Chapter 480-31 WAC
PRIVATE, NONPROFIT TRANSPORTATION PROVIDERS

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-31-060 Tariff. [Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. WSR 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-060, filed 3/27/97, effective 4/27/97.] Repealed by WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310.

480-31-140 Safety inspections. [Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-31-140, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160]. WSR 99-20-013 (Order R-465, Docket No. A-980247), § 480-31-140, filed 9/24/99, effective 10/25/99. Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. WSR 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-140, filed 3/27/97, effective 4/27/97.] Repealed by WSR 06-11-013 (Docket T-051915, General Order No. R-532), filed 5/4/06, effective 6/4/06. Statutory Authority: RCW 81.04.160 and 34.05.353.

WAC 480-31-010 Purpose. The purpose of this section is to ensure that private, nonprofit transportation providers, who primarily operate by using revenues received from governmental grants and/or charitable organizations, do so in a manner that is safe and reasonable for persons with special transportation needs.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. WSR 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-010, filed 3/27/97, effective 4/27/97.]

WAC 480-31-020 Application of rules. These rules will apply to any private, nonprofit transportation provider so defined by the laws of the state of Washington, engaged in the business of providing transportation subject to the jurisdiction of this commission for persons with special transportation needs.

Cases of erroneous or doubtful interpretation of these rules by a provider or any other person or corporation are subject to appeal to the commission by any interested and proper party affected.

Upon proper showing of any provider, the commission may waive or modify, as to that provider, the provisions of any rule herein, except when such provisions are fixed by statute. No deviation from these rules will be permitted without written authorization by the commission. Violations will be subject to the penalty provisions of chapter 81.04 RCW.

The adoption of these rules will in no way preclude the commission from altering or amending the same, in whole or in part, or from requiring any other or additional service, equipment or standard, not

otherwise herein provided for either upon complaint or upon its own motion, or upon the application of any party, and further, these rules will in no way relieve any provider from any of its duties under the laws of the state of Washington.

Whenever the designation "director, office of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in this section, such designations for the purpose of this rule will mean the "Washington utilities and transportation commission."

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-31-020, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. WSR 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-020, filed 3/27/97, effective 4/27/97.]

WAC 480-31-030 Definitions. Unless the language or context indicates that a different meaning is intended, the following words, terms, and phrases will, for the purpose of this chapter, mean the following:

(1) State - The state of Washington.

(2) Commission - The Washington utilities and transportation commission.

(3) Certificate - A grant of authority issued by the commission to a private, nonprofit transportation provider for the transportation of persons with special transportation needs as provided in chapter 81.66 RCW.

(4) Corporation - A corporation, company, association, or joint stock association.

(5) Public highway - Every street, road or highway in this state.

(6) Motor vehicle - Every self-propelled vehicle with seating capacity of seven or more persons, including the driver.

(7) Commercial motor vehicle - A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle is designed to transport sixteen or more passengers, including the driver.

(8) Person - An individual, firm, or copartnership.

(9) Private, nonprofit transportation provider - A private, nonprofit corporation providing transportation services for compensation to persons with special transportation needs.

(10) Provider - Private, nonprofit transportation provider.

(11) Persons with special transportation needs - Those persons, including their personal attendants, who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase appropriate transportation.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-31-030, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. WSR 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-030, filed 3/27/97, effective 4/27/97.]

WAC 480-31-040 Licenses, and rules and regulations. No provider may operate a motor vehicle upon the public highways of this state until the owner of the vehicle or person lawfully responsible for the vehicle has complied with the laws of this state pertaining to licenses, obtained a certificate from the commission, and complied with all rules and regulations of the commission governing the operation of private, nonprofit transportation providers.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. WSR 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-040, filed 3/27/97, effective 4/27/97.]

