
HOUSE BILL 1702

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By Representatives Upthegrove, Sells, Orwall, Moscoso, Reykdal, Stanford, Sullivan, Fitzgibbon, Fey, Green, and Llias

Read first time 02/06/13. Referred to Committee on Transportation.

1 AN ACT Relating to commercial transportation of passengers; and
2 amending RCW 46.72.020, 46.72.100, 46.72A.080, and 46.72A.090.

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

4 **Sec. 1.** RCW 46.72.020 and 1992 c 114 s 1 are each amended to read
5 as follows:

6 No for hire operator shall cause operation of a for hire vehicle
7 upon any highway of this state without first obtaining a permit from
8 the director of licensing, except for those for hire operators
9 regulated by cities or counties in accordance with chapter 81.72 RCW.
10 Application for a permit shall be made on forms provided by the
11 director and shall include (1) the name and address of the owner or
12 owners, and if a corporation, the names and addresses of the principal
13 officers thereof; (2) city, town or locality in which any vehicle will
14 be operated; (3) name and motor number of any vehicle to be operated;
15 (4) the endorsement of a city official authorizing an operator under a
16 law or ordinance requiring a license; and (5) such other information as
17 the director may require. However, the director may not issue or renew
18 a permit if the applicant has been cited, fined, or sanctioned two or
19 more times in the preceding twenty-four months for a violation of any

1 law that prevents unfair competition practices by for hire drivers
2 other than taxicabs, including laws that prohibit for hire drivers from
3 soliciting passengers, cruising for passengers, picking up passengers
4 in a taxi zone, using another person to solicit a passenger, or
5 impermissibly prearranging a trip.

6 **Sec. 2.** RCW 46.72.100 and 2003 c 53 s 250 are each amended to read
7 as follows:

8 (1) In addition to the unprofessional conduct specified in RCW
9 18.235.130, the director may take disciplinary action if he or she has
10 good reason to believe that one of the following is true of the
11 operator or the applicant for a permit or certificate: (a) He or she
12 is guilty of committing two or more offenses for which mandatory
13 revocation of driver's license is provided by law; (b) he or she has
14 been convicted of vehicular homicide or vehicular assault; (c) he or
15 she is intemperate or addicted to the use of narcotics; or (d) he or
16 she has been cited, fined, or sanctioned for a violation of any law
17 that prevents unfair competition practices by for hire drivers other
18 than taxicabs, including laws that prohibit for hire drivers from
19 soliciting passengers, cruising for passengers, picking up passengers
20 in a taxi zone, using another person to solicit a passenger, or
21 impermissibly prearranging a trip.

22 (2) Any for hire operator who operates a for hire vehicle without
23 first having filed a bond or insurance policy and having received a for
24 hire permit and a for hire certificate as required by this chapter is
25 guilty of a gross misdemeanor, and upon conviction shall be punished by
26 imprisonment in jail for a period not exceeding ninety days or a fine
27 of not exceeding five hundred dollars, or both fine and imprisonment.

28 **Sec. 3.** RCW 46.72A.080 and 2011 c 374 s 7 are each amended to read
29 as follows:

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

35 (2) All advertising, contracts, correspondence, cards, signs,
36 posters, papers, and documents that show a limousine carrier's name or

1 address shall list the carrier's unified business identifier and the
2 type of service offered. The alphabetized listing of limousine
3 carriers appearing in the advertising sections of telephone books or
4 other directories and all advertising that shows the carrier's name or
5 address must show the carrier's current unified business identifier.

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

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

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

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

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

25 (b) The carrier's history with respect to compliance with this
26 section.

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

29 (a) Solicit or assign customers directly or through a third party
30 for immediate, nonprearranged limousine service pick up as described in
31 RCW 46.72A.020(1); or

32 (b) Offer payment to a third party to solicit customers for
33 limousine service pick up without current copies of a written contract
34 regarding such services on file at the third party's business. Copies
35 of the current written contract must be stored and made available on
36 both the third party's and limousine carrier's business premises.
37 Limousine vehicles engaged in the services detailed in the contract
38 must carry a certificate verifying existence of a current contract

1 between the parties. The certificate must contain a general
2 description of the agreement, including initial and expiration dates.
3 A written contract may not allow for immediate, nonprearranged
4 limousine service pick up.

5 (8) It is a class 1 civil infraction, with monetary penalties
6 against the individual as specified in RCW 7.80.120, for an individual
7 to:

8 (a) Accept payment to solicit or assign customers on the behalf of
9 a chauffeur for immediate, nonprearranged limousine service pick up as
10 described in RCW 46.72A.020(1); or

11 (b) Accept payment to solicit customers for limousine service pick
12 up without current copies of a written contract regarding such services
13 on file at the third party's business. Copies of the current written
14 contract must be stored and made available on the third party's
15 business premises and in any limousine engaged in the services detailed
16 in the contract. A written contract may not allow for immediate,
17 nonprearranged limousine service pick up.

18 (9)(a) When a citation, fine, or sanction is issued for a violation
19 of subsection (7) or (8) of this section or a rule adopted under RCW
20 46.72A.150, the Washington state patrol, or local law enforcement
21 officer acting pursuant to RCW 46.72A.030, must verify and record the
22 chauffeur's driver's license number along with documentation of the
23 citation, fine, or sanction.

24 (b) When a chauffeur is cited, fined, or sanctioned for a violation
25 of subsection (7) or (8) of this section or a rule adopted under RCW
26 46.72A.150, the issuing authority must notify the department and
27 provide to the department documentation of the citation, fine, or
28 sanction and the chauffeur's identifying information, including the
29 chauffeur's driver's license number.

30 (c) Records of violations, including the chauffeur's driver's
31 license number, must be retained by the department for at least three
32 years, and the department must make these records available for the
33 purposes of carrying out RCW 46.72A.090.

34 **Sec. 4.** RCW 46.72A.090 and 2011 c 374 s 8 are each amended to read
35 as follows:

36 (1) The limousine carrier shall, before a chauffeur operates a
37 limousine, provide proof in a form approved by the department to the

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

27 (2) A person may not work as a chauffeur if, in the preceding
28 twenty-four months, he or she has been cited, sanctioned, or fined two
29 or more times for a violation of RCW 46.72A.080 (7) or (8), including
30 any rules adopted under RCW 46.72A.150.

31 (3) The department may not issue a limousine carrier license under
32 RCW 46.72A.050 until it has verified that an applicant's prospective
33 chauffeurs comply with subsection (2) of this section.

34 (4) The limousine carrier shall keep on file and make available for
35 inspection all documents required by this section.

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