
SENATE BILL 5362

State of Washington

64th Legislature

2015 Regular Session

By Senators King and Liias; by request of Utilities & Transportation Commission

Read first time 01/20/15. Referred to Committee on Transportation.

1 AN ACT Relating to the regulation of passenger charter and
2 excursion carriers; amending RCW 81.70.020, 81.70.030, 81.70.220,
3 81.70.260, 81.70.320, 81.70.350, and 81.70.360; adding new sections
4 to chapter 81.70 RCW; and prescribing penalties.

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

6 **Sec. 1.** RCW 81.70.020 and 2007 c 234 s 55 are each amended to
7 read as follows:

8 Unless the context otherwise requires, the definitions and
9 general provisions in this section govern the construction of this
10 chapter:

11 (1) "Commission" means the Washington utilities and
12 transportation commission;

13 (2) "Person or persons" means an individual, a corporation,
14 association, joint stock association, and partnership, their lessees,
15 trustees, or receivers;

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

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

20 (5) Subject to the exclusions of RCW 81.70.030, "charter party
21 carrier" means every person engaged in the transportation over any

1 public highways in this state of a group of persons, who, pursuant to
2 a common purpose and under a single contract, acquire the use of a
3 motor vehicle to travel together as a group to a specified
4 destination or for a particular itinerary, either agreed upon in
5 advance or modified by the chartered group after leaving the place of
6 origin;

7 (6) Subject to the exclusion of RCW 81.70.030, "excursion service
8 carrier" means every person engaged in the transportation of persons
9 for compensation over any public highway in this state from points of
10 origin within the incorporated limits of any city or town or area, to
11 any other location within the state of Washington and returning to
12 that origin. The service must not pick up or drop off passengers
13 after leaving and before returning to the area of origin. The
14 excursions may be regularly scheduled. Compensation for the
15 transportation offered or afforded must be computed, charged, or
16 assessed by the excursion service company on an individual fare
17 basis;

18 (7) "Customer" means a person, corporation, or other entity that
19 prearranges for transportation services with a charter party carrier
20 or purchases a ticket for transportation services aboard an excursion
21 service carrier;

22 (8) "Double-decker bus" means a motor vehicle with more than one
23 passenger deck. A double-decker bus with an open air upper deck may
24 not be used as a party bus;

25 (9) Subject to the exclusions of RCW 81.70.030, "party bus" means
26 any motor vehicle whose interior enables passengers to stand and
27 circulate throughout the vehicle and in which food, beverages, or
28 entertainment may be provided. A person engaged in the transportation
29 of persons by party bus over any public highway in this state is
30 considered engaging in the business of a charter party carrier or
31 excursion service carrier;

32 (10) "Permittee" means a holder of an appropriate special permit
33 issued under chapter 66.20 RCW who is twenty-one years of age or
34 older and who is responsible for compliance with the requirements of
35 section 8 of this act during the provision of transportation
36 services.

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

39 This chapter does not apply to:

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

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

6 (~~(3))~~ (2) Passenger vehicles carrying passengers on a
7 noncommercial enterprise basis; or

8 (~~(4))~~ (3) Limousine charter party carriers of passengers under
9 chapter 46.72A RCW.

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

12 (1) No person may engage in the business of a charter party
13 carrier or excursion service carrier of (~~persons~~) passengers over
14 any public highway without first having obtained a certificate from
15 the commission to do so or having registered as an interstate
16 carrier. For the purposes of this section, "engage in the business of
17 a charter party carrier or excursion service carrier" includes
18 advertising or soliciting, offering, or entering into an agreement to
19 provide such service. Each advertisement reproduced, broadcast, or
20 displayed via a particular medium constitutes a separate violation
21 under this chapter.

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

26 (3) An auto transportation company carrying passengers for
27 compensation over any public highway in this state between fixed
28 termini or over a regular route that is not required to hold an auto
29 transportation certificate because of a commission finding under RCW
30 81.68.015 must obtain a certificate under this chapter.

