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SENATE BILL 5686

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State of Washington                      61st Legislature                      2009 Regular Session

By Senators Murray, Kohl-Welles, McDermott, Jacobsen, and Jarrett

Read first time 01/28/09. Referred to Committee on Transportation.

1            AN ACT Relating to the regulation of certain limousine carriers;  
2 amending RCW 46.72.010, 46.72A.010, 46.72A.030, and 46.72A.040; and  
3 adding a new section to chapter 46.72A RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 46.72.010 and 1996 c 87 s 18 are each amended to read  
6 as follows:

7            When used in this chapter:

8            (1) (~~The term~~) "For hire vehicle" includes all vehicles used for  
9 the transportation of passengers for compensation, except auto stages,  
10 school buses operating exclusively under a contract to a school  
11 district, ride-sharing vehicles under chapter 46.74 RCW, limousine  
12 carriers licensed under chapter 46.72A RCW except as provided in this  
13 subsection, vehicles used by nonprofit transportation providers for  
14 elderly persons or (~~handicapped~~) persons with disabilities and their  
15 attendants under chapter 81.66 RCW, vehicles used by auto  
16 transportation companies licensed under chapter 81.68 RCW, vehicles  
17 used to provide courtesy transportation at no charge to and from  
18 parking lots, hotels, and rental offices, and vehicles used by charter  
19 party carriers of passengers and excursion service carriers licensed

1 under chapter 81.70 RCW. "For hire vehicle" also includes limousine  
2 carriers licensed under chapter 46.72A RCW that are classified by rule  
3 as executive sedans or executive vans pursuant to RCW 46.04.274 when  
4 operating in a county with a population of one million or more or a  
5 city with a population of five hundred thousand or more;

6 (2) (~~The term~~) "For hire operator" means and includes any person,  
7 concern, or entity engaged in the transportation of passengers for  
8 compensation in for hire vehicles.

9 **Sec. 2.** RCW 46.72A.010 and 1996 c 87 s 4 are each amended to read  
10 as follows:

11 The legislature finds and declares that privately operated  
12 limousine transportation service is a vital part of the transportation  
13 system within the state and provides prearranged transportation  
14 services to state residents, tourists, and out-of-state business  
15 people. Consequently, the safety, reliability, and stability of  
16 privately operated limousine transportation services are matters of  
17 statewide importance. The regulation of privately operated limousine  
18 transportation services is thus an essential governmental function.  
19 Therefore, it is the intent of the legislature to permit the department  
20 and a port district in a county with a population of one million or  
21 more to regulate limousine transportation services without liability  
22 under federal antitrust laws. It is the further intent of the  
23 legislature to permit a county with a population of one million or more  
24 or a city with a population of five hundred thousand or more to each  
25 separately regulate those categories of limousine carriers that qualify  
26 as for hire vehicles under RCW 46.72.010.

27 **Sec. 3.** RCW 46.72A.030 and 1996 c 87 s 6 are each amended to read  
28 as follows:

29 (1) The department, in conjunction with the Washington state  
30 patrol, shall regulate limousine carriers with respect to entry, safety  
31 of equipment, chauffeur qualifications, and operations. The department  
32 shall adopt rules and require such reports as are necessary to carry  
33 out this chapter.

34 (2) In addition, a port district in a county with a population of  
35 one million or more may regulate limousine carriers with respect to  
36 entry, safety of equipment, chauffeur qualifications, insurance

1 requirements, license fees, and operations. The county in which the  
2 port district is located may adopt ordinances and rules to assist the  
3 port district in enforcement of limousine regulations only at port  
4 facilities. ~~((In no event may this be construed to grant the county~~  
5 ~~the authority to regulate limousines within its jurisdiction. The))~~ A  
6 port district may not set limousine rates, but the limousine carriers  
7 shall file their rates and schedules with the port district.

8 (3) A county with a population of one million or more and a city  
9 with a population of five hundred thousand or more may each separately  
10 regulate those categories of limousine carriers that qualify as for  
11 hire vehicles under RCW 46.72.010, with respect to entry, safety of  
12 equipment, chauffeur qualifications, insurance requirements, license  
13 fees, and operations. A county or city may not set limousine rates for  
14 such categories, but the limousine carriers falling within such  
15 categories shall file their rates and schedules with the respective  
16 county or city.

17 (4) The department, a port district in a county with a population  
18 of at least one million, or a county in which the port district is  
19 located may enter into cooperative agreements for the joint regulation  
20 of limousines.

21 ~~((+4))~~ (5) The department, a port district in a county with a  
22 population of at least one million, a county with a population of one  
23 million or more, or a city with a population of five hundred thousand  
24 or more may enter into cooperative agreements for the joint regulation  
25 of those categories of limousine carriers that qualify as for hire  
26 vehicles under RCW 46.72.010.

27 (6) The Washington state patrol shall annually conduct a vehicle  
28 inspection of each limousine licensed under this chapter, except when  
29 a port district, a county with a population of one million or more, or  
30 a city with a population of five hundred thousand or more regulates  
31 limousine carriers under subsection (2) or (3) of this section, that  
32 port district ~~((or))~~, county in which the port ~~((district))~~ district  
33 is located, county with a population of one million or more, or city  
34 with a population of five hundred thousand or more shall conduct the  
35 annual vehicle inspection. The patrol, the port district, ~~((or))~~ the  
36 county, or the city may impose an annual vehicle inspection fee and  
37 monetary penalties for noncompliance.

1       **Sec. 4.** RCW 46.72A.040 and 1996 c 87 s 7 are each amended to read  
2 as follows:

3       Except when a port district regulates limousine carriers under RCW  
4 46.72A.030 or a city or county regulates those categories of limousine  
5 carriers that qualify as for hire vehicles under RCW 46.72.010,  
6 46.72.160, and 46.72A.030, the state of Washington fully occupies and  
7 preempts the entire field of regulation over limousine carriers as  
8 regulated by this chapter. Cities, towns, and counties or other  
9 municipalities may enact only those laws and ordinances relating to  
10 limousine carriers that are consistent with this chapter.

11       NEW SECTION. **Sec. 5.** A new section is added to chapter 46.72A RCW  
12 to read as follows:

13       RCW 46.72A.060 through 46.72A.140 do not operate to limit the  
14 authority of a port district in a county with a population of at least  
15 one million, a county with a population of one million or more, or a  
16 city with a population of five hundred thousand or more under this  
17 chapter in the exercise of the regulatory authority granted under this  
18 chapter. In exercising the authority granted under this chapter, each  
19 of these jurisdictions has the separate authority to establish its own  
20 requirements including, but not limited to, those related to insurance  
21 requirements, license requirements for carriers and chauffeurs, conduct  
22 requirements for carriers and chauffeurs, license fees, and penalties  
23 for noncompliance.

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