

Chapter 81.70 RCW
PASSENGER CHARTER AND EXCURSION CARRIERS
(Formerly: Passenger charter carriers)

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RCW 81.70.010 Business affected with the public interest—Declaration of purpose. The use of the public highways for the transportation of passengers for compensation is a business affected with the public interest. It is the purpose of this chapter to preserve for the public full benefit in use of public highways consistent with the needs of commerce, without unnecessary congestion or wear and tear upon such highways; to secure to the people safe, adequate and dependable transportation by carriers operating upon such highways; and to secure full and unrestricted flow of traffic by motor carriers over such highways which will adequately meet reasonable public demands by providing for the regulation of all transportation agencies with respect to safety of operations and accident indemnity so that safe, adequate and dependable service by all necessary transportation agencies shall be maintained, and the full use of the highway reserved to the public. [1965 c 150 § 2.]

RCW 81.70.020 Definitions. Unless the context otherwise requires, the definitions and general provisions in this section govern the construction of this chapter:

(1) Subject to the exclusions of RCW 81.70.030, "charter party carrier" means every person engaged in the transportation over any public highways in this state of a group of persons, who, pursuant to a common purpose and under a single contract, acquire the use of a motor vehicle to travel together as a group to a specified destination

or for a particular itinerary, either agreed upon in advance or modified by the chartered group after leaving the place of origin;

(2) "Commission" means the Washington utilities and transportation commission;

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

(4) "Double-decker bus" means a motor vehicle with more than one passenger deck. A person using a double-decker bus must comply with the maximum height vehicle requirements contained in RCW 46.44.020;

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

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

(7) Subject to the exclusions of RCW 81.70.030, "party bus" means any motor vehicle whose interior enables passengers to stand and circulate throughout the vehicle because seating is placed around the perimeter of the bus or is nonexistent and in which food, beverages, or entertainment may be provided. A motor vehicle configured in the traditional manner of forward-facing seating with a center aisle is not a party bus. A person engaged in the transportation of persons by party bus over any public highway in this state is considered engaging in the business of a charter party carrier or excursion service carrier;

(8) "Permit holder" means a holder of an appropriate special permit issued under chapter 66.20 RCW who is twenty-one years of age or older and who is responsible for compliance with the requirements of RCW 81.70.380 and chapter 66.20 RCW during the provision of transportation services;

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

(10) "Public highway" includes every public street, road, or highway in this state. [2015 c 233 § 1; 2007 c 234 § 55; 1989 c 163 § 6; 1988 c 30 § 1; 1969 c 132 § 1; 1965 c 150 § 3.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

RCW 81.70.030 Exclusions. This chapter does not apply to:

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

(2) Passenger vehicles carrying passengers on a noncommercial enterprise basis; or

(3) Limousine charter party carriers of passengers under chapter 46.72A RCW. [2015 c 233 § 2; 2007 c 234 § 56; 1989 c 283 § 17; 1965 c 150 § 4.]

RCW 81.70.220 Certificate or registration required—Penalty.

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

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

(3) An auto transportation company carrying passengers for compensation over any public highway in this state between fixed termini or over a regular route that is not required to hold an auto transportation certificate because of a commission finding under RCW 81.68.015 must obtain a certificate under this chapter. [2015 c 233 § 3; 2009 c 557 § 4; 1989 c 163 § 7; 1988 c 30 § 2.]

RCW 81.70.230 Certificates—Application, issuance. (1)

Applications for certificates must be made to the commission in writing, verified under oath, and shall be in a form and contain information as the commission by regulation may require. Every application must be accompanied by a fee as the commission may prescribe by rule.

(2) A certificate must be issued to any applicant who establishes proof of safety fitness and insurance coverage under this chapter. [2007 c 234 § 57; 1988 c 30 § 3.]

RCW 81.70.240 Certificates—Transfer restricted. No certificate issued under this chapter or rights to conduct services under it may be leased, assigned, or otherwise transferred or encumbered, unless authorized by the commission. [1988 c 30 § 4.]

RCW 81.70.250 Certificates—Grounds for cancellation. The commission may cancel, revoke, or suspend any certificate issued under this chapter on any of the following grounds:

(1) The violation of any of the provisions of this chapter;

(2) The violation of an order, decision, rule, regulation, or requirement established by the commission under this chapter;

(3) Failure of a charter party carrier or excursion service carrier of passengers to pay a fee, under this chapter, imposed on the carrier within the time required by law; or

(4) Failure of a charter party carrier or excursion service carrier to maintain required insurance coverage in full force and effect. [2007 c 234 § 58; 1989 c 163 § 8; 1988 c 30 § 5.]

