

2 **SSB 6699** - H COMM AMD **ADOPTED 2/27/96**
3 By Committee on Transportation

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 81.66.010 and 1979 c 111 s 4 are each amended to read
8 as follows:

9 The definitions set forth in this section shall apply throughout
10 this chapter, unless the context clearly indicates otherwise.

11 (1) "Corporation" means a corporation, company, association, or
12 joint stock association.

13 (2) "Person" means an individual, firm, or a copartnership.

14 (3) "Private, nonprofit transportation provider" means any private,
15 nonprofit corporation providing transportation services for
16 compensation solely to ~~((elderly or handicapped persons and their~~
17 attendants)) persons with special transportation needs.

18 ~~(4) ("Elderly" means any person sixty years of age or older.~~

19 ~~(5) "Handicapped" means all persons who, by reason of illness,~~
20 ~~injury, age, congenital malfunction, or other permanent or temporary~~
21 ~~incapacity or disability, are unable without special facilities or~~
22 ~~special planning or design to use mass transportation facilities and~~
23 ~~services as efficiently as persons who are not so affected.~~
24 ~~Handicapped people include (a) ambulatory persons whose capacities are~~
25 ~~hindered by sensory disabilities such as blindness or deafness, mental~~
26 ~~disabilities such as mental retardation or emotional illness, physical~~
27 ~~disability which still permits the person to walk comfortably, or a~~
28 ~~combination of these disabilities; (b) semiambulatory persons who~~
29 ~~require special aids to travel such as canes, crutches, walkers,~~
30 ~~respirators, or human assistance; and (c) nonambulatory persons who~~
31 ~~must use wheelchairs or wheelchair-like equipment to travel)) "Persons~~
32 with special transportation needs" means those persons, including their
33 personal attendants, who because of physical or mental disability,
34 income status, or age are unable to transport themselves or to purchase
35 appropriate transportation.

1 **Sec. 2.** RCW 46.74.010 and 1979 c 111 s 1 are each amended to read
2 as follows:

3 The definitions set forth in this section shall apply throughout
4 this chapter, unless the context clearly indicates otherwise.

5 (1) "Commuter ride sharing" means a car pool or van pool
6 arrangement whereby a fixed group not exceeding fifteen persons
7 including ~~((passengers and))~~ the driver, and (a) not fewer than five
8 persons including the driver, or (b) not fewer than four persons
9 including the driver where at least two of those persons are confined
10 to wheelchairs when riding, is transported in a passenger motor vehicle
11 with a gross vehicle weight not exceeding ten thousand pounds,
12 excluding special rider equipment, between their places of abode or
13 termini near such places, and their places of employment or educational
14 or other institutions, in a single daily round trip where the driver is
15 also on the way to or from his or her place of employment or
16 educational or other institution.

17 (2) "Ride sharing for ~~((the elderly and the handicapped))~~ persons
18 with special transportation needs" means ((a car pool or van pool)) an
19 arrangement whereby a group of ((elderly and/or handicapped)) persons
20 with special transportation needs, and their attendants, ((not
21 exceeding fifteen persons including passengers and driver,)) is
22 transported by a public social service agency or a private, nonprofit
23 transportation provider as defined in RCW 81.66.010(3) in a passenger
24 motor vehicle as defined by the department to include small buses,
25 cutaways, and modified vans not more than twenty-eight feet long:
26 PROVIDED, That the driver need not be ((neither elderly nor
27 handicapped)) a person with special transportation needs.

28 (3) ~~(("Ride-sharing vehicle" means a passenger motor vehicle with~~
29 ~~a seating capacity not exceeding fifteen persons including the driver,~~
30 ~~while being used for commuter ride sharing or for ride sharing for the~~
31 ~~elderly and the handicapped.~~

32 ~~(4))~~ "Ride-sharing operator" means the person, entity, or concern,
33 not necessarily the driver, responsible for the existence and
34 continuance of commuter ride sharing or ride sharing for ~~((the elderly~~
35 ~~and the handicapped))~~ persons with special transportation needs.

36 ~~((5) "Elderly" means any person sixty years of age or older.~~

37 ~~(6) "Handicapped" means all persons who, by reason of illness,~~
38 ~~injury, age, congenital malfunction, or other permanent or temporary~~
39 ~~incapacity or disability, are unable without special facilities or~~

1 special planning or design to use mass transportation facilities and
2 services as efficiently as persons who are not so affected.
3 Handicapped people include (a) ambulatory persons whose capacities are
4 hindered by sensory disabilities such as blindness or deafness, mental
5 disabilities such as mental retardation or emotional illness, physical
6 disability which still permits the person to walk comfortably, or a
7 combination of these disabilities; (b) semiambulatory persons who
8 require special aids to travel such as canes, crutches, walkers,
9 respirators, or human assistance; and (c) nonambulatory persons who
10 must use wheelchairs or wheelchair-like equipment to travel))

11 (4) "Persons with special transportation needs" means those persons
12 defined in RCW 81.66.010(4).

