so that all contracts, leases and agreements are covered and to avoid problems distinguishing between service and general contracts.

((e) General contracts, leases and agreements))	((Until termination plus one year.))
3. Long-term debt records: ((Bond indentures, underwritings, mortgages, and other long-term credit agreements))	Until redemption plus three years
4. General and subsidiary ledgers and indexes	Until discontinuance of use plus three years.
5. General journals	Until discontinuance of use plus three years.
6. General cash books	Until discontinuance of use plus three years.

Commented [RC(15): The phrase “long-term debt records” is kept but the details are removed to avoid confusion.

(3) **Customer service records.** An auto transportation company must maintain complete and accurate customer service records.

(a) Company service records include, but are not limited to:

(i) Daily trip records, by route or by unit of equipment,

that show:

(A) The schedules operated;

(B) The number of passengers carried on each schedule;

(C) The point each passenger boarded and disembarked from the vehicle;

(D) The fare charged each customer (for example full-fare, children's fare, round-trip fare, free or reduced fare);

(E) Any condition causing the vehicle to deviate from the company's filed time schedule by more than thirty minutes. For example, traffic backed up at an accident site, inclement weather, or equipment failure.

(ii) Records of revenues received.

(iii) Bills or invoices issued.

(iv) Records of all reservations.

(v) Records of all tickets issued.

(vi) Records of all passenger service provided at free and/or reduced rates.

(vii) Identification of vehicle by vehicle identification number (VIN) used if the vehicle is not owned by the company.

(viii) Name and current driver's license number (with state of issue) of driver if the driver is not employed by the company.

Commented [RC(16): The two added subsections – vii and viii – address vehicles and drivers under contract.

(b) Customer service records must be kept on file in the general office of the company for at least three years and are subject to commission inspection.

(c) Customer service records must be kept in chronological, numerical, or service route order.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-056, filed 6/8/06, effective 7/9/06.]

WAC 480-30-141 ~~((Certificates, sale, lease, assignment, transfer or mortgage, auto transportation company))~~ Transferring or encumbering all or part of a passenger transportation company's certificate authority. (1) The commission must approve any sale, assignment, lease, transfer, or mortgage of ~~((=))~~ an auto transportation, charter carrier or excursion carrier company's certificate, or any portion of the operating authority described in a company's auto transportation company certificate.

Commented [RC(17): Under 81.70.240 the UTC must approve transfers of charter and excursion certificates. The rule is amended to include them. The title of the rule is changed to improve clarity, distinguishing between the different types of leases.

(2) To obtain commission approval for sale, assignment, lease, transfer, or mortgage, the parties to the transaction must jointly file an ~~((auto transportation company certificate))~~ application with the commission seeking such approval ~~((under the provisions of WAC 480-30-096))~~.

Commented [RC(18): The UTC authorizes wholesale transfers for auto transportation, charter and excursion; and partial transfers for auto transportation only.

(3) ~~((The provisions of))~~ This rule does not apply to a change in ownership resulting from an acquisition of control of a corporation through stock sale or purchase. Refer to WAC 480-30-106.

Commented [RC(19): This phrase is inserted to replace the more extensive auto transportation-oriented rule WAC 480-30-096.

(4) This rule does not apply to contracts between a passenger transportation company and another person or company for a driver

or vehicle, or both, to provide service on behalf of the passenger transportation company.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-141, filed 6/8/06, effective 7/9/06.]

Commented [RC(20): This language prevents confusion that either transferring a certificate or allowing service by one company in the territory of another service has anything to do with leasing or contracting for vehicles. The language recognizes the possibility of contracting.

WAC 480-30-166 ~~((Certificates, service agreements, auto transportation company))~~ Agreements between auto transportation companies to provide service. (1) An auto transportation company

may enter into an agreement to allow another certificated auto transportation company to operate in the first company's territory or over its route(s) when the first company:

Commented [RC(21): This rule does not include charter and excursion companies because they don't have territories or routes (except "statewide.")

