

WAC 308-83-010 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter and chapter 46.72A RCW.

(1) "Amenities" means equipment or features added to a vehicle for the comfort or convenience of the occupants:

(a) "Standard amenities" means standard factory amenities normally found in passenger cars;

(b) "Nonstandard amenities" means amenities not normally found in passenger cars. These amenities may include, but are not limited to, a television, musical sound system, telephone, ice storage, refrigerator, power-operated dividers, or additional interior lighting.

(2) "Business license" or "limousine carrier business license" means a license issued under chapter 19.02 RCW, which contains an endorsement indicating the business to which the license is issued is authorized to provide limousine carrier services.

(3) "Business licensing service" means the program within the Washington state department of revenue authorized by chapter 19.02 RCW to issue the business license.

(4) "Business office" refers to the physical location where a limousine carrier business maintains its business records, as defined in WAC 308-83-130. The business office is the physical address on file with the business licensing service. The business office is the place where the business license is posted.

(5) "Business owner" means an individual, partnership, corporation, association, or other person(s), or group that holds a substantial interest in a limousine carrier business.

(6) "Chauffeur" means a person who operates a limousine.

(7) "Decal" means a sticker issued by the department to indicate the vehicle displaying the decal has a valid limousine vehicle certificate.

(8) "Department" means the Washington state department of licensing.

(9) "Dispatch log" refers to a paper or electronic record of assignments made to chauffeurs, and includes all information from the passenger manifest(s) for a given period, as well as the time each ride was arranged, (~~(passenger and carrier phone numbers used to make the arrangement,)~~) the limousine, and the chauffeur assigned to the customer. The dispatch log also documents passengers referred by or to other drivers or businesses.

(10) "Disqualification" means a prohibition against driving a limousine.

(11) "Drugs" are those substances as defined by RCW 69.04.009 including, but not limited to, those substances defined by 49 C.F.R. 40.3.

(12) "Limousine" has the same meaning as in RCW 46.04.274 and includes vehicles that meet one of the following definitions:

(a) "Stretch limousine" means an automobile with a seating capacity behind the driver of not less than four passengers and not more than fourteen passengers, and a maximum wheelbase of two hundred eighty-five inches. The wheelbase has been factory or otherwise altered beyond the original manufacturer's specifications and meets standards of the United States Department of Transportation. A stretch

limousine must be equipped with nonstandard amenities in the rear seating area.

(b) "Executive sedan" means a four-door sedan or crossover automobile having a seating capacity behind the driver of not more than three passengers, and a minimum wheelbase of one hundred fourteen and one-half inches or is designated as a large car under 40 C.F.R. 600.315-08, and has a manufacturer's suggested retail price when new of no less than thirty-five thousand dollars. The department may provide guidelines for qualified vehicles on our web site. An executive sedan must at a minimum be equipped with standard amenities, and the wheelbase may not be altered.

(c) "Executive van" means a van or minivan, having a seating capacity behind the driver of not less than seven passengers and not more than fourteen passengers.

(d) "Classic car" means a fine or distinctive, American or foreign automobile that is thirty years old or older.

(e) "Executive sport utility vehicle" means a sport utility vehicle with a seating capacity behind the driver of not less than three passengers and not more than six passengers, and a minimum wheelbase of one hundred sixteen inches that has not been altered.

(f) "Stretch sport utility vehicle" means a sport utility vehicle with a seating capacity behind the driver of not less than four and not more than fourteen passengers, and a maximum wheelbase of three hundred twenty-five inches that has been factory or otherwise altered beyond the original manufacturer's specifications and meets standards of the United States Department of Transportation. A stretch sport utility vehicle must be equipped with nonstandard amenities in the rear seating area.

(13) "Limousine carrier" or "carrier" is a business licensed, or required to be licensed by the department to provide limousine services, in accordance with RCW 46.04.276 and department regulations.

(14) "Nonresident limousine carrier" refers to a limousine carrier or vehicle owner whose place of business is not in Washington state(, and does not have a valid Washington state limousine carrier license)).

(15) "Operate" refers to a person engaging in the business of a limousine and includes driving, occupying, or otherwise using a limousine to wait for, pick up, transport, or drop off a passenger for compensation. Specific activities included in the definition of operating a limousine are contained in WAC 308-83-210.

