

WAC 480-30-221 Vehicle and driver safety requirements. (1) A passenger transportation company must ensure that all vehicles and drivers used to provide passenger transportation services under the authority of the company's certificate comply with all federal, state, local laws and rules, and commission orders, governing licensing, vehicle safety, and driver safety. Except for vehicles with a seating capacity of eight or fewer passengers (including the driver) and the drivers of those vehicles, in which case the company must comply with the requirements in WAC 480-30-222, companies must also comply with the parts of Title 49, Code of Federal Regulations (49 C.F.R.), adopted by reference, that are shown in the following chart. Information about 49 C.F.R., including the version adopted by the commission and where to obtain copies is set out in WAC 480-30-999.

49 C.F.R. Part:		Notes:
Part 40 -	Procedures For Transportation Workplace Drug and Alcohol Testing Programs	Entire Part 40 is adopted and applies to Washington intrastate operations.
Part 382 -	Controlled Substance and Alcohol Use and Testing	Entire Part 382, is adopted and applies to Washington intrastate operations.
Part 383 -	Commercial Driver's License Standards; Requirements and Penalties	Entire Part 383, is adopted and applies to Washington intrastate operations.
Part 379 -	Preservation of Records	Entire Part 379 is adopted and applies to Washington intrastate operations.
Part 380 -	Special Training Requirements	Entire Part 380 is adopted and applies to Washington intrastate operations.
Part 385 -	Safety Fitness Procedures	Entire Part 385 is adopted and applies to Washington intrastate operations.
Part 390 -	Safety Regulations, General	Entire Part 390 is adopted and applies to Washington intrastate operations, with the following exceptions:
		(1) The terms "motor vehicle," "commercial motor vehicle," and "private motor vehicle" are not adopted. Instead, where those terms are used in Title 49 C.F.R., they have the meanings assigned to them in WAC 480-30-036.
		(2) Whenever the term "director" is used in Title 49 C.F.R., it means the commission.
Part 391 -	Qualification of Drivers	Entire Part 391 is adopted, with the following exceptions:
		(1) Part 391.49 (alternative physical qualification standards for the loss or impairment of limbs) is not adopted for drivers who operate vehicles exclusively intrastate. Instead refer to WAC 480-30-226 for intrastate medical waivers.
Part 392 -	Driving of Motor Vehicles	Entire Part 392 is adopted and applies to Washington intrastate operations.
Part 393 -	Parts and Accessories Necessary for Safe Operation	Entire Part 393 is adopted and applies to Washington intrastate operations.
Part 395 -	Hours of Service of Drivers	Entire Part 395 is adopted and applies to Washington intrastate operations.
Part 396 -	Inspection, Repair, and Maintenance	Entire Part 396 is adopted and applies to Washington intrastate operations.
Part 397 -	Transportation of Hazardous Materials, Driving and Parking Rules	Entire Part 397 is adopted and applies to Washington intrastate operations.

(2) Companies must: Ensure that all motor vehicles used to provide certificated service are maintained in a safe and sanitary condi-

tion and are free of defects likely to result in an accident or breakdown.

(3) No company, its agents, contractors, officers, or employees will allow any animal, article, commodity, or substance to be loaded in or on any motor vehicle used by the company to provide certificated services to transport passengers that is dangerous to the lives and safety of passengers.

(4) No company, its agents, contractors, officers, or employees will allow any article, commodity, or substance to be loaded in or on any motor vehicle used by the company to provide certificated services to transport passengers that is prohibited by the hazardous materials rules in Title 49 C.F.R. from being transported on passenger-carrying vehicles.

(5) All motor vehicles and drivers operating under the provisions of this chapter and used to provide certificated services are subject to inspection by the commission or its duly authorized representatives at all times.

(6) All motor vehicles must be equipped with fenders, covers, mud flaps, or splash aprons which effectively reduce the spray or splash of water from the road. All such devices must be as wide as the tires on which they are mounted, and must extend from the top of the tires down to at least the center of the axle.

(a) The commission will place out-of-service a motor vehicle with safety defects identified in the *North American Uniform Out-of-Service Criteria*. A carrier must not require or permit a driver to operate a vehicle placed out-of-service until all out-of-service violations have been satisfactorily repaired so that no violation(s) exists.

(b) The commission will place out-of-service a driver who operates a motor vehicle subject to an out-of-service order. No driver shall operate a commercial motor vehicle subject to an out-of-service order until all repairs required by the out-of-service order have been satisfactorily repaired. A driver subject to an out-of-service order shall not operate a commercial motor vehicle until the reason for the out-of-service order has been remedied.

(c) Information about the *North American Uniform Out-of-Service Criteria* is set out in WAC 480-30-999.

[Statutory Authority: RCW 80.01.040, 81.01.010, 81.04.160, 81.80.290, and 81.77.030. WSR 23-15-054 (Docket T-220252, General Order R-607), § 480-30-221, filed 7/13/23, effective 8/13/23. Statutory Authority: RCW 80.01.040, 80.04.160, 81.68.030 [81.68.030], and 81.70.270. WSR 17-16-114 (Docket TC-161262, General Order R-590), § 480-30-221, filed 7/31/17, effective 8/31/17. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-30-221, filed 1/25/11, effective 2/25/11. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-221, filed 6/8/06, effective 7/9/06.]