WAC 480-31-050 Certificates. (1) The commission will issue a certificate to any corporation which files a completed application, as provided by the commission, which provides:

(a) Satisfactory proof of its status as a private, nonprofit corporation;

(b) Information sufficient to determine the particular service to be provided;

(c) Satisfactory proof of insurance or surety bond, in accordance with WAC 480-31-070 (Insurance);

(d) The number and type of vehicles to be operated, together with satisfactory proof that the vehicles are adequate for the proposed service, that the vehicles are or will be licensed in compliance with the laws of the state, and that drivers of such vehicles will be adequately trained and qualified.

(2) Applications for certificates must be on forms to be furnished by the commission, giving all information requested and accompanied by a fifty dollar application fee.

(3) Remittances will be made by money order, bank draft, personal check or certified check, made payable to the Washington utilities and transportation commission.

(4) No provider may operate, establish, or begin operation of any business for the purpose of transporting persons with special transportation needs on the public highways of this state, without first having obtained from the commission a certificate.

(5) No certificate will be issued to persons operating under a trade name, unless a certificate of said trade name is filed in accordance with the provisions of RCW 19.80.010, and a copy thereof filed with the commission.

(6) Each vehicle operated by a provider must carry a copy of the company's certificate, and will be subject at all times to inspection by an authorized representative of the commission.

(7) No certificate will be sold, assigned, leased, acquired, or transferred except upon authorization of the commission.

[Statutory Authority: RCW 80.01.040(4), 81.04.160. WSR 06-07-100 (Docket No. T-051359, General Order No. R-529), § 480-31-050, filed 3/15/06, effective 4/15/06. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-31-050, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. WSR 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-050, filed 3/27/97, effective 4/27/97.]

WAC 480-31-052 Suspending and canceling certificates. (1) **Cause for suspension.** The commission may suspend a certificate for cause. Cause includes, but is not limited to:

(a) Failure to maintain evidence of required liability insurance coverage for all areas of a private, nonprofit transportation provider's operations;

(b) Failure to file an annual report or pay required regulatory fees;

(c) Failure or refusal to comply with operating standards that protect the public health, safety, or welfare;

(d) Allowing others to operate under a provider's certificated authority without having first obtained commission approval;

(e) Operating in a manner that violates the rights of customers and/or constitutes an unfair or deceptive business practice; or

(f) Repeated failure or refusal to comply with laws and rules pertaining to operations of private, nonprofit transportation providers.

(2) **Cause for cancellation.** The commission may cancel a certificate for cause. Cause includes, but is not limited to:

(a) Operating without proper insurance;

(b) Failure to file an annual report or pay required fees;

(c) Failure to correct within the time specified in a suspension order all conditions listed in the suspension order that led to the certificate's suspension;

(d) Continued violations of laws and rules affecting the public health, safety, or welfare when the commission has reason to believe the private, nonprofit transportation provider will not comply with those laws and rules following a specified period of suspension;

(e) Failure to supply requested information needed by the commission in the performance of its regulatory functions; or

(f) Submission of false, misleading or inaccurate information.

(3) **Notice of pending suspension and cancellation.** When the commission believes cause exists to suspend or cancel a certificate, it will issue a notice to the private, nonprofit transportation provider of the commission's intention to suspend or cancel the authority.

(4) **Contest of suspension and cancellation.** A private, nonprofit transportation provider may contest the pending suspension and/or cancellation of its certificate by requesting a hearing or brief adjudicative proceeding within ten days following the date of the notice.

[Statutory Authority: RCW 80.01.040(4), 81.04.160. WSR 06-07-100 (Docket No. T-051359, General Order No. R-529), § 480-31-052, filed 3/15/06, effective 4/15/06.]

WAC 480-31-054 Certificates, reinstatement. (1) The commission may reinstate a certificate canceled for cause under the provisions of WAC 480-31-052 (Suspending and canceling certificates) if the private, nonprofit transportation provider:

(a) Corrects all conditions leading to the cancellation;

(b) Provides a written statement explaining the circumstances surrounding the cancellation and commits that it is unlikely to recur; and

(c) Files an application to reinstate authority with the proper application fee.

