

SSB 5362 - H COMM AMD
By Committee on Transportation

ADOPTED 4/8/2015

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 81.70.020 and 2007 c 234 s 55 are each amended to
4 read as follows:

5 Unless the context otherwise requires, the definitions and
6 general provisions in this section govern the construction of this
7 chapter:

8 (1) "Commission" means the Washington utilities and
9 transportation commission;

10 (2) "Person or persons" means an individual, a corporation,
11 association, joint stock association, and partnership, their lessees,
12 trustees, or receivers;

13 (3) "Public highway" includes every public street, road, or
14 highway in this state;

15 (4) "Motor vehicle" means every self-propelled vehicle with
16 seating capacity for seven or more persons, excluding the driver;

17 (5) Subject to the exclusions of RCW 81.70.030, "charter party
18 carrier" means every person engaged in the transportation over any
19 public highways in this state of a group of persons, who, pursuant to
20 a common purpose and under a single contract, acquire the use of a
21 motor vehicle to travel together as a group to a specified
22 destination or for a particular itinerary, either agreed upon in
23 advance or modified by the chartered group after leaving the place of
24 origin;

25 (6) Subject to the exclusion of RCW 81.70.030, "excursion service
26 carrier" means every person engaged in the transportation of persons
27 for compensation over any public highway in this state from points of
28 origin within the incorporated limits of any city or town or area, to
29 any other location within the state of Washington and returning to
30 that origin. The service must not pick up or drop off passengers
31 after leaving and before returning to the area of origin. The
32 excursions may be regularly scheduled. Compensation for the
33 transportation offered or afforded must be computed, charged, or

1 assessed by the excursion service company on an individual fare
2 basis;

3 (7) "Customer" means a person, corporation, or other entity that
4 prearranges for transportation services with a charter party carrier
5 or purchases a ticket for transportation services aboard an excursion
6 service carrier;

7 (8) "Double-decker bus" means a motor vehicle with more than one
8 passenger deck. A person using a double-decker bus must comply with
9 the maximum height vehicle requirements contained in RCW 46.44.020;

10 (9) Subject to the exclusions of RCW 81.70.030, "party bus" means
11 any motor vehicle whose interior enables passengers to stand and
12 circulate throughout the vehicle because seating is placed around the
13 perimeter of the bus or is nonexistent and in which food, beverages,
14 or entertainment may be provided. A motor vehicle configured in the
15 traditional manner of forward-facing seating with a center aisle is
16 not a party bus. A person engaged in the transportation of persons by
17 party bus over any public highway in this state is considered
18 engaging in the business of a charter party carrier or excursion
19 service carrier;

20 (10) "Permit holder" means a holder of an appropriate special
21 permit issued under chapter 66.20 RCW who is twenty-one years of age
22 or older and who is responsible for compliance with the requirements
23 of section 8 of this act and chapter 66.20 RCW during the provision
24 of transportation services.

25 **Sec. 2.** RCW 81.70.030 and 2007 c 234 s 56 are each amended to
26 read as follows:

27 This chapter does not apply to:

28 ~~(1) ((Persons operating motor vehicles wholly within the limits~~
29 ~~of incorporated cities;~~

30 ~~(2))~~ Persons or their lessees, receivers, or trustees insofar as
31 they own, control, operate, or manage taxicabs, hotel buses, or
32 school buses, when operated as such;

33 ~~((3))~~ (2) Passenger vehicles carrying passengers on a
34 noncommercial enterprise basis; or

35 ~~((4))~~ (3) Limousine charter party carriers of passengers under
36 chapter 46.72A RCW.

37 **Sec. 3.** RCW 81.70.220 and 2009 c 557 s 4 are each amended to
38 read as follows:

1 (1) No person may engage in the business of a charter party
2 carrier or excursion service carrier of (~~persons~~) passengers over
3 any public highway without first having obtained a certificate from
4 the commission to do so or having registered as an interstate
5 carrier. For the purposes of this section, "engage in the business of
6 a charter party carrier or excursion service carrier" includes
7 advertising or soliciting, offering, or entering into an agreement to
8 provide such service. Each advertisement reproduced, broadcast, or
9 displayed via a particular medium constitutes a separate violation
10 under this chapter.

11 (2) Any person who engages in the business of a charter party
12 carrier or excursion service carrier in violation of subsection (1)
13 of this section is subject to a penalty of up to five thousand
14 dollars per violation.

15 (3) An auto transportation company carrying passengers for
16 compensation over any public highway in this state between fixed
17 termini or over a regular route that is not required to hold an auto
18 transportation certificate because of a commission finding under RCW
19 81.68.015 must obtain a certificate under this chapter.

20 **Sec. 4.** RCW 81.70.260 and 1989 c 163 s 9 are each amended to
21 read as follows:

22 (1) After the cancellation or revocation of a certificate or
23 interstate registration or during the period of its suspension, it is
24 unlawful for a charter party carrier or excursion service carrier of
25 passengers to conduct any operations as such a carrier. For the
26 purposes of this section, "conduct any operations" includes
27 advertising or soliciting, offering, or entering into an agreement to
28 provide such service. Each advertisement reproduced, broadcast, or
29 displayed via a particular medium constitutes a separate violation
30 under this chapter.

