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**SUBSTITUTE HOUSE BILL 1510**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** House Transportation (originally sponsored by Representatives Hackney, Fey, Sutherland, Eslick, and Riccelli)

READ FIRST TIME 02/22/21.

1 AN ACT Relating to establishing an exemption from certain highway  
2 use requirements by nonemergency medical transportation vehicles;  
3 amending RCW 46.61.165 and 47.52.025; adding a new section to chapter  
4 46.16A RCW; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.16A  
7 RCW to read as follows:

8 (1) A for hire nonemergency medical transportation vehicle is a  
9 vehicle that is a "for hire vehicle" under RCW 46.04.190 that  
10 provides nonemergency medical transportation, including for life-  
11 sustaining transportation purposes, to meet the medical  
12 transportation needs of individuals traveling to medical practices  
13 and clinics, cancer centers, dialysis facilities, hospitals, and  
14 other care providers.

15 (2) The owner of a for hire nonemergency medical transportation  
16 vehicle may apply to the department, county auditor or other agent,  
17 or subagent appointed by the director, for a high occupancy vehicle  
18 exempt decal for a for hire nonemergency medical transportation  
19 vehicle. The high occupancy vehicle exempt decal allows the for hire  
20 nonemergency medical transportation vehicle to use a high occupancy  
21 vehicle lane as specified in RCW 46.61.165 and 47.52.025.

1 (3) For the exemption in this subsection to apply to a for hire  
2 nonemergency medical transportation vehicle, the decal:

3 (a) Must be displayed on the vehicle so that it is clearly  
4 visible from outside the vehicle;

5 (b) Must identify that the vehicle is exempt from the high  
6 occupancy vehicle requirements; and

7 (c) Must be visible from the rear of the vehicle.

8 (4) The owner of a for hire nonemergency medical transportation  
9 vehicle or the owner's representative must apply for a high occupancy  
10 vehicle exempt decal on a form provided or approved by the  
11 department. The application must include:

12 (a) The name and address of the person who is the owner of the  
13 vehicle;

14 (b) A full description of the vehicle, including its make, model,  
15 year, and the vehicle identification number;

16 (c) The purpose for which the vehicle is principally used;

17 (d) An attestation signed by the vehicle's owner or the owner's  
18 representative that the vehicle's owner has a minimum of one contract  
19 or service agreement to provide for-hire transportation services for  
20 medical purposes with one or more of the following entities: A health  
21 insurance company; a hospital, clinic, dialysis center, or other  
22 medical institution; a day care center, retirement home, or group  
23 home; a federal, state, or local agency or jurisdiction; or a broker  
24 who negotiates these services on behalf of one or more of these  
25 entities; and

26 (e) Other information as required by the department upon  
27 application.

28 (5) The department, county auditor or other agent, or subagent  
29 appointed by the director shall collect the fee required under  
30 subsection (6) of this section when issuing a high occupancy vehicle  
31 exempt decal.

32 (6) The department, county auditor or other agent, or subagent,  
33 is required to collect a \$5 fee when issuing a decal under this  
34 section, in addition to any other fees and taxes required by law.

35 (7) A high occupancy vehicle exempt decal may not be renewed. The  
36 status as an exempt vehicle continues until suspended or revoked for  
37 misuse, or when the vehicle is no longer used as a for hire  
38 nonemergency medical transportation vehicle.

39 (8) The department may adopt rules to implement this section.

1       **Sec. 2.** RCW 46.61.165 and 2019 c 467 s 3 are each amended to  
2 read as follows:

3       (1) The state department of transportation and the local  
4 authorities are authorized to reserve all or any portion of any  
5 highway under their respective jurisdictions, including any  
6 designated lane or ramp, for the exclusive or preferential use of one  
7 or more of the following: (a) Public transportation vehicles; (b)  
8 motorcycles; (c) private motor vehicles carrying no fewer than a  
9 specified number of passengers; ~~((e))~~ (d) for hire nonemergency  
10 medical transportation vehicles, when in use for medical purposes, as  
11 described in section 1 of this act; or (e) the following private  
12 transportation provider vehicles if the vehicle has the capacity to  
13 carry eight or more passengers, regardless of the number of  
14 passengers in the vehicle, and if such use does not interfere with  
15 the efficiency, reliability, and safety of public transportation  
16 operations: (i) Auto transportation company vehicles regulated under  
17 chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated  
18 under chapter 81.70 RCW, except marked or unmarked stretch limousines  
19 and stretch sport utility vehicles as defined under department of  
20 licensing rules; (iii) private nonprofit transportation provider  
21 vehicles regulated under chapter 81.66 RCW; and (iv) private employer  
22 transportation service vehicles, when such limitation will increase  
23 the efficient utilization of the highway or will aid in the  
24 conservation of energy resources.