13 **Sec. 3.** RCW 46.74.030 and 1979 c 111 s 3 are each amended to read
14 as follows:

15 ((A ride-sharing)) The operator and the driver of a commuter
16 ride-sharing vehicle shall be held to a reasonable and ordinary
17 standard of care, and are not subject to ordinances or regulations
18 which relate exclusively to the regulation of drivers or owners of
19 motor vehicles operated for hire, or other common carriers or public
20 transit carriers.

21 **Sec. 4.** RCW 82.08.0287 and 1995 c 274 s 2 are each amended to read
22 as follows:

23 The tax imposed by this chapter shall not apply to sales of
24 passenger motor vehicles which are to be used ((as)) for commuter
25 ride((-))sharing ((vehicles)) or ride sharing for persons with special
26 transportation needs, as defined in RCW 46.74.010((3), by not less
27 than five persons, including the driver, with a gross vehicle weight
28 not to exceed 10,000 pounds where the primary usage is for commuter
29 ride-sharing, as defined in RCW 46.74.010(1), or by not less than four
30 persons including the driver when at least two of those persons are
31 confined to wheelchairs when riding, or passenger motor vehicles where
32 the primary usage is for ride sharing for the elderly and the
33 handicapped, as defined in RCW 46.74.010(2)), if the ride-sharing
34 vehicles are exempt under RCW 82.44.015 for thirty-six consecutive
35 months beginning within thirty days of application for exemption under
36 this section. If used as a ride-sharing vehicle for less than thirty-
37 six consecutive months, the registered owner of one of these vehicles

1 shall notify the department of revenue upon termination of primary use
2 of the vehicle as a ride-sharing vehicle and is liable for the tax
3 imposed by this chapter.

4 To qualify for the tax exemption, those passenger motor vehicles
5 with five or six passengers, including the driver, used for commuter
6 ride-sharing, must be operated either within the state's eight largest
7 counties that are required to develop commute trip reduction plans as
8 directed by chapter 70.94 RCW or in other counties, or cities and towns
9 within those counties, that elect to adopt and implement a commute trip
10 reduction plan. Additionally at least one of the following conditions
11 must apply: (1) The vehicle must be operated by a public
12 transportation agency for the general public; or (2) the vehicle must
13 be used by a major employer, as defined in RCW 70.94.524 as an element
14 of its commute trip reduction program for their employees; or (3) the
15 vehicle must be owned and operated by individual employees and must be
16 registered either with the employer as part of its commute trip
17 reduction program or with a public transportation agency serving the
18 area where the employees live or work. Individual employee owned and
19 operated motor vehicles will require certification that the vehicle is
20 registered with a major employer or a public transportation agency.
21 Major employers who own and operate motor vehicles for their employees
22 must certify that the commuter ride-sharing arrangement conforms to a
23 carpool/vanpool element contained within their commute trip reduction
24 program.

25 **Sec. 5.** RCW 82.36.285 and 1983 c 108 s 3 are each amended to read
26 as follows:

27 A private, nonprofit transportation provider ~~((certified))~~
28 regulated under chapter 81.66 RCW shall receive a refund of the amount
29 of the motor vehicle fuel tax paid on each gallon of motor vehicle fuel
30 used to provide ~~((transit))~~ transportation services for ~~((only elderly~~
31 ~~or handicapped persons, or both))~~ persons with special transportation
32 needs, whether the vehicle fuel tax has been paid either directly to
33 the vendor from whom the motor vehicle fuel was purchased or indirectly
34 by adding the amount of the tax to the price of the fuel.

35 **Sec. 6.** RCW 82.38.080 and 1993 c 141 s 2 are each amended to read
36 as follows:

1 There is exempted from the tax imposed by this chapter, the use of
2 fuel for: (1) Street and highway construction and maintenance purposes
3 in motor vehicles owned and operated by the state of Washington, or any
4 county or municipality; (2) publicly owned fire fighting equipment; (3)
5 special mobile equipment as defined in RCW 46.04.552; (4) power pumping
6 units or other power take-off equipment of any motor vehicle which is
7 accurately measured by metering devices that have been specifically
8 approved by the department or which is established by either of the
9 following formulae: (a) Pumping propane, or fuel or heating oils or
10 milk picked up from a farm or dairy farm storage tank by a power take-
11 off unit on a delivery truck, at the rate of three-fourths of one
12 gallon for each one thousand gallons of fuel delivered or milk picked
13 up: PROVIDED, That claimant when presenting his claim to the
14 department in accordance with the provisions of this chapter, shall
15 provide to said claim, invoices of propane, or fuel or heating oil
16 delivered, or such other appropriate information as may be required by
17 the department to substantiate his claim; or (b) operating a power
18 take-off unit on a cement mixer truck or a load compactor on a garbage
19 truck at the rate of twenty-five percent of the total gallons of fuel
20 used in such a truck; and (c) the department is authorized to establish
21 by rule additional formulae for determining fuel usage when operating
22 other types of equipment by means of power take-off units when direct
23 measurement of the fuel used is not feasible. The department is also
24 authorized to adopt rules regarding the usage of on board computers for
25 the production of records required by this chapter; (5) motor vehicles
26 owned and operated by the United States government; (6) heating
27 purposes; (7) moving a motor vehicle on a public highway between two
28 pieces of private property when said moving is incidental to the
29 primary use of the motor vehicle; (8) ~~((transit))~~ transportation
30 services for ((only elderly or handicapped persons, or both,)) persons
31 with special transportation needs by a private, nonprofit
32 transportation provider ~~((certified))~~ regulated under chapter 81.66
33 RCW; and (9) notwithstanding any provision of law to the contrary,
34 every urban passenger transportation system and carriers as defined by
35 chapters 81.68 and 81.70 RCW shall be exempt from the provisions of
36 this chapter requiring the payment of special fuel taxes. For the
37 purposes of this section "urban passenger transportation system" means
38 every transportation system, publicly or privately owned, having as its
39 principal source of revenue the income from transporting persons for