(2) The commission may reinstate a certificate suspended under the provisions of WAC 480-31-052 (Suspending and canceling certifi-

cates) if the provider satisfies the terms of the suspension and all conditions leading to the suspension are corrected.

[Statutory Authority: RCW 80.01.040(4), 81.04.160. WSR 06-07-100 (Docket No. T-051359, General Order No. R-529), § 480-31-054, filed 3/15/06, effective 4/15/06.]

WAC 480-31-070 Insurance. (1) Evidence of liability and property damage insurance or a surety bond must be on file before a certificate will be issued to a private, nonprofit transportation provider. The insurance or surety bond must have been written by a company authorized to write such insurance in the state of Washington or by an unauthorized insurer providing surplus lines coverage subject to the provisions of RCW 48.15.040. The combined bodily injury and property damage liability insurance or surety bond must not be less than:

Five hundred thousand dollars combined single limit for vehicles with a passenger capacity of less than 16 passengers, including the driver;

One million dollars combined single limit for vehicles with a passenger capacity of 16 or more passengers, including the driver.

(2) A provider's insurance agency or company must submit evidence of insurance on a "uniform motor carrier bodily injury and property damage liability certificate of insurance" (form E).

(3) All liability and property damage insurance policies issued to providers must carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(4) Insurance termination. All insurance policies issued must provide that the same will continue in full force and effect until canceled by at least 30 days' written notice served on the insured and the commission by the insurance company. The 30-day notice will commence to run from the date notice is actually received by the commission, except for binders which may be canceled on 10 days' written notice.

A provider's insurance agency or company must submit notice of cancellation or expiration in duplicate on forms prescribed by the commission and must not submit the notice more than 60 days before the desired termination date, except binders which may be canceled by 10 days' written notice from the insurance agency or company.

(5) No provider may operate on the public highways of this state without insurance as required by this section.

[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), § 480-31-070, filed 7/13/23, effective 8/13/23. Statutory Authority: RCW 80.01.040(4), 81.04.160. WSR 06-07-100 (Docket No. T-051359, General Order No. R-529), § 480-31-070, filed 3/15/06, effective 4/15/06. Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. WSR 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-070, filed 3/27/97, effective 4/27/97.]

WAC 480-31-080 Fees and annual report. (1) A private, nonprofit transportation provider must pay to the commission an annual fee for each vehicle operated. The fee is established by commission order. The provider must pay the annual fee with the filing of the annual report.

(2) At the close of each calendar year, every provider must secure from the commission the proper forms and file with the commission its annual report as soon as possible after the close of the calendar year, but no later than May 1st of the succeeding year.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.66.030. WSR 08-21-027 (Docket TN-080875, General Order R-552), § 480-31-080, filed 10/7/08, effective 11/7/08. Statutory Authority: RCW 80.01.040(4), 81.04.160. WSR 06-07-100 (Docket No. T-051359, General Order No. R-529), § 480-31-080, filed 3/15/06, effective 4/15/06. Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. WSR 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-080, filed 3/27/97, effective 4/27/97.]

WAC 480-31-090 Passenger complaints and disputes. Any complaint or dispute involving a passenger and a provider for which the commission has jurisdiction must be treated in the following manner:

(1) Each complaint or dispute received by a provider from a passenger must be investigated promptly as required by the particular case, and the results reported to the passenger. When the circumstances indicate the need for corrective action, such action must be taken as soon as possible.

(2) Each provider must ensure that personnel engaged in initial contact with a dissatisfied or complaining passenger will inform the passenger that if dissatisfied with the decision or explanation provided, the passenger has the right to have the problem considered and acted upon by supervisory personnel. The passenger must be provided with the name or department of such supervisory personnel and a telephone number by which they can be reached.

(3) Each provider must ensure that supervisory personnel contacted by a dissatisfied passenger will inform a still-dissatisfied passenger of the availability of the commission for further review of any complaint or dispute. The telephone number and address of the commission must also be provided.