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

33 (1) After the cancellation or revocation of a certificate or
34 interstate registration or during the period of its suspension, it is
35 unlawful for a charter party carrier or excursion service carrier of
36 passengers to conduct any operations as such a carrier. For the
37 purposes of this section, "conduct any operations" includes
38 advertising or soliciting, offering, or entering into an agreement to

1 provide such service. Each advertisement reproduced, broadcast, or
2 displayed via a particular medium constitutes a separate violation
3 under this chapter.

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

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

10 (1) An application for a certificate, amendment of a certificate,
11 or transfer of a certificate must be accompanied by a filing fee the
12 commission may prescribe by rule. The fee must not exceed two hundred
13 dollars.

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

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

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

34 (1) The commission shall collect from each charter party carrier
35 and excursion service carrier holding a certificate issued pursuant
36 to this chapter and from each interstate or foreign carrier subject
37 to this chapter an annual regulatory fee, to be established by the
38 commission but which in total shall not exceed the cost of

1 supervising and regulating such carriers, for each bus used by such
2 carrier.

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

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

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

13 No excursion service company may operate for the transportation
14 of persons for compensation without first having obtained from the
15 commission under the provisions of this chapter a certificate to do
16 so. For the purposes of this section, "operate for the transportation
17 of persons for compensation" includes advertising or soliciting,
18 offering, or entering into an agreement to provide such service.

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

1 NEW SECTION. **Sec. 8.** A new section is added to chapter 81.70

2 RCW to read as follows:

3 (1) A charter party carrier or excursion service carrier may not
4 provide alcoholic beverages to a customer.

5 (2) An excursion service carrier must prohibit the consumption of
6 alcohol aboard the vehicle.

7 (3) Unless the charter party carrier prohibits the consumption of
8 alcohol aboard the vehicle, at the time transportation service is
9 purchased or the contract of carriage is made, the charter party
10 carrier must determine whether alcoholic beverages will be served or
11 consumed in the passenger compartment of the vehicle. If alcoholic
12 beverages will be served or consumed in the passenger compartment,
13 the carrier must, prior to commencing transportation services:

14 (a) Confirm that a permittee is present and require the permittee
15 to be present at all times during the transportation service;

16 (b) Obtain a copy of the customer's appropriate special permit
17 required under RCW 66.20.010 and retain a copy of the permit with the
18 contract of carriage;

19 (c) Require the permittee to check the identification of all
20 passengers; and

21 (d) Require the permittee to sign a statement verifying that the
22 permittee knowingly assumes responsibility for compliance with the
23 terms of the special permit, if a permit is required, including
24 compliance with RCW 66.44.270 concerning the furnishing of liquor to
25 minors.

26 (4) If the requirements of subsection (3) of this section are not
27 fulfilled before transportation services are scheduled to begin, the
28 carrier must prohibit all persons under twenty-one years of age from
29 boarding the vehicle or cancel the trip.

30 (5) If at any time the charter party carrier or excursion service
31 carrier learns that (a) alcoholic beverages will be or are being
32 served or consumed in the passenger compartment, a passenger is under
33 twenty-one years of age, and a permittee is not present, or (b) any
34 person under twenty-one years of age is consuming or has consumed
35 alcoholic beverages in the passenger compartment, the carrier must
36 remove all alcoholic beverages and lock them in the vehicle trunk or
37 other locked compartment, terminate the transportation service, and
38 return the passengers to the place of origin.

39 (6) If at any time the charter party carrier or excursion service
40 carrier believes that conditions aboard the vehicle are unsafe, the

1 charter party carrier or excursion service carrier may cancel the
2 trip and return the passengers to the place of origin.

3 (7) This section does not limit the right of a charter party
4 carrier to prohibit the consumption of alcohol aboard the vehicle.

5 (8) This section does not limit the right of a permittee to seek
6 indemnity from any person, corporation, or other entity other than
7 the charter party carrier.

8 (9) This section does not relieve a passenger of legal
9 responsibility for his or her own conduct.

10 (10) Any charter party carrier or excursion service carrier in
11 violation of this section is subject to a penalty of up to five
12 thousand dollars per violation.

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

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

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

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