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SENATE BILL 5502

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State of Washington

62nd Legislature

2011 Regular Session

By Senators White, Nelson, Keiser, Ranker, Kohl-Welles, Rockefeller, Murray, Litzow, Harper, Fain, Swecker, Delvin, and Shin

Read first time 01/27/11. Referred to Committee on Transportation.

1 AN ACT Relating to the regulation, operations, and safety of  
2 limousine carriers; amending RCW 46.72A.010, 46.72A.020, 46.72A.030,  
3 46.72A.040, 46.72A.050, 46.72A.060, 46.72A.080, 46.72A.090, 46.72A.100,  
4 46.72A.120, and 46.72A.140; adding new sections to chapter 46.72A RCW;  
5 creating a new section; prescribing penalties; and providing effective  
6 dates.

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

8 **Sec. 1.** RCW 46.72A.010 and 1996 c 87 s 4 are each amended to read  
9 as follows:

10 The legislature finds and declares that privately operated  
11 limousine transportation service is a vital part of the transportation  
12 system within the state and provides prearranged transportation  
13 services to state residents, tourists, and out-of-state business  
14 people. Consequently, the safety, reliability, and stability of  
15 privately operated limousine transportation services are matters of  
16 statewide importance. The regulation of privately operated limousine  
17 transportation services is thus an essential governmental function.  
18 Therefore, it is the intent of the legislature to permit the department  
19 and a port district in a county with a population of one million or

1 more to regulate limousine transportation services without liability  
2 under federal antitrust laws. It is further the intent of the  
3 legislature to authorize a city with a population of five hundred  
4 thousand or more to enforce this chapter through a joint agreement with  
5 the department, and to direct the department to provide annual funding  
6 from limousine regulation-related fees that provide sufficient funds to  
7 such a city to provide delegated enforcement.

8 **Sec. 2.** RCW 46.72A.020 and 1996 c 87 s 5 are each amended to read  
9 as follows:

10 ~~((All limousine carriers must operate from a main office and may~~  
11 ~~have satellite offices. However, no office may be solely in a vehicle~~  
12 ~~of any type. All arrangements for the carrier's services must be made~~  
13 ~~through its offices and dispatched to the carrier's vehicles.))~~

14 (1) Contact by a customer or customer's agent to engage the  
15 services of a carrier's limousine must be initiated by a customer or  
16 customer's agent at a time and place different from the customer's time  
17 and place of departure. The fare for service must be agreed upon prior  
18 to departure. Under no circumstances may customers or customers'  
19 agents make arrangements ((for immediate rental of a carrier's vehicle  
20 with the driver of the vehicle)) to immediately engage the services of  
21 a carrier's limousine with the chauffeur, even if the ((driver))  
22 chauffeur is an owner or officer of the company, with the single  
23 exception of stand-hail limousines only at a facility owned and  
24 operated by a port district in a county with a population of one  
25 million or more that are licensed and restricted by the rules and  
26 policies set forth by the port district.

27 (2) At the time of the conduct of the commercial limousine  
28 business, the chauffeur of a limousine and the limousine carrier  
29 business must possess written or electronic records substantiating the  
30 prearrangement of the carrier's services for any customer carried for  
31 compensation, except for vehicles meeting the requirements of the  
32 exception for stand-hail limousines described in subsection (1) of this  
33 section. Limousine carriers and limousine chauffeurs operating as an  
34 independent business must list a physical address on their master  
35 business license where records substantiating the prearrangement of the  
36 carrier's services may be reviewed by an enforcement officer. A  
37 limousine carrier must retain these records for a minimum of one

1 calendar year, and failure to do so is a class 3 civil infraction  
2 against the carrier for each record that is missing or fails to include  
3 all of the information described in rules adopted under subsection (4)  
4 of this section.

5 (3) Limousine carriers and limousine chauffeurs operating as an  
6 independent business must list a telephone or pager number that is used  
7 to prearrange the carrier's services for any customer carried for  
8 compensation on their master business license.