(16) "Passenger capacity" means the maximum number of passengers that may be carried in a vehicle as determined by using the information found on the label that is required by the United States Department of Transportation to be affixed to the vehicle under 49 C.F.R., Parts 567 and 568. This label must be affixed to the vehicle in accordance to 49 C.F.R., Parts 567 and 568. In absence of the label, a member of the Washington state patrol or the department may determine the passenger capacity upon visual inspection of the vehicle.

(17) "Passenger manifest" refers to a daily record that verifies prearranged trips. Specific requirements for the passenger manifest are contained in WAC 308-83-200.

(18) "Person" or "persons" means an individual, a corporation, association, sole proprietorship, joint stock association, partnership, limited liability partnership, limited liability company, or other association of people organized to conduct business. It also includes their lessees, trustees, or receivers.

(19) "Prearranged" refers to a customer or customer's agent having secured and agreed to the services and fare. Prearranged means the agreement was made prior to the time of departure and at a place different than the place of departure.

(20) "Public highway" includes every public street, road, or highway in this state.

(21) "Substance abuse professional" means an alcohol and drug specialist meeting the credentials, knowledge, training, and continuing education requirements of 49 C.F.R. 40.281.

(22) "Unified business identifier" or "UBI" is a nine digit number that registers a business with several state agencies and allows an entity to do business in Washington state. It is sometimes called a tax registration number, a business registration number, or a business license number.

(23) "Vehicle certificate" is a document issued by the department, indicating that the vehicle is registered as a limousine. The vehicle certificate must be carried in the limousine at all times. The vehicle certificate is not the vehicle registration document.

AMENDATORY SECTION (Amending WSR 12-02-035, filed 12/29/11, effective 2/1/12)

WAC 308-83-020 Fees. (1) The limousine fees authorized in chapter 46.72A RCW are:

Limousine carrier business license application	\$350.00
Limousine carrier business license renewal	350.00
Vehicle certificate	75.00
Vehicle certificate renewal	75.00
Change of vehicle certificate	20.00
Duplicate vehicle certificate	20.00
((Training course application)) <u>Vehicle inspection</u>	25.00

(2) Applications and renewals submitted to the business licensing service must also include the fees authorized in RCW 19.02.075 and 19.02.085.

AMENDATORY SECTION (Amending WSR 12-02-035, filed 12/29/11, effective 2/1/12)

WAC 308-83-100 License. (1) Applicants for a limousine carrier business license must apply through business licensing service. The department will issue a limousine carrier license only to a person who meets the requirements established in chapter 46.72A RCW and this chapter.

(2) All applications for a limousine carrier business license must be on a form approved by the business license service, and include the appropriate addendum form, chauffeur certification addendum,

vehicle registration, vehicle inspection report and insurance documents. The application must be accompanied by the appropriate filing fee, as listed in WAC 308-83-020 and RCW 19.02.075.

(3) A limousine carrier business license may not be leased, assigned, or otherwise transferred.

(4) A limousine carrier business license expires annually. The department will charge additional fees when a limousine carrier business license is renewed after the expiration date, as provided under RCW 19.02.085.

(5) A limousine carrier must have a valid limousine license before it can advertise, sell, or provide limousine services.

~~(6) ((A limousine carrier conducting business under a name other than the business owner's full legal name must register its business name as a trade name with business licensing service and pay the fees as required under WAC 308-300-230 and 308-300-280.~~

~~(7))~~) The limousine carrier business license must be posted in a conspicuous place at the business office.

AMENDATORY SECTION (Amending WSR 12-02-035, filed 12/29/11, effective 2/1/12)

WAC 308-83-105 Nonresident limousine carrier. Nonresident limousine carrier business owners are subject to the same requirements and restrictions that apply to resident limousine carriers. Nonresident owners may not pick up passengers in Washington state without a valid Washington state limousine carrier business license and Washington state vehicle certificate. The department will accept nonresident vehicle registrations and insurance certificates, provided the insurance company is approved by the Washington state office of the insurance commissioner. The coverage must be valid in the state of Washington and meet, at least, the levels established in WAC 308-83-115.