(4) All parties to a dispute between a passenger and the provider have the right to bring before the commission an informal complaint pursuant to the provisions of WAC 480-07-910 and/or a formal complaint pursuant to the provisions of WAC 480-07-370.

(5) When a complaint is referred to a provider by the commission, the provider must, within two business days, report the results of any investigation made regarding the complaint to the commission and must keep the commission currently informed as to progress made with respect to the solution of, and final disposition of, the complaint. If warranted in a particular case, the provider may request an extension of time.

(6) Records - each provider must keep a record of all complaints concerning its service or rates. The record must show at least the name and address of the complainant, the nature and date of the complaint, action taken, and the final disposition of the complaint. Such records must be maintained in a suitable place readily available for commission review and will be provided to the commission upon request.

All written complaints made to a provider must be acknowledged within five business days. Correspondence and records of complaints must be retained by the provider for a minimum period of one year.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 03-24-028 (General Order R-510, Docket No. A-010648), § 480-31-090, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. WSR 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-090, filed 3/27/97, effective 4/27/97.]

WAC 480-31-100 Equipment—Safety. In addition to other laws and regulations of this state, all providers must comply with the rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, as follows:

(1) Part 379, Preservation of Records;

(2) Part 380, Special Training Requirements;

(3) Part 392, Driving of Motor Vehicles;

(4) Part 393, Parts and Accessories Necessary for Safe Operation;

(5) Part 396, Inspection, Repair and Maintenance;

(6) Part 397, Transportation of Hazardous Materials; Driving and Parking rules;

(7) Part 390, Safety Regulations, General; except the terms "motor vehicle" and "private vehicle" are not adopted. Instead, where those terms are used in Title 49 C.F.R., they have the meanings assigned to "motor vehicle" in WAC 480-31-030. In addition, the term "commercial motor vehicle," where used in Title 49 C.F.R. has the meaning assigned to "commercial motor vehicle" in WAC 480-31-030.

The commission adopts by reference the provisions of federal rules in effect on the date specified in WAC 480-31-999.

[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), § 480-31-100, filed 1/25/11, effective 2/25/11. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-31-100, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160]. WSR 99-20-013 (Order R-465, Docket No. A-980247), § 480-31-100, filed 9/24/99, effective 10/25/99. Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. WSR 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-100, filed 3/27/97, effective 4/27/97.]

WAC 480-31-110 Identification of motor vehicle equipment. Providers must display identification markings on the driver and passenger side of the vehicles.

The markings must include the name of the provider as registered with the commission and the certificate number. Provided however, providers holding both intrastate and interstate authority may display either the U.S. Department of Transportation certificate number, commission certificate number, or both.

The markings must be clearly legible, with letters no less than three inches high, in a color that contrasts with the surrounding body panel. Leased vehicles may display either permanent markings or placards on the driver and passenger sides of the vehicle.

Vehicles operated by or under lease must display the name and permit number of either the business operating the vehicle or the reg-

istered owner. The markings may be permanent or placards on the driver and passenger sides of the vehicle.

When identification of the provider would create an embarrassment to the persons with special transportation needs, the name of the provider may be omitted when authorized by letter from the secretary of the commission.

[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), § 480-31-110, filed 1/25/11, effective 2/25/11. Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. WSR 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-110, filed 3/27/97, effective 4/27/97.]

WAC 480-31-120 Equipment—Inspection—Ordered for repairs. (1) All motor vehicles operated by providers must be maintained in a safe and sanitary condition. They must at all times be subject to inspection by the commission and its duly authorized representatives who will have power to order out-of-service any vehicle failing to meet the standards set forth in this section, or if not being operated in compliance with state laws in regard to equipment or method.

(2) Every provider must ensure that all its vehicles are regularly inspected, repaired and maintained, as required by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 396 (Inspection, Repair and Maintenance) in effect on the date specified in WAC 480-31-999.

(3) All vehicle parts and accessories must be in safe and proper working condition at all times.