9 (4) The department shall adopt rules specifying the content and  
10 retention schedule of the records required for compliance with  
11 subsection (2) of this section.

12 (5) The failure of a chauffeur who is operating a limousine to  
13 immediately provide, on demand by an enforcement officer, written or  
14 electronic records required by the department substantiating the  
15 prearrangement of the carrier's services for any customer carried for  
16 compensation, except for limousines meeting the requirements of the  
17 exception for stand-hail limousines described in subsection (1) of this  
18 section, is a class 2 civil infraction and is subject to monetary  
19 penalties under RCW 7.80.120. It is a class 1 civil infraction for a  
20 repeat offense under this subsection during the same calendar year.

21 (6) The department shall define by rule conditions under which a  
22 chauffeur is considered to be operating a limousine, including when the  
23 limousine is parked in a designated passenger load zone.

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

26 (1) The department, in conjunction with the Washington state  
27 patrol, shall regulate limousine carriers with respect to entry, safety  
28 of equipment, chauffeur qualifications, and operations. The department  
29 shall adopt rules and require such reports as are necessary to carry  
30 out this chapter. The department may develop penalties for failure to  
31 comply with this section.

32 (2) In addition, a port district in a county with a population of  
33 one million or more may regulate limousine carriers with respect to  
34 entry, safety of equipment, chauffeur qualifications, and operations.  
35 The county in which the port district is located may adopt ordinances  
36 and rules to assist the port district in enforcement of limousine  
37 regulations only at port facilities. In no event may this be construed

1 to grant the county the authority to regulate limousines within its  
2 jurisdiction. The port district may not set limousine rates, but the  
3 limousine carriers shall file their rates and schedules with the port  
4 district if requested.

5 (3) The department, a port district in a county with a population  
6 of at least one million, or a county in which the port district is  
7 located may enter into cooperative agreements for the joint regulation  
8 of limousines.

9 (4) The department and a city with a population of five hundred  
10 thousand or more may enter into cooperative agreements as provided in  
11 section 12 of this act, subject to the limitations set forth in RCW  
12 46.72A.130.

13 (5) The Washington state patrol shall annually conduct a vehicle  
14 inspection of each limousine licensed under this chapter, except when  
15 a port district, or a city with a population of five hundred thousand  
16 or more, regulates limousine carriers under subsection (2) or (4) of  
17 this section, that port district or county in which the port  
18 (~~{district}~~) district is located (~~{shall}~~), or a city with a  
19 population of five hundred thousand or more, may conduct the annual  
20 limousine vehicle inspection and random limousine vehicle inspections  
21 in conjunction with limousine regulation enforcement activities,  
22 provided that the inspection criteria and fees are substantially the  
23 same regardless of the authority conducting the inspection. Random  
24 limousine vehicle inspections may not be conducted while the limousine  
25 contains customers. The state patrol, the city, or the port  
26 district(~~(, or the county)~~) conducting the annual limousine vehicle  
27 inspection may impose an annual vehicle inspection fee and reinspection  
28 fee. A carrier must pay a reinspection fee if a limousine fails  
29 inspection for compliance with vehicle standards and is reinspected.  
30 While a limousine is licensed by the department for commercial  
31 limousine use, failure to comply with vehicle inspection standards,  
32 established by the department by rule, is a class 3 civil infraction  
33 against the carrier, with monetary penalties against the carrier as  
34 specified in RCW 7.80.120, for each violation of a safety requirement.  
35 It is a class 4 civil infraction for each violation of other vehicle  
36 standards, with monetary penalties against the carrier as specified in  
37 RCW 7.80.120, and the limousine vehicle certificate must be summarily

1 suspended until safety violations of vehicle standards are corrected  
2 and the limousine is reinspected.