AMENDATORY SECTION (Amending WSR 12-02-035, filed 12/29/11, effective 2/1/12)

WAC 308-83-125 Leased vehicles. (1) Prior to using a leased or rented vehicle as a limousine, the lessee must provide the department with a release-of-interest letter from the lessor.

(2) A leased or rented limousine must meet all of the requirements for a limousine vehicle certificate, as described in this chapter. ~~((The department will issue a short term, or special needs vehicle certificate that the business may use for a consecutive thirty day period during the following consecutive four months or upon expiration of the business' limousine carrier license, whichever end date occurs sooner. The department may approve a rental or lease of less than thirty calendar days. The department may waive the required vehicle inspection for these short term rentals or leases. However, these vehicles must be in such a condition, regarding safety, legality and appearance, as to be able to pass a WSP limousine vehicle inspection.))~~

AMENDATORY SECTION (Amending WSR 12-02-035, filed 12/29/11, effective 2/1/12)

WAC 308-83-130 Records. (1) Each limousine carrier business must maintain business records, which must include, at a minimum:

- (a) Vehicle inspection reports;
- (b) Vehicle ownership registration records, including copies of records required for rental or leased vehicles;
- (c) The certificate of vehicle insurance;
- (d) Chauffeur records, as identified in WAC 308-83-140;
- (e) ~~((Records of advertising activities including, but not limited to, any contracts entered into with companies that provide advertising services;~~
- ~~(f))~~ Passenger manifests;
- ~~((g))~~ (f) Dispatch logs;
- ~~((h))~~ (g) Contracts for related services; and
- ~~((i))~~ (h) Customer payment records(~~(i)~~
- ~~(j)~~ Vehicle maintenance records;
- ~~(k)~~ Collision and injury reports; and
- ~~(l)~~ Written customer comments or complaints received by the business, and responses to the complaints)).

(2) A limousine carrier (~~(business)~~) must maintain records required under this section for at least three years from the date they are created or from the date they become obsolete, whichever date is later, with the exception of records required by subsection (1)~~((f))~~ (e) and ~~((g))~~ (f) of this section. Records required under subsection (1)~~((f))~~ (e) and ~~((g))~~ (f) of this section must be maintained for at least one year from the date they are created.

(3) Upon the sale or transfer of a limousine carrier business, the business records must be transferred to the new owner and become the property and responsibility of the new owner. The new owner must retain these records for at least one year after sale or transfer.

(4) All business records must be available for inspection by department representatives or enforcement officers at the limousine ~~((carriers's))~~ carriers business office.

AMENDATORY SECTION (Amending WSR 12-02-035, filed 12/29/11, effective 2/1/12)

WAC 308-83-135 Audit of carrier records. (1) The department may request a carrier to provide records required by chapter 46.72A RCW and this chapter for department inspection for the purpose of determining compliance with this chapter.

(a) The department may request the business owner send copies of records to the department within fourteen calendar days of the request; or

(b) A department representative may examine the records at the carrier's business office on record with the department, or at a mutually agreed upon location. The records will be examined at a mutually agreed upon place, date and time that is within three business days of the department's request.

(2) Failure to provide requested records to the department shall be subject to administrative action under chapter 18.235 RCW.

WAC 308-83-140 Verifying chauffeur qualifications. (1) A limousine carrier must obtain the information listed below and required under RCW 46.72A.090 for each of its chauffeurs. As provided under subsection (2)(e), (g), and (h) of this section, additional documentation will be required for all chauffeurs six months after the effective date of these rules.

(2) The documentation for each chauffeur must include:

(a) A clear photocopy of both front and back of the chauffeur's valid Washington state driver license;

~~(b) ((A certificate of completed chauffeur training signed by a training provider approved by the department;~~

~~(c) Test scores for both the written and driving portions of the chauffeur training certified by the training provider;~~

~~(d))~~ Documentation verifying that the chauffeur has passed a four (or more) hour National Safety Council Defensive Driving (NSCDD) course;

(c) The results of a criminal background check obtained through the Washington state patrol;

~~((e) A medical certificate, from a licensed physician, validating the chauffeur's fitness to drive a limousine, using department examination criteria on a two year renewal cycle. Six months after the effective date of this rule, the medical certificate must be a))~~ (d) A U.S. Department of Transportation Medical Examiner's Certificate completed within ((the previous)) ninety ((calendar)) days prior to hire by an examiner meeting the U.S. Department of Transportation standards under 49 C.F.R. 391.41-391.49. ((For chauffeurs with an approved medical examination on file, this requirement will be effective at the time of renewal)) Validating the chauffeur's fitness to operate a limousine, in accordance with a two-year renewal cycle;