(4) Equipment standards. The purpose of this subsection is to identify critical vehicle inspection items and provide criteria for placing a vehicle(s) in an out-of-service category. The criteria for out-of-service condition are those defined in the current *North American Uniform Out-Of-Service Criteria.*

Out-of-service condition. When any motor vehicle(s) is in out-of-service condition, no provider will require nor will any person operate such motor vehicle until all required repairs have been satisfactorily completed. The commission adopts by reference the *"North American Uniform Out-of-Service Criteria"* published by the Commercial Vehicle Safety Alliance in effect on the date specified in WAC 480-31-999.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-31-120, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160]. WSR 99-20-013 (Order R-465, Docket No. A-980247), § 480-31-120, filed 9/24/99, effective 10/25/99. Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. WSR 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-120, filed 3/27/97, effective 4/27/97.]

WAC 480-31-130 Operation of motor vehicles. (1) All motor vehicles must be operated in accordance with the requirements of existing state laws and no driver or operator will operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the

highways by others, or so as to endanger the life and limb of any person.

(2) Qualification of drivers. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 391 (Qualifications of Drivers) in effect on the date specified in WAC 480-31-999, are adopted and prescribed by the commission to be observed by all providers. Vehicles meeting the definition of a commercial motor vehicle must also comply with part 382 (Controlled Substances and Alcohol Use and Testing), and part 383 (Commercial Driver's License Standards; Requirements and Penalties).

(3) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395 (Hours of Service of Drivers) in effect on the date specified in WAC 480-31-999, are adopted and prescribed by the commission.

(4) The rules and regulation relating to workplace drug and alcohol testing programs adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, Part 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs) in effect on the date specified in WAC 480-31-999, are adopted and prescribed by the commission.

(5) The rules and regulation relating to general safety fitness procedures adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, Part 385 (Safety Fitness Procedures) in effect on the date specified in WAC 480-31-999, are adopted and prescribed by the commission.

(6) The rules and regulation relating to general safety fitness procedures adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, Part 380 (Special Training Requirements) in effect on the date specified in WAC 480-31-999, are adopted and prescribed by the commission.

(7) No driver or operator of a motor vehicle carrying passengers may smoke any cigar, cigarette, tobacco or other substance in such vehicle while driving the vehicle.

(8) No driver or operator of any motor vehicle will permit smoking on said vehicle by passengers or other persons.

Suitable signs, of sufficient size and number to adequately inform passengers, must be placed in buses to inform passengers that smoking is not permitted in the motor vehicle.

(9) No driver or operator of a motor vehicle will create any disturbance or unnecessary noise to attract persons to the vehicle.

(10) The driver or operator of any motor vehicle may refuse to carry any person who is in an intoxicated condition or conducting themselves in an unreasonably boisterous or disorderly manner or is using profane language, or whose condition is such as to be obnoxious to other passengers. A driver is responsible for the comfort and safety of passengers and should be constantly on the alert for and immediately correct any act of misconduct on the part of occupants of the vehicle.

(11) The commission adopts by reference the provisions of federal rules cited in this section in effect on the date specified in WAC 480-31-999.

[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), § 480-31-130, filed 1/25/11, effective 2/25/11. Statutory Authority: RCW

80.01.040, 80.04.160, 81.04.160, and 34.05.310. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-31-130, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160]. WSR 99-20-013 (Order R-465, Docket No. A-980247), § 480-31-130, filed 9/24/99, effective 10/25/99. Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. WSR 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-130, filed 3/27/97, effective 4/27/97.]

WAC 480-31-150 Intrastate medical waivers. (1) **Department of licensing intrastate medical waiver.** A private, nonprofit transportation provider may use a driver that is not physically qualified to drive a commercial motor vehicle under Title 49 C.F.R. Part 391.41, if the driver:

(a) Only operates commercial motor vehicles intrastate, wholly within the state of Washington; and

(b) Has obtained from the Washington state department of licensing an intrastate medical waiver to drive a commercial motor vehicle.