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

5 Except when a port district regulates limousine carriers under RCW  
6 46.72A.030 or a city with a population of five hundred thousand or more  
7 is authorized under section 12 of this act to enforce state laws or  
8 rules applicable to limousine carriers, limousines, and chauffeurs,  
9 subject to the limitations set forth in section 12 of this act, the  
10 state of Washington fully occupies and preempts the entire field of  
11 regulation over limousine carriers as regulated by this chapter.  
12 Cities, towns, and counties or other municipalities may enact only  
13 those laws and ordinances relating to limousine carriers that are  
14 consistent with this chapter.

15 **Sec. 5.** RCW 46.72A.050 and 1996 c 87 s 8 are each amended to read  
16 as follows:

17 (1) No limousine carrier may operate a limousine upon the highways  
18 of this state without first (~~obtaining a business license from the~~  
19 department. ~~The applicant shall forward an application for a business~~  
20 license to the department along with a fee established by rule. Upon  
21 approval of the application, the department shall issue a business  
22 license and unified business identifier authorizing the carrier to  
23 operate limousines upon the highways of this state)) being properly  
24 registered as a business in Washington and having been issued a unified  
25 business identifier.

26 (2) In addition, a limousine carrier shall (~~annually~~) obtain(~~,~~  
27 ~~upon payment of the appropriate fee,~~) from the department a limousine  
28 carrier license for the business and a (~~vehicle~~) limousine vehicle  
29 certificate for each limousine operated by the carrier. The limousine  
30 carrier license and limousine vehicle certificates must be renewed  
31 through the department annually or as may be required by the  
32 department. The department shall establish by rule the procedure for  
33 obtaining, and the fees for, the limousine carrier license and  
34 limousine vehicle certificate. It is a class 1 civil infraction, with  
35 monetary penalties against the carrier as specified in RCW 7.80.120,

1 for each day that a limousine is operated without a valid limousine  
2 carrier license or valid limousine vehicle certificate required under  
3 this subsection.

4 **Sec. 6.** RCW 46.72A.060 and 2003 c 53 s 251 are each amended to  
5 read as follows:

6 (1) The department shall require limousine carriers to obtain and  
7 continue in effect, liability and property damage insurance from a  
8 company licensed to sell liability insurance in this state for each  
9 limousine used to transport persons for compensation.

10 (2) The department shall fix ~~((the amount of))~~ by rule coverages  
11 and limits, and prohibit provisions that limit coverage, for the  
12 insurance policy or policies, giving consideration to the character and  
13 amount of traffic, the number of persons affected, and the degree of  
14 danger that the proposed operation involves. The limousine carrier  
15 must maintain the liability and property damage insurance in force on  
16 each ~~((motor propelled vehicle while so used))~~ limousine while licensed  
17 by the department.

18 (3) Failure to file and maintain in effect the insurance required  
19 under this section is a gross misdemeanor and the limousine vehicle  
20 certificate must be summarily suspended. It is a class 1 civil  
21 infraction, with monetary penalties against the carrier as specified in  
22 RCW 7.80.120, for each day that a carrier operates a limousine with a  
23 summarily suspended limousine vehicle certificate.

24 **Sec. 7.** RCW 46.72A.080 and 1997 c 193 s 1 are each amended to read  
25 as follows:

26 (1) No limousine carrier may advertise without listing the  
27 carrier's unified business identifier issued by the department in the  
28 advertisement and specifying the type of service offered as provided in  
29 RCW 46.04.274. No limousine carrier may advertise or hold itself out  
30 to the public as providing taxicab transportation services.

31 (2) All advertising, contracts, correspondence, cards, signs,  
32 posters, papers, and documents that show a limousine carrier's name or  
33 address shall list the carrier's unified business identifier and the  
34 type of service offered. The alphabetized listing of limousine  
35 carriers appearing in the advertising sections of telephone books or

1 other directories and all advertising that shows the carrier's name or  
2 address must show the carrier's current unified business identifier.

3 (3) Advertising in the alphabetical listing in a telephone  
4 directory need not contain the carrier's certified business identifier.