~~((f))~~ (e) An employment record driving abstract issued by the department which is not more than sixty days old at the time of hire. If the chauffeur has resided in another state within the past five years, the chauffeur must also provide a complete driving record from the previous state(s) of residence;

~~((g) Six months after the effective date of this rule,))~~ (f) Documentation must include a drug test report obtained within the previous ninety days from a facility meeting the U.S. Department of Transportation standards under 49 C.F.R. 40;

~~((h))~~ (g) Six months after the effective date of this rule, documentation must include a report or certificate from a drug testing facility meeting the U.S. Department of Transportation standards under 49 C.F.R. 382.305 stating that the chauffeur is participating in a random testing program. The carrier must obtain an updated report each year before recertifying the chauffeur with the annual license renewal application under WAC 308-83-145(2).

AMENDATORY SECTION (Amending WSR 12-02-035, filed 12/29/11, effective 2/1/12)

WAC 308-83-145 Certifying chauffeur qualifications. (1) Any person who is hired, assumes the duties of, or acts as a chauffeur either full-time, part-time, or in an intermittent hire capacity in Washington state, including a business owner, must meet the criteria listed in RCW 46.72A.090.

(2) Before a chauffeur operates a limousine, the limousine carrier must submit to the business licensing service a signed statement on a form provided by the department certifying that the carrier possesses the required documentation under WAC 308-83-140. (~~The carrier must also submit a copy of both the front and back of the chauffeur's valid Washington state driver license.~~) With each annual (~~carrier business~~) renewal application, the limousine carrier must submit to the business licensing service an updated chauffeur certification statement listing each chauffeur employed by or driving for the carrier.

(3) Failure to submit a chauffeur's name and required identification on the certification statement form will result in the removal of a chauffeur from the carrier's limousine license record.

(4) No limousine carrier may allow, permit, or authorize a driver to drive a limousine motor vehicle during any period:

(a) In which the carrier does not have the required proof of all items under WAC 308-83-140; or

(b) In which the chauffeur has a driver license suspended, revoked, or canceled by the state, has lost the privilege to drive a limousine in this state, or has been disqualified from driving a limousine(~~;~~ ~~or~~

~~(c) In which the chauffeur has more than one driver license)).~~

AMENDATORY SECTION (Amending WSR 12-02-035, filed 12/29/11, effective 2/1/12)

WAC 308-83-150 Disqualification of chauffeurs. As provided under RCW 46.72A.100, a person may be disqualified from driving as a chauffeur and the director may impose any of the sanctions specified in RCW 18.235.110 on the limousine carrier if the carrier employs someone whose documentation indicates that person is not qualified. Disqualification by the limousine carrier or the department is warranted if any of the following is true:

(1) A chauffeur fails to provide proof of meeting all of the criteria in RCW 46.72A.090 in the form and format described in WAC 308-83-140;

(2) A chauffeur is convicted of, or is found to have committed in the previous two years, two or more serious traffic violations, as defined under RCW 46.25.010(~~(+1)~~) and WAC 308-100-130, while driving a motor vehicle of any kind;

(3) The chauffeur has had, within the previous five years, a conviction of a crime pertaining to:

(a) Prostitution;

(b) Gambling;

(c) Physical violence;

(d) Use of a machine gun in a felony (RCW 9.41.225);

(e) Felonies not defined by Title 9A RCW, if the maximum sentence of imprisonment authorized by law upon the first conviction of such felony is twenty years or more (RCW 9.94A.035);

(f) Criminal attempt when the crime attempted is murder in the first, murder in the second, or arson in the first (RCW 9A.28.020);

(g) Criminal conspiracy when the object of the conspiratorial agreement is murder in the first (RCW 9A.28.040);

(h) Murder in the first (RCW 9A.32.030);

(i) Murder in the second (RCW 9A.32.050);

(j) Homicide by abuse (RCW 9A.32.055);

(k) Manslaughter in the first (RCW 9A.32.060);