For the purposes of a department of licensing medical waiver, a commercial motor vehicle means a motor vehicle:

(i) With a gross vehicle weight rating of 26,001 pounds or more;

(ii) Transporting 16 or more passengers, including the driver; or

(iii) With a manufacturer's seating capacity of 16 or more passengers, including the driver.

(2) **Doctor's statement of intrastate medical waiver.** A private, nonprofit transportation provider may use a driver that is not physically qualified to drive a motor vehicle under Title 49 C.F.R. Part 391.41 or WAC 480-31-130, as applicable, if the driver:

(a) Holds a valid Washington state driver's license;

(b) Has received a doctor's statement that:

(i) The driver's medical condition is not likely to interfere with the driver's ability to safely operate a motor vehicle; and

(ii) The driver's condition is likely to remain stable for the two years or other specified date, but not more than the two years that the medical certificate is valid.

(c) Operates motor vehicles intrastate wholly within the state of Washington. For the purposes of a doctor's statement of intrastate medical waiver, a motor vehicle means a motor vehicle:

(i) With a gross vehicle weight rating under 26,001 pounds;

(ii) Transporting 15 or fewer passengers, including the driver; or

(iii) With a manufacturer's seating capacity of 15 or fewer passengers, including the driver.

(3) **Driver qualification files.** A private, nonprofit transportation provider that uses a driver under an intrastate medical waiver must maintain in the driver's qualification file a physical or digital copy of the doctor's statement of intrastate medical waiver.

[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), § 480-31-150, filed 7/13/23, effective 8/13/23.]

WAC 480-31-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the com-

mission library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) ***North American Standard Out-of-Service Criteria*** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, 2026.

(b) This publication is referenced in WAC 480-31-120 (Equipment—Inspection—Ordered for repairs).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.

(2) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on December 31, 2025.

(b) This publication is referenced in WAC 480-31-100 (Equipment—Safety), WAC 480-31-120 (Equipment—Inspection—Ordered for repairs), and WAC 480-31-130 (Operation of motor vehicles).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, https://bookstore.gpo.gov/, and from various third-party vendors.

[Statutory Authority: RCW 80.10.040 [80.01.040], 80.04.160, 81.04.160, and 34.05.353. WSR 26-14-045, s 480-14-999, filed 6/25/26, effective 7/26/26. Statutory Authority: RCW 80.10.040, 80.04.160, 81.04.160, and 34.05.353. WSR 25-15-030, s 480-31-999, filed 7/8/25, effective 8/8/25. Statutory Authority: RCW 80.10.040 [80.01.040], 80.04.160, 81.04.160, and 34.05.353. WSR 24-13-092, § 480-31-999, filed 6/18/24, effective 7/19/24; WSR 23-13-003, § 480-31-999, filed 6/7/23, effective 7/8/23; WSR 22-15-104, § 480-31-999, filed 7/19/22, effective 8/19/22; WSR 21-13-130, § 480-31-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-31-999, filed 7/3/19, effective 8/3/19; WSR 18-13-106, § 480-31-999, filed 6/19/18, effective 7/20/18. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-31-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-31-999, filed 2/9/16, effective 3/11/16; WSR 15-06-048 (Docket A-143302, General Order R-579), § 480-31-999, filed 3/2/15, effective 4/2/15; WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-31-999, filed 2/5/14, effective 3/8/14; WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-31-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-31-999, filed 2/15/12, effective 3/17/12; WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-31-999, filed 1/25/11, effective 2/25/11; WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-31-999, filed 12/23/08, effective 1/23/09. Statutory Authority: RCW 81.04.160 and 34.05.353. WSR 06-11-013 (Docket T-051915, General Order No. R-532), § 480-31-999, filed 5/4/06, effective 6/4/06. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. WSR 05-21-022, § 480-31-999, filed 10/10/05, effective 11/10/05; WSR 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-31-999, filed 12/22/03, effective 1/22/04; WSR 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-31-999, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-31-999, filed 9/28/01, effective 10/29/01.]