25       (2) Any transit-only lanes that allow other vehicles to access  
26 abutting businesses that are authorized pursuant to subsection (1) of  
27 this section may not be authorized for the use of private  
28 transportation provider vehicles as described under subsection (1) of  
29 this section.

30       (3) The state department of transportation and the local  
31 authorities authorized to reserve all or any portion of any highway  
32 under their respective jurisdictions, for exclusive or preferential  
33 use, may prohibit the use of a high occupancy vehicle lane by the  
34 following private transportation provider vehicles: (a) Auto  
35 transportation company vehicles regulated under chapter 81.68 RCW;  
36 (b) passenger charter carrier vehicles regulated under chapter 81.70  
37 RCW, and marked or unmarked limousines and stretch sport utility  
38 vehicles as defined under department of licensing rules; (c) private  
39 nonprofit transportation provider vehicles regulated under chapter  
40 81.66 RCW; and (d) private employer transportation service vehicles,

1 when the average transit speed in the high occupancy vehicle lane  
2 fails to meet department of transportation standards and falls below  
3 forty-five miles per hour at least ninety percent of the time during  
4 the peak hours, as determined by the department of transportation or  
5 the local authority, whichever operates the facility.

6 (4) Regulations authorizing such exclusive or preferential use of  
7 a highway facility may be declared to be effective at all times or at  
8 specified times of day or on specified days. Violation of a  
9 restriction of highway usage prescribed by the appropriate authority  
10 under this section is a traffic infraction. A person who commits a  
11 traffic infraction under this section is also subject to additional  
12 monetary penalties as defined in this subsection. The additional  
13 monetary penalties are separate from the base penalty, fees, and  
14 assessments issued for the traffic infraction and are intended to  
15 raise awareness, and improve the efficiency, of the high occupancy  
16 vehicle lane system.

17 (a) Whenever a person commits a traffic infraction under this  
18 section, an additional monetary penalty of fifty dollars must be  
19 collected, and, in the case that a person has already committed a  
20 violation under this section within two years of committing this  
21 violation, then an additional one hundred fifty dollars must be  
22 collected.

23 (b) Any time a person commits a traffic infraction under this  
24 section and is using a dummy, doll, or other human facsimile to make  
25 it appear that an additional person is in the vehicle, the person  
26 must be assessed a two hundred dollar penalty, which is in addition  
27 to the penalties in (a) of this subsection.

28 (c) The monetary penalties under (a) and (b) of this subsection  
29 are additional, separate, and distinct penalties from the base  
30 penalty and are not subject to fees or assessments specified in RCW  
31 46.63.110, 3.62.090, and 2.68.040.

32 (d)(i) The additional penalties collected under (a) of this  
33 subsection must be distributed as follows:

34 (A) Twenty-five percent must be deposited into the congestion  
35 relief and traffic safety account created under RCW 46.68.398; and

36 (B) Seventy-five percent must be deposited into the motor vehicle  
37 fund created under RCW 46.68.070.

38 (ii) The additional penalty collected under (b) of this  
39 subsection must be deposited into the congestion relief and traffic  
40 safety account created under RCW 46.68.398.

1 (e) Violations committed under this section are excluded from  
2 eligibility as a moving violation for driver's license suspension  
3 under RCW 46.20.289 when a person subsequently fails to respond to a  
4 notice of traffic infraction for this moving violation, fails to  
5 appear at a requested hearing for this moving violation, violates a  
6 written promise to appear in court for a notice of infraction for  
7 this moving violation, or fails to comply with the terms of a notice  
8 of traffic infraction for this moving violation.

9 (5) Local authorities are encouraged to establish a process for  
10 private transportation providers, as described under subsections (1)  
11 and (3) of this section, to apply for the use of public  
12 transportation facilities reserved for the exclusive or preferential  
13 use of public transportation vehicles. The application and review  
14 processes should be uniform and should provide for an expeditious  
15 response by the local authority. Whenever practicable, local  
16 authorities should enter into agreements with such private  
17 transportation providers to allow for the reasonable use of these  
18 facilities.