(l) Assault in the first (RCW 9A.36.011);

(m) Assault of a child in the first (RCW 9A.36.120);

(n) Kidnapping in the first (RCW 9A.40.020);

(o) Rape in the first (RCW 9A.44.040);

(p) Rape in the second (RCW 9A.44.050);

(q) Rape of a child in the first (RCW 9A.44.073);

(r) Rape of a child in the second (RCW 9A.44.076);

(s) Child molestation in the first (RCW 9A.44.083);

(t) Arson in the first (RCW 9A.48.020);

(u) Burglary in the first (RCW 9A.52.020);

(v) Robbery in the first (RCW 9A.56.200);

(w) Rendering criminal assistance in the first if to a person who has committed or is being sought for murder in the first or any class A felony or equivalent juvenile offense (RCW 9A.76.070);

(x) Bail jumping if the person was held for, charged with, or convicted of murder in the first (RCW 9A.76.170);

(y) Leading organized crime as defined under RCW 9A.82.060 (1)(a);

(z) Malicious placement of an explosive in the first (RCW 70.74.270);

(aa) Malicious explosion of a substance in the first (RCW 70.74.280);

(bb) Malicious explosion of a substance in the second (RCW 70.74.280);

(cc) Homicide by watercraft (RCW 79A.60.050); or

(dd) Any crime directly related to the occupation of chauffeur, including: Crimes concerning honesty and integrity including, but not limited to, fraud, larceny, burglary, and extortion;

(4) A chauffeur is a registered sex offender;

(5) A chauffeur has been found to have exhibited past conduct in driving or operating a (~~limousine~~) vehicle that would lead the director to reasonably conclude that the applicant will not comply with the provisions of the chapter related to driver and operator conduct and the safe operation of the vehicle;

(6) The medical examiner's certificate is expired or is incomplete or the chauffeur's physical fitness has been called into question; or

(7) A report has been received by the department under RCW 46.72A.090 that the chauffeur has received a verified positive drug test or positive alcohol confirmation test as part of the testing program conducted under 49 C.F.R. 40. A report that a chauffeur has refused a drug test, under circumstances that constitute the refusal of a federal department of transportation drug test under 49 C.F.R. 40, will be considered equivalent to a report of a verified positive drug test for the purposes of this section.

WAC 308-83-200 Prearrangement. (1) Chauffeurs must have a passenger manifest in their possession to operate a limousine:

(a) The passenger manifest must be available for immediate examination upon request from an enforcement officer. If the chauffeur is inside the limousine, the manifest must be inside the limousine. If the chauffeur is outside the limousine, the manifest must be carried by the chauffeur;

(b) The chauffeur must document with the limousine carrier business office, and note on the passenger manifest the times, to the hour and minute, when the chauffeur is on duty;

(c) Trips must be prearranged at least fifteen minutes before the passenger is scheduled to be picked up unless dispatched from a limousine carrier's business office.

(2) The passenger manifest may be a paper or electronic record and must contain information to verify prearrangement of limousine services. The records must be in English. The manifest must contain:

(a) The full name and daytime telephone number for the person who prearranged the limousine service;

(b) The time, date, and location where the passenger requested to be picked up;

(c) The destination point; and

(d) If payment was due or was prepaid.

(3) The manifest is to cover all rides that have been scheduled up to that point for that day.

(4) A limousine carrier must ensure that chauffeurs operating limousines do not:

(a) Pick up persons who have not prearranged services;

(b) Load passengers or their luggage into their vehicle without having a passenger manifest that includes the customer information for that passenger;

(c) Ask persons on the street if they want to hire the limousine or try to attract customers for immediate services;

(d) Use a third-party to provide passengers for them as a substitute for prearranging the service. This section does not preclude hotels from contracting with limousine carriers to prearrange rides for guests;

(e) Stand near doors or walkways to businesses or transportation centers in a manner so that persons must walk around them to enter or exit;

(f) Touch members of the public or touch their luggage or packages without consent; or

(g) ~~((Park and leave the limousine in a designated passenger load zone or))~~ Overstay the time limit within a passenger load zone.

((PART-4

TRAINING PROVIDERS))

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-83-300	Training course.
WAC 308-83-310	Training course approval withdrawn.
WAC 308-83-320	Training records.