5 ~~(4) ((Advertising by electronic transmission need not contain the  
6 carrier's unified business identifier if the carrier provides it to the  
7 person selling the advertisement and it is recorded in the advertising  
8 contract.~~

9 ~~(5)) It is a ((gross misdemeanor)) violation, subject to a fine of  
10 up to five thousand dollars per violation, for a person to (a) falsify  
11 a unified business identifier or use a false or inaccurate unified  
12 business identifier; (b) fail to specify the type of service offered;  
13 ~~((or))~~ (c) advertise or otherwise hold itself out to the public as  
14 providing taxicab transportation services in connection with a  
15 solicitation or identification as an authorized limousine carrier; or  
16 (d) conduct commercial limousine business without a valid limousine  
17 carrier license or valid limousine vehicle certificate as required  
18 under this chapter, unless licensed as a charter party carrier under  
19 chapter 81.70 RCW.~~

20 (5) If the basis for the violation is advertising, each  
21 advertisement reproduced, broadcast, or displayed via a particular  
22 medium constitutes a separate violation.

23 (6) In deciding the amount of penalty to be imposed per violation,  
24 the department shall consider the following factors:

25 (a) The carrier's willingness to comply with the department's rules  
26 under this chapter; and

27 (b) The carrier's history with respect to compliance with this  
28 section.

29 (7) It is a class 1 civil infraction, with monetary penalties  
30 against the chauffeur as specified in RCW 7.80.120, for a chauffeur to:

31 (a) Solicit customers for immediate limousine service pick up; or

32 (b) Offer payment to a third party to solicit customers for  
33 immediate limousine service pick up.

34 (8) It is a class 1 civil infraction, with monetary penalties  
35 against the individual as specified in RCW 7.80.120, for an individual  
36 to accept payment to solicit or assign customers on the behalf of a  
37 chauffeur for immediate limousine service pick up.

1       **Sec. 8.** RCW 46.72A.090 and 1996 c 87 s 12 are each amended to read  
2 as follows:

3       (1) The limousine carrier shall ~~((certify))~~, before a chauffeur  
4 operates a limousine, provide proof in a form approved by the  
5 department to the appropriate regulating authority that each chauffeur  
6 hired to operate a limousine meets the following criteria: ~~((+1))~~ (a)  
7 Is at least twenty-one years of age; ~~((+2))~~ (b) holds a valid  
8 Washington state driver's license; ~~((+3))~~ (c) has successfully  
9 completed a training course approved by the department; ~~((+4))~~ (d) has  
10 successfully passed a written examination; ~~((+5))~~ (e) has successfully  
11 completed a background check performed by the Washington state patrol  
12 or a credentialing authority approved by the department that meets  
13 standards adopted by rule by the department; (f) has passed an initial  
14 test and is participating in a random testing program designed to  
15 detect the presence of any controlled substances determined by the  
16 department; (g) has a satisfactory driving record that meets moving  
17 accident and moving violation conviction standards adopted by rule by  
18 the department; and ~~((+6))~~ (h) has submitted a medical certificate  
19 certifying the individual's fitness as a chauffeur. Upon initial  
20 application and every ~~((three))~~ two years thereafter, a chauffeur must  
21 file a physician's certification with the limousine carrier validating  
22 the individual's fitness to drive a limousine. The department shall  
23 determine by rule the scope of the examination and standards for denial  
24 based upon the chauffeur's physical examination. The director may  
25 require a chauffeur to be reexamined at any time.

26       (2) The limousine carrier shall keep on file and make available for  
27 inspection all documents required by this section.

28       **Sec. 9.** RCW 46.72A.100 and 2002 c 86 s 295 are each amended to  
29 read as follows:

30       The director may impose any of the sanctions specified in RCW  
31 18.235.110 for unprofessional conduct as described in RCW 18.235.130 or  
32 if one of the following is true of a chauffeur hired to drive a  
33 limousine, including where such a chauffeur is also the carrier: (1)  
34 The person has been convicted of an offense of such a nature as to  
35 indicate that he or she is unfit to qualify as a chauffeur; (2) the  
36 person is guilty of committing ~~((two or more))~~ an offense~~((s))~~ for  
37 which mandatory revocation of a driver's license is provided by law;



1 (3) the person has been convicted of vehicular homicide or vehicular  
2 assault; (4) the person is intemperate or addicted to narcotics; or (5)  
3 the person, while participating in a random testing program designed to  
4 detect the presence of any controlled substances determined by the  
5 department under RCW 46.72A.090, is found to have taken one of the  
6 controlled substances determined by the department without a valid and  
7 current prescription from a licensed physician.