~~(a) Holds exclusive authority in the territory or over the route(s) to be served; and.~~

~~(b) Lacks suitable equipment to adequately serve its route(s) or customers, or is unable to provide service on a temporary basis due to situations such as, but not limited to, road closures or other temporary restrictions imposed by local jurisdictions.~~

(2) The commission must approve the agreement before any service is provided. To apply for commission approval, the companies must jointly file a copy of the written agreement at least fifteen days before the proposed effective date of the agreement. Companies may request the fifteen-day approval period be waived in the case of an emergency.

Commented [RC(22): The draft amendment keeps the approval process, but for dexterity of the application of this provision, companies could file “standing agreements” with other certificated companies.

(3) The agreement filed with the commission must clearly state:

(a) The first company will charge customers for service provided by the second company at rates contained in the first company's filed tariff.

(b) The first company will pay the second company for providing service in compliance with terms stated in the agreement.

(c) The beginning and ending dates of the agreement.

(d) A provision for early termination of the agreement that includes at least five days' notice to the commission and to each party.

(4) This rule does not apply to contracts between a passenger transportation company and another person or company for a driver

or vehicle, or both, to provide service on behalf of the passenger transportation company.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-166, filed 6/8/06, effective 7/9/06.]

Commented [RC(23): This language clarifies that either transferring a certificate or allowing service by one company in the territory of another service has nothing to do with leasing or contracting for vehicles. The language recognizes the possibility of contracting.

WAC 480-30-191 Bodily injury and property damage liability

insurance. (1) **Insurance coverage.** A company must have bodily injury and property damage liability insurance covering each motor vehicle ~~((it operates))~~ used to provide passenger transportation services under the authority of the company's certificate in ~~((the state of))~~ Washington.

Commented [RC(24): The wording is changed to reflect the possibility that the vehicle used might be leased or under contract. However, this language also requires that the certificated company insures all of the vehicles used. While a contractor might carry their own insurance, this rule would require an umbrella policy from certificate holders that would also cover the contractor while performing services for the certificate holder.

(a) The insurance policy must be written by an insurance company authorized to write insurance in the state of Washington.

(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 480-30-171.

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

<u>Motor Vehicles that:</u>	<u>Must have bodily injury and property damage insurance or surety bond with the following minimum limits:</u>
<u>Have a passenger seating capacity of seven or fewer (including the driver).</u>	<u>\$100,000 per person and \$300,000 per accident. At least \$25,000 property damage and \$100,000/\$300,000 uninsured motorist</u>
<u>Have a passenger seating capacity of eight – fifteen passengers (including the driver)</u>	<u>\$1,500,000 combines single limit coverage</u>
<u>Have a passenger seating capacity of sixteen or more (including the driver)</u>	<u>\$5,000,000 combined single limit coverage</u>

Commented [RC(25): The King County for-hire insurance standards are inserted.

Commented [RC(26): The level matches the charter and auto transportation requirements for that vehicle size; for contracting, the vehicles would be covered under the UTC certificated company's insurance even if the contractor has coverage.

<u>(Motor vehicles that:</u>	<u>Must have bodily injury and property damage insurance or surety bond with the following minimum limits:</u>
<u>Have a passenger seating capacity of fifteen or less (including the driver)</u>	<u>\$1,500,000 combined single limit coverage</u>
<u>Have a passenger seating capacity of sixteen or more (including the driver)</u>	<u>\$5,000,000 combined single limit coverage)</u>

(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 to operate as a passenger transportation company.

(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 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 days.

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

(b) An insurance certificate or binder must be replaced by a Form E within sixty 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;
- (vi) The insurance limits of coverage; and
- (vii) The agent's or other insurance representative's signature.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-191, filed 6/8/06, effective 7/9/06.]

~~((WAC 480-30-206 Vehicle licensing. A company must ensure that each vehicle it operates is in compliance with all appropriate state vehicle licensing laws, commission rules, and commission orders.~~

~~[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC 020497), § 480-30-206, filed 6/8/06, effective 7/9/06.]~~)

Commented [RC(27): The key language is transferred to WAC 480-30-221.