19 (6) For the purposes of this section, "private employer  
20 transportation service" means regularly scheduled, fixed-route  
21 transportation service that is similarly marked or identified to  
22 display the business name or logo on the driver and passenger sides  
23 of the vehicle, meets the annual certification requirements of the  
24 department of transportation, and is offered by an employer for the  
25 benefit of its employees.

26 **Sec. 3.** RCW 47.52.025 and 2013 c 26 s 3 are each amended to read  
27 as follows:

28 (1) Highway authorities of the state, counties, and incorporated  
29 cities and towns, in addition to the specific powers granted in this  
30 chapter, shall also have, and may exercise, relative to limited  
31 access facilities, any and all additional authority, now or hereafter  
32 vested in them relative to highways or streets within their  
33 respective jurisdictions, and may regulate, restrict, or prohibit the  
34 use of such limited access facilities by various classes of vehicles  
35 or traffic. Such highway authorities may reserve any limited access  
36 facility or portions thereof, including designated lanes or ramps for  
37 the exclusive or preferential use of (a) public transportation  
38 vehicles~~((τ))~~; (b) privately owned buses~~((τ))~~; (c) motorcycles~~((τ))~~;  
39 (d) for hire nonemergency medical transportation vehicles, as

1 described in section 1 of this act, when in use for medical purposes;  
2 (e) private motor vehicles carrying not less than a specified number  
3 of passengers(~~(7)~~); or (~~(e)~~) (f) the following private  
4 transportation provider vehicles if the vehicle has the capacity to  
5 carry eight or more passengers, regardless of the number of  
6 passengers in the vehicle, and if such use does not interfere with  
7 the efficiency, reliability, and safety of public transportation  
8 operations: (i) Auto transportation company vehicles regulated under  
9 chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated  
10 under chapter 81.70 RCW, except marked or unmarked stretch limousines  
11 and stretch sport utility vehicles as defined under department of  
12 licensing rules; (iii) private nonprofit transportation provider  
13 vehicles regulated under chapter 81.66 RCW; and (iv) private employer  
14 transportation service vehicles, when such limitation will increase  
15 the efficient utilization of the highway facility or will aid in the  
16 conservation of energy resources. Regulations authorizing such  
17 exclusive or preferential use of a highway facility may be declared  
18 to be effective at all time or at specified times of day or on  
19 specified days.

20 (2) Any transit-only lanes that allow other vehicles to access  
21 abutting businesses that are reserved pursuant to subsection (1) of  
22 this section may not be authorized for the use of private  
23 transportation provider vehicles as described under subsection (1) of  
24 this section.

25 (3) Highway authorities of the state, counties, or incorporated  
26 cities and towns may prohibit the use of limited access facilities by  
27 the following private transportation provider vehicles: (a) Auto  
28 transportation company vehicles regulated under chapter 81.68 RCW;  
29 (b) passenger charter carrier vehicles regulated under chapter 81.70  
30 RCW, and marked or unmarked limousines and stretch sport utility  
31 vehicles as defined under department of licensing rules; (c) private  
32 nonprofit transportation provider vehicles regulated under chapter  
33 81.66 RCW; and (d) private employer transportation service vehicles,  
34 when the average transit speed in the high occupancy vehicle travel  
35 lane fails to meet department standards and falls below forty-five  
36 miles per hour at least ninety percent of the time during the peak  
37 hours for two consecutive months.

38 (4) (a) Local authorities are encouraged to establish a process  
39 for private transportation providers, described under subsections (1)  
40 and (3) of this section, to apply for the use of limited access

1 facilities that are reserved for the exclusive or preferential use of  
2 public transportation vehicles.

3 (b) The process must provide a list of facilities that the local  
4 authority determines to be unavailable for use by the private  
5 transportation provider and must provide the criteria used to reach  
6 that determination.

7 (c) The application and review processes must be uniform and  
8 should provide for an expeditious response by the authority.

9 (5) For the purposes of this section, "private employer  
10 transportation service" means regularly scheduled, fixed-route  
11 transportation service that is similarly marked or identified to  
12 display the business name or logo on the driver and passenger sides  
13 of the vehicle, meets the annual certification requirements of the  
14 department, and is offered by an employer for the benefit of its  
15 employees.

16 NEW SECTION. **Sec. 4.** This act takes effect September 1, 2021.

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