31 (2) Any person who conducts operations as a charter party carrier
32 or excursion service carrier of passengers in violation of subsection
33 (1) of this section is subject to a penalty of up to five thousand
34 dollars per violation.

35 **Sec. 5.** RCW 81.70.320 and 2007 c 234 s 61 are each amended to
36 read as follows:

37 (1) An application for a certificate, amendment of a certificate,
38 or transfer of a certificate must be accompanied by a filing fee the

1 commission may prescribe by rule. The fee must not exceed two hundred
2 dollars.

3 (2) All fees paid to the commission under this chapter must be
4 deposited in the state treasury to the credit of the public service
5 revolving fund.

6 (3) It is the intent of the legislature that all fees collected
7 under this chapter must reasonably approximate the cost of
8 supervising and regulating charter party carriers and excursion
9 service carriers subject thereto, and to that end the commission may
10 decrease the schedule of fees provided for in RCW 81.70.350 by
11 general order entered before (~~November~~) March 1st of any year in
12 which the commission determines that the moneys, then in the charter
13 party carrier and excursion service carrier account of the public
14 service revolving fund, and the fees currently owed will exceed the
15 reasonable cost of supervising and regulating such carriers during
16 the succeeding calendar year. Whenever the cost accounting records of
17 the commission indicate that the schedule of fees previously reduced
18 should be increased, the increase, not to exceed the schedule set
19 forth in this chapter, may be effected by a similar general order
20 entered before (~~November~~) March 1st of any calendar year.

21 **Sec. 6.** RCW 81.70.350 and 1994 c 83 s 3 are each amended to read
22 as follows:

23 (1) The commission shall collect from each charter party carrier
24 and excursion service carrier holding a certificate issued pursuant
25 to this chapter and from each interstate or foreign carrier subject
26 to this chapter an annual regulatory fee, to be established by the
27 commission but which in total shall not exceed the cost of
28 supervising and regulating such carriers, for each bus used by such
29 carrier.

30 (2) (~~All~~) The fee(~~s~~) prescribed (~~by~~) under this section
31 (~~shall be~~) is due and payable on or before (~~December 31~~) May 1st
32 of each year, to cover operations during the (~~ensuing~~) calendar
33 year (~~beginning February 1~~) in which the fee is paid.

34 (3) Any payment of the fee imposed by this section made after its
35 due date shall include a late fee of two percent of the amount due.
36 Delinquent fees shall accrue interest at the rate of one percent per
37 month.

1 **Sec. 7.** RCW 81.70.360 and 1984 c 166 s 5 are each amended to
2 read as follows:

3 No excursion service company may operate for the transportation
4 of persons for compensation without first having obtained from the
5 commission under the provisions of this chapter a certificate to do
6 so. For the purposes of this section, "operate for the transportation
7 of persons for compensation" includes advertising or soliciting,
8 offering, or entering into an agreement to provide such service.

9 A certificate shall be issued to any qualified applicant
10 therefor, authorizing the whole or any part of the operations covered
11 by the application, if it is found that the applicant is fit,
12 willing, and able to properly perform the services proposed and
13 conform to the provisions of this chapter and the rules of the
14 commission adopted under this chapter, and that such operations will
15 be consistent with the public interest. (~~However, a certificate~~
16 ~~shall be granted when it appears to the satisfaction of the~~
17 ~~commission that the person, firm, or corporation was actually~~
18 ~~operating in good faith that type of service for which the~~
19 ~~certificate was sought on January 15, 1983.)) Any right, privilege,
20 or certificate held, owned, or obtained by an excursion service
21 company may be sold, assigned, leased, transferred, or inherited as
22 other property only upon authorization by the commission. For good
23 cause shown the commission may refuse to issue the certificate, or
24 issue it for the partial exercise only of the privilege sought, and
25 may attach to the exercise of the rights granted by the certificate
26 such terms and conditions as, in its judgment, the public interest
27 may require.~~

28 NEW SECTION. **Sec. 8.** A new section is added to chapter 81.70
29 RCW to read as follows:

30 (1)(a) A charter party carrier or excursion service carrier
31 operating a party bus must determine whether alcoholic beverages will
32 be served or consumed in the passenger compartment of the vehicle. If
33 it is expected that alcoholic beverages will be served or consumed in
34 the passenger compartment, the permit holder must have obtained the
35 appropriate liquor permit, provided a copy of the permit to the
36 charter party carrier or excursion service carrier in advance of the
37 trip, and be on the vehicle or reasonably proximate and available to
38 the vehicle during the transportation service. The company must

1 maintain the copy of the permit required with the contract of
2 carriage.

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

7 (c) The permit holder must:

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

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

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

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

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

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

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

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

34 NEW SECTION. **Sec. 9.** A new section is added to chapter 81.70
35 RCW to read as follows:

36 (1) A charter party carrier or excursion service carrier may not
37 knowingly allow any passenger to smoke aboard a motor vehicle
38 regulated under this chapter.

1 (2) For the purposes of this section, "smoke" has the same
2 meaning as defined in RCW 70.160.020."

3 Correct the title.

EFFECT: Removes language that prohibited charter party carriers and excursion service carriers from serving alcohol and prohibited any alcohol on an excursion service carrier. Clarifies requirements if alcohol will be served on a party bus operated by either a charter party carrier or an excursion service carrier, including the responsibilities of the permit holder.

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