~~**WAC 480-30-211 Commercial vehicle defined.** Unless otherwise stated, for the purposes of the rules in Part 5 Equipment and Drivers, "commercial motor vehicle" means any motor vehicle used by an auto transportation company or charter and excursion carrier to provide passenger transportation services over the public highways of Washington state.~~

~~[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC 020497), § 480-30-211, filed 6/8/06, effective 7/9/06.]~~

Commented [RC(28): The definition is transferred to the definitions section and made consistent with the federal rules.

~~((WAC 480-30-213 Vehicles and drivers. (1) The vehicles~~

~~operated by a passenger transportation company must be owned by or leased to the certificate holder.~~

~~(2) The driver of a vehicle operated by a passenger transportation company must be the certificate holder or an employee of the certificate holder.~~

~~{Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC 020497), § 480-30-213, filed 6/8/06, effective 7/9/06.}))~~

WAC 480-30-216 Operation of motor vehicles, general. (1)

Discrimination prohibited. All companies providing passenger transportation service ~~((No company operating motor vehicles))~~ under the provisions of this chapter must provide that service consistent with federal and Washington state non-discrimination laws and rules ~~((will operate a vehicle in intrastate commerce on which the seating of passengers is based on race, color, creed, or national origin))~~.

Commented [RC(29)]: By repealing WAC 480-30-213, the Commission would create a record that reflects the change from prohibiting contracting to allowing contracting.

Commented [RC(30)]: The list of factors is probably not current with federal and state legal expectations. The amendment makes reference to federal and state laws, to avoid the problem of keeping the regulation current with law.

(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.

(8) **Smoking ~~((en))~~ in motor vehicles.**

(a) Smoking or carrying lit cigars, cigarettes, or other smoking materials is prohibited ~~((en))~~ in vehicles.

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

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.54.020, and 80.54.060. WSR 16-02-076 (Docket TE-151080, General Order R-583), § 480-30-216, filed 1/4/16, effective 2/4/16. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-216, filed 6/8/06, effective 7/9/06.]

WAC 480-30-221 Vehicle and driver safety requirements. (1)

((Companies)) A passenger transportation company must ensure that all vehicles and drivers used to provide passenger transportation services under the authority of the company's certificate comply with all federal, state and local laws and rules, and commission orders, governing licensing, vehicle safety, and driver safety. Except for vehicles with a seating capacity of seven or fewer passengers and the drivers of those vehicles, in which case the company must comply with the requirements in WAC 480-30-222, companies ((Companies)) must also comply with the parts of Title 49, Code of Federal Regulations (49 C.F.R.), adopted by reference, that are shown in the following chart. Information about 49 C.F.R.,

Commented [RC(31)]: This amendment is intended to clarify which rules continue to apply when a company contracts for vehicles or drivers under its certificate.

including the version adopted by the commission and where to obtain copies is set out in WAC 480-30-999.