RCW 81.70.260 Unlawful operation after certificate or registration canceled, etc.—Penalty. (1) After the cancellation or revocation of a certificate or interstate registration or during the period of its suspension, it is unlawful for a charter party carrier or excursion service carrier of passengers to conduct any operations as such a carrier. For the purposes of this section, "conduct any operations" includes advertising or soliciting, offering, or entering into an agreement to provide such service. Each advertisement reproduced, broadcast, or displayed via a particular medium constitutes a separate violation under this chapter.

(2) Any person who conducts operations as a charter party carrier or excursion service carrier of passengers in violation of subsection (1) of this section is subject to a penalty of up to five thousand dollars per violation. [2015 c 233 § 4; 1989 c 163 § 9; 1988 c 30 § 6.]

RCW 81.70.270 Scope of regulation. It is the duty of the commission to regulate charter party carriers and excursion service carriers with respect to safety of equipment, driver qualifications, and safety of operations. The commission shall establish such rules and regulations and require such reports as are necessary to carry out the provisions of this chapter. [1989 c 163 § 10; 1988 c 30 § 7.]

RCW 81.70.280 Insurance or bond for liability and property damage. (1) In issuing certificates under this chapter, the commission shall require charter party carriers and excursion service carriers to procure and continue in effect during the life of the certificate, liability and property damage insurance from a company licensed to make liability insurance in the state of Washington or a surety bond of a company licensed to write surety bonds in the state of Washington on each motor-propelled vehicle used or to be used in transporting persons for compensation, in the following amounts:

(a) Not less than one hundred thousand dollars for any recovery for personal injury by one person; and

(b) Not less than three hundred thousand dollars for any vehicle having a capacity of sixteen passengers or less; and

(c) Not less than five hundred thousand dollars for any vehicle having a capacity of seventeen passengers or more for all receiving personal injury by at least one act of negligence; and

(d) Not less than fifty thousand dollars for damage to property of any person other than the insured.

(2) The commission shall fix the amount of the insurance policy or policies or security deposit by giving consideration to the character and amount of traffic, the number of persons affected, and the degree of danger which the proposed operation involves. The liability and property damage insurance or surety bond must be maintained in force on each motor-propelled vehicle while in use. Each policy for liability or property damage insurance or surety bond required by this section must be filed with the commission and kept in effect. Failure to file and maintain the required insurance is cause for the revocation of the certificate. [2007 c 234 § 59; 1989 c 163 § 11; 1988 c 30 § 8.]

RCW 81.70.290 Self-insurers exempt as to insurance or bond. A charter party carrier or excursion service carrier of passengers, authorized to transport persons for compensation on the highways and engaging in interstate, or interstate and intrastate, operations within the state of Washington which is or becomes qualified as a self-insurer with the federal motor carrier safety administration of the United States department of transportation in accordance with the United States interstate commerce act applicable to self-insurance by motor carriers, is exempt from RCW 81.70.280 relating to the carrying or filing of insurance policies or bonds in connection with carrier operations as long as the qualification remains effective.

The commission may require the charter party carrier or excursion service carrier to prove the existence and continuation of qualification with the federal motor carrier safety administration by affidavit in a form the commission may prescribe. [2007 c 234 § 60; 1989 c 163 § 12; 1988 c 30 § 9.]

RCW 81.70.310 Application of Title 81 RCW. All applicable provisions of this title relating to procedure, powers of the commission, and penalties shall apply to the operation and regulation of persons under this chapter, except as those provisions may conflict with the provisions of this chapter and rules and regulations issued thereunder by the commission. [1988 c 30 § 11.]

RCW 81.70.320 Fees—Amounts, deposit. (1) An application for a certificate, amendment of a certificate, or transfer of a certificate must be accompanied by a filing fee the commission may prescribe by rule. The fee must not exceed two hundred dollars.

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

(3) It is the intent of the legislature that all fees collected under this chapter must reasonably approximate the cost of supervising and regulating charter party carriers and excursion service carriers subject thereto, and to that end the commission may decrease the schedule of fees provided for in RCW 81.70.350 by general order entered before March 1st of any year in which the commission determines that the moneys, then in the charter party carrier and excursion service carrier account of the public service revolving fund, and the fees currently owed will exceed the reasonable cost of supervising and regulating such carriers during the succeeding calendar year. Whenever the cost accounting records of the commission indicate that the schedule of fees previously reduced should be increased, the increase, not to exceed the schedule set forth in this chapter, may be effected by a similar general order entered before March 1st of any calendar year. [2015 c 233 § 5; 2007 c 234 § 61; 1989 c 163 § 13; 1988 c 30 § 12.]

