

SENATE BILL REPORT

SB 5362

As Reported by Senate Committee On:
Transportation, February 16, 2015

Title: An act relating to the regulation of passenger charter and excursion carriers.

Brief Description: Concerning the regulation of passenger charter and excursion carriers.

Sponsors: Senators King and Liias; by request of Utilities & Transportation Commission.

Brief History:

Committee Activity: Transportation: 2/02/15, 2/16/15 [DPS, w/oRec].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5362 be substituted therefor, and the substitute bill do pass.

Signed by Senators King, Chair; Fain, Vice Chair; Hobbs, Ranking Minority Member; Liias, Assistant Ranking Minority Member; Litzow, Miloscia, Pedersen, Rivers and Sheldon.

Minority Report: That it be referred without recommendation.

Signed by Senators Cleveland and Jayapal.

Staff: Kelly Simpson (786-7403)

Background: Under current law, the Utilities and Transportation Commission (UTC) regulates various transportation industries, including passenger charter and excursion carriers. A charter party carrier is a service engaged in the transportation of a group of persons who under a single contract have acquired the use of a motor bus to travel together to a specified destination or for a particular itinerary. An excursion service carrier is a service, which may be regularly scheduled, engaged in the transportation of persons for compensation from points of origin to any other locations within the state of Washington and returning to that origin.

Current law does not specifically state that a service providing transportation of persons by party bus, in which food, beverages, or entertainment may be provided, is legally engaged in the business of a charter party carrier or excursion service carrier.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The following are not subject to charter and excursion carrier regulations: (1) persons operating motor vehicles wholly within the limits of incorporated cities; (2) persons operating taxicabs, hotel buses, or school buses; (3) passenger vehicles carrying passengers on a noncommercial basis; or (4) limousine charter party carriers.

Summary of Bill (Recommended Substitute): Transporting persons by party bus over any public highway is specifically considered in law as engaging in the business of a charter party carrier or excursion service carrier, subject to UTC regulation.

The following provisions relating to the consumption of alcohol aboard charter and excursion carriers are specified:

- A carrier may not provide alcoholic beverages to a customer;
- Alcohol may not be consumed aboard an excursion service carrier;
- If alcoholic beverages are served or consumed aboard a charter party carrier, the carrier must (1) confirm that an alcohol permittee is present at all times during the service; (2) obtain a copy of the customer's special liquor permit; (3) require the permittee to check the identification of all passengers; and (4) verify that the permittee knowingly assumes responsibility for compliance with the terms of the special liquor permit;
- If the alcohol-related provisions are not fulfilled before transportation services are scheduled to begin, the charter party carrier must lock up all alcoholic beverages in the vehicle trunk or other locked compartment, or cancel the trip;
- If the carrier learns that alcohol is being served or consumed without a permittee present, or that any person under 21 has consumed alcoholic beverages, the carrier must lock up all alcoholic beverages in the vehicle trunk or other locked compartment; and
- Any carrier in violation of the alcohol-related provisions is subject to a penalty of up to \$5,000.

A carrier may not knowingly allow any passenger to smoke aboard a carrier's vehicle. Smoke is defined as the carrying or smoking of any kind of lighted pipe, cigar, cigarette, or any other lighted smoking equipment.

The exemption from UTC regulations for persons operating motor vehicles wholly within the limits of incorporated cities is removed.

Engaging in the business of a charter party carrier or excursion service carrier is clarified to include certain advertising activities. Engaging in the carrier business without a valid UTC certificate subjects the violator to a penalty of up to \$5,000.

EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (Recommended Substitute): In addition to technical changes, the substitute makes the following changes:

- allows double-decker buses with open air upper decks to be party buses, as long as the person using the bus complies with the maximum height vehicle requirements;
- clarifies that buses configured in the traditional manner of forward-facing seating with a center aisle are not party buses;

- removes the requirement that the carrier have the permittee sign a statement verifying that the permittee knowingly assumes responsibility for complying with the liquor permit – the carrier must still verify this but it doesn't have to be in writing;
- removes the requirement that passengers under 21 must be removed from the bus if the alcohol-related provisions are not fulfilled before the transportation services are scheduled to begin – requires instead that the alcohol be removed and locked in the trunk or other locked compartment;
- removes the requirement to terminate the transportation service if no permittee is present or if a passenger under 21 is consuming alcohol, but maintains the requirement to lock up the alcohol; and
- clarifies that nothing in the alcohol-related section relieves a permittee of complying with the liquor permit laws.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: The UTC learned of various incidents of people being seriously hurt or killed while riding party buses. The agency is attempting to regulate these vehicles, but there are gaps in current law. The bill is an attempt to close those gaps. The bill would significantly improve safety for passengers on party buses, specifically regarding alcohol use and smoking. In 2008 Ms. Raymond's sister Shannon was killed on a party bus in British Columbia, Canada. Alcohol was present on the bus, as was underage drinking and illegal drug use. In 2013 another death occurred in B.C. on a party bus. The unregulated nature of the industry is a significant public safety hazard and a risk to minors and the public at large.

CON: The study mentioned just looked at exaggerated news reports. Limousine companies are usually involved in the most serious incidents, not charter buses. Charter bus companies follow current banquet permits and liquor laws. Charter bus companies follow the open container law, which really should be a federal law. The bill doesn't stop the risk of people renting a bus on their own and causing problems. The bill puts too much burden on the bus driver to make sure the alcohol-related laws are complied with.

Persons Testifying: PRO: David Danner, UTC Chair; Danielle Raymond, Julie Raymond, citizens.

CON: Gladys Gillis, Starline Luxury Coaches; Gary Miller, GLM Charters; Thomas Casazza, General Manager, Starline Luxury Coaches.