49 C.F.R. Part:		Notes:
Part 40 -	Procedures For Transportation Workplace Drug and Alcohol Testing Programs	Entire Part 40 is adopted and applies to Washington intrastate operations.
Part 382 -	Controlled Substance and Alcohol Use and Testing	Entire Part 382, ((including definition of commercial motor vehicle;)) is adopted and applies to Washington intrastate operations.
Part 383 -	Commercial Driver's License Standards; Requirements and Penalties	Entire Part 383, ((including definition of commercial motor vehicle;)) is adopted and applies to Washington intrastate operations.
Part 379 -	Preservation of Records	Entire Part 379 is adopted and applies to Washington intrastate operations.
Part 380 -	Special Training Requirements	Entire Part 380 is adopted and applies to Washington intrastate operations.
Part 385 -	Safety Fitness Procedures	Entire Part 385 is adopted and applies to Washington intrastate operations.
Part 390 -	Safety Regulations, General	Entire Part 390 is adopted and applies to Washington intrastate operations, with the following exceptions: (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 have the meanings assigned to them in WAC 480-30-036 ((Motor vehicle and private vehicle)) and WAC 480-30-211 ((Commercial motor vehicle)) . (2) Whenever the term "director" is used in Title 49 C.F.R., it means the commission.
Part 391 -	Qualification of Drivers	Entire Part 391 is adopted, with the following exceptions: (1) Part 391.49 (alternative physical qualification standards for the loss or impairment of limbs) is not adopted for drivers who operate vehicles exclusively ((within Washington state)) intrastate. Instead refer to WAC 480-30-226 for intrastate medical waivers.
Part 392 -	Driving of Motor Vehicles	Entire Part 392 is adopted and applies to Washington intrastate operations.
Part 393 -	Parts and Accessories Necessary for Safe Operation	Entire Part 393 is adopted and applies to Washington intrastate operations.
Part 395 -	Hours of Service of Drivers	Entire Part 395 is adopted and applies to Washington intrastate operations.
Part 396 -	Inspection, Repair, and Maintenance	Entire Part 396 is adopted and applies to Washington intrastate operations.
Part 397 -	Transportation of Hazardous Materials, Driving and Parking Rules	Entire Part 397 is adopted and applies to Washington intrastate operations.

Commented [RC(32)]: The definitions were transferred to WAC 480-30-036.

(2) Companies must:

~~((a) Maintain))~~ Ensure that all motor vehicles used to provide certificated service are maintained in a safe and sanitary condition; and

~~((b) Ensure that vehicles))~~ are free of defects likely to result in an accident or breakdown.

(3) No company, its agents, contractors, officers, or employees, will allow any article, commodity, or substance to be loaded in or on any motor vehicle used by the company to provide certificated services to transport passengers that is dangerous to the lives and safety of passengers.

Commented [RC(33)]: To cover any contractors.

(4) No company, its agents, contractors, officers, or employees will allow any article, commodity, or substance to be loaded in or on any motor vehicle used by the company to provide certificated services to transport passengers that is prohibited by the hazardous materials rules in Title 49 C.F.R. from being transported on passenger-carrying vehicles.

Commented [RC(34)]: To cover any contractors.

(5) All motor vehicles and drivers ~~((operated))~~ operating under the provisions of this chapter and used to provide certificated services are at all times subject to inspection by the commission or its duly authorized representatives. The

commission will place a motor vehicle or driver out-of-service if the vehicle or driver meet any condition found in the North American Uniform Out-of-Service Criteria. A company must not allow a vehicle or driver that has been placed out-of-service to operate until the conditions(s) causing the out-of-service violation is corrected. Information about the North American Uniform Out-of-Service Criteria is set out in WAC 480-30-999.

Commented [RC(35): Subsections 6 and 7 are consolidated into subsection 5 for ease of reading.

~~((6) 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 including the version adopted and where to obtain copies is set out in WAC 480-30-999. A company must not operate any vehicle placed out of service until proper repairs have been completed.~~

~~(7) 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 the conditions causing the driver to be placed out-of-service have been corrected.))~~

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-30-221, filed 1/25/11, effective 2/25/11. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-221, filed 6/8/06, effective 7/9/06.]

NEW SECTION WAC 480-30-222

A company must ensure compliance with the requirements of this section for all vehicles with a capacity of seven or fewer passengers used to provide passenger transportation service under the authority of the company's certificate and for all drivers of those vehicles.

- (1) The vehicle must be licensed as a limousine under RCW 46.72A, or have a certificate as a for-hire vehicle under RCW 46.72. The company must keep records of the limousine license or for-hire certificate for three years.
- (2) All vehicles must be inspected annually by a mechanic who has successfully passed the examinations of, and met the experience requirements prescribed by, the National

Commented [RC(36): A new standard that applies to vehicles with a capacity of seven or fewer passengers and a driver is created, roughly consistent with the Seattle and King County standards for for-hire vehicles. Key provisions related to driver hours and daily vehicle inspections are included.

Institute for Automotive Service Excellence, and certified by the mechanic as safe to operate.