8 **Sec. 10.** RCW 46.72A.120 and 1996 c 87 s 15 are each amended to  
9 read as follows:

10 The department may adopt and enforce such rules, including the  
11 setting of fees, as may be consistent with and necessary to carry out  
12 this chapter. The fees must approximate the cost of administration.  
13 Any fee related to limousine vehicle certificates must not exceed  
14 seventy-five dollars. Any fee related to a limousine carrier license  
15 for a business must not exceed three hundred fifty dollars. Any fee  
16 related to limousine vehicle inspections must not exceed twenty-five  
17 dollars.

18 **Sec. 11.** RCW 46.72A.140 and 2002 c 86 s 296 are each amended to  
19 read as follows:

20 The uniform regulation of business and professions act, chapter  
21 18.235 RCW, governs unlicensed practice, the issuance and denial of  
22 licenses, and the discipline of licensees under this chapter by the  
23 department.

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

26 (1) The department may enter into cooperative agreements with  
27 cities with populations of five hundred thousand or more for the  
28 purpose of enforcing state laws or rules applicable to limousine  
29 carriers and chauffeurs. This power to enforce includes the right to  
30 adopt local limousine laws by city ordinance that are consistent with  
31 this chapter and the right to impose monetary penalties by civil  
32 infraction as provided in this chapter.

33 (2) In addition, the following specific authority and limitations  
34 to city enforcement must be included:

1 (a) City enforcement officers may conduct street enforcement  
2 activity consistent with this chapter;

3 (b) City enforcement officers may conduct inspections of limousines  
4 to verify compliance with limousine standards adopted by rule by the  
5 department and, if the carrier requests, conduct annual limousine  
6 vehicle inspections in lieu of an inspection conducted by the  
7 Washington state patrol. The city may receive all limousine inspection  
8 or reinspection fees for inspections conducted by city enforcement  
9 officers;

10 (c) A city may require that any limousine carrier dispatching a  
11 limousine to pick up passengers within the incorporated area of the  
12 city to maintain on file with the city insurance documents that meet  
13 the requirements adopted by rule by the department. The city may issue  
14 civil infractions to carriers and summarily suspend limousine vehicle  
15 certificates for failure to maintain on file valid insurance documents  
16 with the city.

17 (3) A cooperative agreement with the department for delegated  
18 enforcement must specify the schedule and amount of funds derived from  
19 limousine carrier license, limousine vehicle certificate, and chauffeur  
20 license fee revenue to be provided to the city to allow the city to  
21 provide the agreed upon level of enforcement.

22 NEW SECTION. **Sec. 13.** The department of licensing shall convene  
23 an internal work group regarding the issuance of chauffeur licenses.  
24 The department shall provide a report on its recommendations on this  
25 issue to the transportation committees of the legislature by November  
26 15, 2012.

27 NEW SECTION. **Sec. 14.** A new section is added to chapter 46.72A  
28 RCW to read as follows:

29 (1) The limousine carriers account is created in the state  
30 treasury. Notwithstanding any other provision of law, all receipts  
31 from each civil infraction and violation imposed by this chapter must  
32 be deposited into the account. Moneys in the account must be spent  
33 only after appropriation.

34 (2) Expenditures from the account may be used only for regulation  
35 and enforcement under this chapter, including regulation and

1 enforcement through a cooperative agreement as described in section 12  
2 of this act.

3 NEW SECTION. **Sec. 15.** Sections 1 through 12 of this act take  
4 effect January 1, 2013.

5 NEW SECTION. **Sec. 16.** Section 14 of this act takes effect July 1,  
6 2012.

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