1 compensation by means of motor vehicles and/or trackless trolleys, each
2 having a seating capacity for over fifteen persons over prescribed
3 routes in such a manner that the routes of such motor vehicles and/or
4 trackless trolleys, either alone or in conjunction with routes of other
5 such motor vehicles and/or trackless trolleys subject to routing by the
6 same transportation system, shall not extend for a distance exceeding
7 twenty-five road miles beyond the corporate limits of the county in
8 which the original starting points of such motor vehicles are located:
9 PROVIDED, That no refunds or credits shall be granted on fuel used by
10 any urban transportation vehicle or vehicle operated pursuant to
11 chapters 81.68 and 81.70 RCW on any trip where any portion of said trip
12 is more than twenty-five road miles beyond the corporate limits of the
13 county in which said trip originated.

14 **Sec. 7.** RCW 82.44.015 and 1993 c 488 s 3 are each amended to read
15 as follows:

16 For the purposes of this chapter, in addition to the exclusions
17 under RCW 82.44.010, "motor vehicle" shall not include(~~(1)~~)
18 ~~passenger motor vehicles used primarily ((as ride-sharing vehicles))~~
19 for commuter ride sharing and ride sharing for persons with special
20 transportation needs, as defined in RCW 46.74.010(~~(3)~~), ~~by not fewer~~
21 ~~than five persons, including the driver, or not fewer than four persons~~
22 ~~including the driver, when at least two of those persons are confined~~
23 ~~to wheelchairs when riding; or (2) vehicles with a seating capacity~~
24 ~~greater than fifteen persons which otherwise qualify as ride-sharing~~
25 ~~vehicles under RCW 46.74.010(3) used exclusively for ride sharing for~~
26 ~~the elderly or the handicapped by not fewer than seven~~
27 ~~persons, including the driver. This exemption is restricted to~~
28 ~~passenger motor vehicles with a gross vehicle weight not to exceed~~
29 ~~10,000 pounds where the primary usage is for commuter ride sharing as~~
30 ~~defined in RCW 46.74.010(1))~~). The registered owner of one of these
31 vehicles shall notify the department of licensing upon termination of
32 primary use of the vehicle ((~~as a~~) in commuter ride((-)sharing
33 ((vehicle)) or ride sharing for persons with special transportation
34 needs and shall be liable for the tax imposed by this chapter, prorated
35 on the remaining months for which the vehicle is licensed.

36 To qualify for the tax exemption, those passenger motor vehicles
37 with five or six passengers, including the driver, used for commuter
38 ride-sharing, must be operated either within the state's eight largest

1 counties that are required to develop commute trip reduction plans as
2 directed by chapter 70.94 RCW or in other counties, or cities and towns
3 within those counties, that elect to adopt and implement a commute trip
4 reduction plan. Additionally at least one of the following conditions
5 must apply: (1) The vehicle must be operated by a public
6 transportation agency for the general public; or (2) the vehicle must
7 be used by a major employer, as defined in RCW 70.94.524 as an element
8 of its commute trip reduction program for their employees; or (3) the
9 vehicle must be owned and operated by individual employees and must be
10 registered either with the employer as part of its commute trip
11 reduction program or with a public transportation agency serving the
12 area where the employees live or work. Individual employee owned and
13 operated motor vehicles will require certification that the vehicle is
14 registered with a major employer or a public transportation agency.
15 Major employers who own and operate motor vehicles for their employees
16 must certify that the commuter ride-sharing arrangement conforms to a
17 carpool/vanpool element contained within their commute trip reduction
18 program.

19 NEW SECTION. **Sec. 8.** RCW 81.66.070 and 1979 c 111 s 10 are each
20 repealed."

21 **SSB 6699** - H COMM AMD
22 By Committee on Transportation

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24 In line 2 of the title, after "needs;" strike the remainder of the
25 title and insert "amending RCW 81.66.010, 46.74.010, 46.74.030,
26 82.08.0287, 82.36.285, 82.38.080, and 82.44.015; and repealing RCW
27 81.66.070."

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