- (3) All vehicles must be checked by the driver at the start of shift to determine if the lights, brakes, tires, steering, seat belts, and other safety and operating equipment are working properly.
- (4) Records of inspection, repair, and maintenance indicating the date and nature of the inspection, repair or maintenance must be kept by the company for a period of three years.
- (5) Drivers used to operate vehicles with a capacity of seven or fewer passengers must either be licensed as a limousine chauffeur under RCW 46.72A, or have the following qualifications:
 - a. Is licensed to drive in the state of Washington;
 - b. Is a safe driver as demonstrated by a copy of the department of licensing driver abstract.
 - c. Has not been convicted within the past five years of hit-and-run, reckless driving, attempting to elude an officer by using a vehicle, vehicular assault, vehicular

homicide, reckless endangerment or driving under the influence of alcohol or a controlled substance, and has not been convicted within the past five years of a crime pertaining to physical violence or crimes reasonably related to the driver's honesty, including, but not limited to, robbery, fraud, theft, extortion, assault, or identity theft, as demonstrated by a federal and state criminal background check.

d. Has not been required to register as a sex offender or been convicted of a sex offense or been convicted of a kidnapping offense against a minor;

e. Is physically and mentally fit to operate a vehicle, and;

f. Has passed a defensive driving course sponsored by the National Safety Council or passed an equivalent course.

(6) A driver shall be in control of a vehicle a maximum of 12 consecutive hours. The 12 hours can be spread over a fifteen hour period within 24 hours. Thereafter, the driver shall not drive a vehicle until the driver takes eight consecutive hours off duty.

Commented [RC37]: The driver hour requirements are a re-phrasing of the King County requirements.

- (7) Records related to driver hours must be kept for a period of at least six months.
- (8) Records of the company's verification of the driver's qualifications must be kept for the duration for the employment or contract and for three years thereafter.
- (9) The company must keep a copy of records related to any vehicle collisions, including copies of all accident reports, the date of the accident, city or town, or most near, and the State where the accident occurred, driver name, number of injuries, and number of fatalities.
- (10) Records related to accidents must be kept for a period of at least three years from the date of the accident.

Commented [RC(38)]: This is consistent with the federal requirement.

WAC 480-30-226 Intrastate medical waivers. (1) Department of licensing intrastate medical waiver. A passenger transportation company may ~~((employ))~~ 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:

Commented [RC(39)]: The term "use" or "uses" substitutes for the term "employ" or "employs." This removes the implication that a passenger transportation company may only use drivers that are employees.

(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 over 26,000 lbs.;

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

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

(2) **Doctor's statement of intrastate medical waiver.** A passenger transportation company may ~~((employ))~~ 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) 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 doctor's opinion is that the driver's condition is likely to remain stable for 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 lbs.,

(ii) Transporting fifteen or fewer passengers, including the driver, or

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

(3) **Driver qualification files.** A passenger transportation company that ~~((employs))~~ uses a driver under an intrastate medical waiver must maintain in the driver's qualification file a copy of the doctor's statement of intrastate medical waiver.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-226, filed 6/8/06, effective 7/9/06.]

WAC 480-30-231 Vehicle and driver identification. (1) A passenger transportation company must ensure that all motor vehicles used to provide passenger ~~((operated in the))~~ transportation services ~~((of passengers))~~ are clearly and easily identifiable as being operated under the authority of the company. ~~((properly identified.))~~

Commented [RC(40): Phrasing change to cover contractors.

((a)) Each motor vehicle must display the certificate holder's name (or registered trade name) and certificate number on each side of the vehicle. A company with both intrastate and interstate operations may display its U.S. Department of Transportation identification number in addition to, or in place of, its commission-issued certificate number.

~~(b))~~ Each motor vehicle operated in regular route service with scheduled stops must display a suitable destination sign.

(c) Each motor vehicle operated in transportation of passengers must display on the vehicle a company identification or unit number.

(d) All identifications must be clearly legible, conspicuous, and of a size that is easily readable.

(e) For all vehicles owned by the company, all identifications (~~(except those displayed on leased or substitute vehicles)~~) must be permanent.

Commented [RC(41): To clarify that only company owned vehicles must have permanent markings – for leased vehicles the markings could be temporary or permanent at the discretion of the company; and contractors could also use temporary signage.

(2) An auto transportation company must ensure that all drivers operating motor vehicles in the transportation of passengers are clearly and easily identifiable as driving under the authority of the company. (~~(properly identified)~~) Identification may include, but is not limited to, an identification badge or a uniform with a name tag identifying the driver by name or number.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-231, filed 6/8/06, effective 7/9/06.]

WAC 480-30-236 Leasing vehicles. (1) A passenger

transportation company operating a leased vehicle must have a written lease agreement with the owner of the vehicle.

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

(a) A copy of the lease is carried in each leased vehicle, unless the vehicle's registration names the certificate holder as registered owner or lessee.

(b) A 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 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 at all times during the period of the lease;~~

~~(e) The leased motor vehicle is properly insured as specified in WAC 480-30-191;~~

~~(f) The leased vehicle is properly identified as specified in WAC 480-30-231;~~

Commented [RC42]: Leasing requirements are covered by the CFRs and the detailed requirements may inadvertently impede the use of contractors.

~~(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. These requirements do not apply to substitute vehicles or vehicles leased without drivers from a person principally engaged in the business of leasing vehicles.~~

~~Sample lease form.))~~

Commented [RC(43)]: The strikethrough isn't showing the elimination of the entire form.

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EQUIPMENT LEASE AGREEMENT

A copy of this lease must be carried in the leased vehicle unless the vehicle's registration names the certificate holder as registered owner or lessee. 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.

Name and address of company leasing vehicle (lessee):		Certificate number:
Name and address of party from whom the vehicle is being leased (lessor):		Certificate number, if any:
Vehicle make and year:	Vehicle Serial Number:	Vehicle License Number:

The lease will become effective at _____ (time) on _____ (date), and will continue until _____ (date) unless canceled in writing prior to 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 indication whether the lessee or lessor is responsible for the listed expenses.

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:

- have complete possession, control and use of the vehicle at all times during the lease period
- be in complete control of all certificate operations
- provide bodily injury and property damage liability insurance
- ensure that the driver of the leased vehicle is an employee of the lessee
- ensure that the vehicle is properly identified
- comply with all safety regulations
- bill and collect proper tariff rates

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 _____

Lessor Signature/Title _____ date signed _____

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-236, filed 6/8/06, effective 7/9/06.]

WAC 480-30-286 Tariffs and time schedules, posting. An auto transportation company must maintain a copy of its filed tariff and its filed time schedule in the company's offices, ~~((and at))~~ each passenger facility, company's internet web site, if the company maintains an internet web site, and vehicles operating on a regular route or schedule, and ~~((. Each vehicle operated must carry a copy of the schedule and fares for each route served by that vehicle. The company must))~~ make these documents available to customers for inspection on request. ~~((during the company's regular business hours. Vehicles operated by an auto transportation company operating subject to flexible fares under WAC 480-30-420 must carry a copy of the flexible fare tariff and current time schedule, subject to the requirements of WAC 480-30-420 (7) -))~~

Commented [RC(44): Vehicles serving fixed routes will still carry the tariff and time schedule, but the door-to-door services are no longer required to carry. Door-to-door customers are more likely to see the tariff on the website or confirm the price when making the arrangement than customers of fixed route/schedule services.

Commented [RC(45): The reference to 420 is removed, because the section refers to "auto transportation company" which applies whether the tariff is standard or flexible.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.04.250, 81.68.030, and 81.68.040. WSR 13-18-003 (Docket TC-121328, General Order R-572), § 480-30-286, filed 8/21/13, effective 9/21/13. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-286, filed 6/8/06, effective 7/9/06.]

WAC 480-30-316 Tariffs and time schedules, customer notice requirements. (1) **Notice.** Each auto transportation company must provide notice to its customers at least thirty days prior to the stated effective date for any proposed tariff change that would increase recurring or prepaid rates or restrict access to services (e.g., rate increase, route reduction, time schedule change).

(2) **Thirty-day notice to public.** At least thirty days prior to the stated effective date, the company must post a notice in a conspicuous place for each affected route or routes. The published notice must remain posted until the commission takes action on the request. The notice must be posted:

- (a) ((In each vehicle)) At the company's office;

(b) At each passenger facility; ~~((and))~~

(c) In vehicles operating on a regular route, and;

(d) On the company's internet web site, if the company maintains an internet web site accessible to the public through which it sells its transportation services and posts its rates or time schedules.

(3) **Content of postings.** The published notice required by this rule must include:

(a) The date the notice is issued;

(b) The company's name, address, and telephone number;

(c) A comparison of current and proposed rates by service, when applicable;

(d) The requested effective date;

(e) A description of how customers may contact the company if they have specific questions or need additional information about the proposal;

(f) A description of how customers may contact the commission to comment or oppose the company's proposal.

(4) **Other customer notice.** The commission may require additional notice to customers other than described in this rule

Commented [RC46]: The amendment would require the tariff change notice only in the vehicles serving a regular route – which are likely the most regular customers who would actually see a notice posted in the vehicle.

when the commission is holding a public hearing in a contested case, or when a company proposal may have a significant impact on customer rates or access to services or when the commission determines that additional customer education is needed.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-316, filed 6/8/06, effective 7/9/06.]

WAC 480-30-356 Tariffs and time schedules, tariff rules. (1)

Tariff rules must be stated in clear language and explicit terms, setting forth all standards and policies that will govern how the auto transportation company assesses rates to its customers.

(2) All provisions contained in an auto transportation company's tariff must be clearly labeled as to the type of service to which they apply. Example: Scheduled, door-to-door, by reservation only.

(3) Auto transportation company tariffs must contain rules addressing at least the following subjects:

(a) Children's fares. Rules must clearly indicate the ages for which children's fares apply.

(b) Baggage. Rules must state the amount of baggage that may be transported free of additional charge, baggage liability (see WAC 480-30-476), and overweight or excess baggage charges. Baggage rules must also state company policies regarding carry-on items such as skis and bicycles.

~~(c) Transportation of animals. Rules must state that service animals, such as dogs traveling with sight or hearing impaired passengers, will be transported free of charge if they lie at the feet of their master and do not occupy passenger seats.)~~

Commented [RC(47)]: See New Section 480-30-450.

~~((d))~~ Refunds for unused and partially used tickets.

(i) Rules must state, "Subject to the exceptions of (d)(ii) and (iii) of this subsection unused tickets will be redeemed at the purchase price and unused portions of round-trip or commutation tickets will be redeemed by charging the regular fare or fares for the portion or portions used, and refunding the balance of the purchase price."

(ii) A company offering "door-to-door" service or "by reservation only" service may assess an administrative fee in those instances where a cost is incurred because the customer requested a change. If a company assesses an administrative fee, the tariff must include rules that clearly identify the fee and under what circumstances the fee will be assessed. Example of an administrative fee rule: A ten-dollar administrative fee will be assessed for customer requested changes made less than twenty-four hours in advance of the scheduled departure time. Administrative fees are deducted from ticket refunds.

(iii) A customer who has made a reservation but fails to cancel, reschedule, or appear at the designated pick-up point by the scheduled departure time is not eligible for a refund unless the failure was caused by an airline delay or cancellation.

~~((e))~~ (d) Long haul/short haul provisions. Rules must state that no customer will be required to pay more for transportation to an intermediate point along a route than is charged for a longer trip over that same route.

~~((f))~~ (e) Areas or zones to which rates apply. When fares to or from a named point include stops beyond the regular terminal,

or where no regular terminal is maintained, the tariff must define the zone within which fares to and from a named point apply. For example: "Rates apply within five road miles of points named."

~~((g))~~ (f) Commuter fares, if offered by the company.

~~((h))~~ (g) Whether alternate means of transport will be provided by the company when it is unable to provide transportation at the time and place specified in the reservation that the company has accepted for that passenger.

~~((i))~~ (h) Holidays observed by the company.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-356, filed 6/8/06, effective 7/9/06.]

WAC 480-30-396 Tariffs and time schedules, free and reduced rates. (1) No auto transportation company will charge, demand, collect, or receive a greater, lesser, or different compensation for transportation of persons, than the rates that are contained in that company's effective tariff filed with the commission. Further, no auto transportation may extend to any person any

privilege that is not uniformly extended to all persons under the same circumstances.

(2) An auto transportation company wishing to provide service at free or reduced rates must first publish those free or reduced rates in its filed tariff in accordance with RCW 81.28.080.

Commented [RC(48): A minor technical reference change for clarity.

(3) If an auto transportation company chooses to provide service at free or reduced rates, the company must publish in its tariff:

(a) A detailed description of the customer class and criteria to qualify;

(b) The service provided;

(c) The expiration date, if any; and

(d) The applicable rate(s), amount of reduction (such as, twenty percent), or if free, "\$0.00" or "no charge."

(4) The auto transportation company must record the number of passengers transported under each free or reduced rate published in its tariff in accordance with RCW 81.28.080.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533,

Docket No. TC-020497), § 480-30-396, filed 6/8/06, effective 7/9/06.]

New Consumer Rule in Part 8 - WAC 480-30-450

Passenger transportation companies must comply with the American with Disabilities Act (ADA) and comparable Washington statutes, including, but not limited to requirements for nondiscrimination, service animals, employee training, standards for accessible vehicles, and equivalent service standards as referenced in C.F.R. 49 Part 37, C.F.R. 28 Part 35.136, and RCW 49.60.

WAC 480-30-456 Fair use of customer information. (1) Customer information includes the customer's name, address, and telephone number.

(2) Companies must use customer information only for:

(a) Providing and billing for services the customer requests, either directly or through a contractor;

(b) Marketing new services or options to its customers; or

(c) Providing information to its customers.

(3) Any sale or release of customer information without the written permission of the customer is prohibited. The only exceptions to this rule are:

(a) Release of information to the commission to investigate or resolve complaints filed with the commission by a customer;

(b) Sharing nonpayment information with agencies the company engages to act as the company's agent in pursuing collection of past due accounts.

(4) Companies are allowed to collect and release customer information in aggregate form if the aggregated information does not allow any specific customer to be identified.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-456, filed 6/8/06, effective 7/9/06.]

WAC 480-30-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The

publications, effective dates, references within this chapter, and availability of the resources are as follows:

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

(a) The commission adopts the version in effect on April 1, 2015.

(b) This publication is referenced in WAC 480-30-221 (Vehicle and driver safety requirements).

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

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

(a) The commission adopts the version in effect on October 6, 2015.

(b) This publication is referenced in WAC 480-30-221 (Vehicle and driver safety requirements) and WAC 480-30-226 (Intrastate medical waivers).

Commented [RC(49)]: This section is already being amended. Before this rulemaking is completed, this subsection will be updated, including the new date of the version.

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors. [Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-30-999, filed 2/9/16, effective 3/11/16; WSR 15-06-048 (Docket A-143302, General Order R-579), § 480-30-999, filed 3/2/15, effective 4/2/15; WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-30-999, filed 2/5/14, effective 3/8/14; WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-30-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-30-999, filed 2/15/12, effective 3/17/12; WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-30-999, filed 1/25/11, effective 2/25/11; WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-30-999, filed 12/23/08, effective 1/23/09. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-999, filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. WSR 05-21-022

(Docket No. A-050271, General Order No. R-521), § 480-30-999, filed 10/10/05, effective 11/10/05; WSR 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-30-999, filed 12/22/03, effective 1/22/04; WSR 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-30-999, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-30-999, filed 9/28/01, effective 10/29/01.]

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