RCW 81.70.330 Vehicle identification. (1) It is unlawful for a charter party carrier or excursion service carrier to operate a motor vehicle upon the highways of this state unless there is firmly affixed to both sides of the vehicle, the name of the carrier and the certificate or permit number of the carrier. The characters composing

the identification must be of sufficient size to be clearly distinguishable at a distance of at least fifty feet from the vehicle.

(2) A charter party carrier or excursion service carrier holding both intrastate and interstate authority may identify its vehicles with either the commission permit number or the federal vehicle marking requirement established by the United States department of transportation for interstate motor carriers. [2007 c 234 § 62; 1989 c 163 § 14; 1988 c 30 § 13.]

RCW 81.70.340 Application to interstate or foreign carriers.

This chapter applies to persons and motor carriers engaged in interstate or foreign commerce to the full extent permitted by the Constitution and laws of the United States. [2007 c 234 § 63; 1989 c 163 § 15; 1988 c 30 § 14.]

RCW 81.70.350 Annual regulatory fee—Delinquent fee payments.

(1) The commission shall collect from each charter party carrier and excursion service carrier holding a certificate issued pursuant to this chapter and from each interstate or foreign carrier subject to this chapter an annual regulatory fee, to be established by the commission but which in total shall not exceed the cost of supervising and regulating such carriers, for each bus used by such carrier.

(2) The fee prescribed under this section is due and payable on or before May 1st of each year, to cover operations during the calendar year in which the fee is paid.

(3) Any payment of the fee imposed by this section made after its due date shall include a late fee of two percent of the amount due. Delinquent fees shall accrue interest at the rate of one percent per month. [2015 c 233 § 6; 1994 c 83 § 3; 1989 c 163 § 16; 1988 c 30 § 15.]

RCW 81.70.360 Excursion service companies—Certificate.

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

A certificate shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operations covered by the application, if it is found that the applicant is fit, willing, and able to properly perform the services proposed and conform to the provisions of this chapter and the rules of the commission adopted under this chapter, and that such operations will be consistent with the public interest. Any right, privilege, or certificate held, owned, or obtained by an excursion service company may be sold, assigned, leased, transferred, or inherited as other property only upon authorization by the commission. For good cause shown the commission may refuse to issue the certificate, or issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by the certificate such terms and conditions as, in its judgment, the public interest may require. [2015 c 233 § 7; 1984 c 166 § 5. Formerly RCW 81.68.045.]

RCW 81.70.370 Federal authority and registration for compensatory services. It is unlawful for any motor carrier to perform a transportation service for compensation upon the public highways of this state without first having secured appropriate federal authority from the United States department of transportation, if such authority is required, and without first having registered with the commission either directly or through a federally authorized uniform registration program. [2007 c 234 § 54.]

RCW 81.70.380 Party buses—Alcohol consumption requirements, penalty. (1)(a) A charter party carrier or excursion service carrier operating a party bus must determine whether alcoholic beverages will be served or consumed in the passenger compartment of the vehicle. If it is expected that alcoholic beverages will be served or consumed in the passenger compartment, the permit holder must have obtained the appropriate liquor permit, provided a copy of the permit to the charter party carrier or excursion service carrier in advance of the trip, and be on the vehicle or reasonably proximate and available to the vehicle during the transportation service. The company must maintain the copy of the permit required with the contract of carriage.

(b) If the charter party carrier or excursion service carrier operating a party bus is the permit holder, the carrier must have a person separate from the driver be responsible for the permit holder requirements in this section and either chapter 66.20 or 66.24 RCW.

(c) The permit holder must:

(i) Be on the party bus or reasonably proximate and available to the vehicle during the transportation service;

(ii) Monitor and control party activities in a manner to prevent the driver from being distracted by the party activities; and

(iii) Assume responsibility for compliance with the terms of the special permit, if a permit is required, including compliance with RCW 66.44.270 concerning the prohibition against furnishing liquor to minors.

(2) If at any time the charter party carrier or excursion service carrier operating a party bus believes that conditions aboard the vehicle are unsafe due to party activities involving alcohol, the carrier must remove all alcoholic beverages and lock them in the party bus trunk or other locked compartment. The carrier may cancel the trip and return the passengers to the place of origin.

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

(4) This section does not limit the right of a permit holder to seek indemnity from any person, corporation, or other entity other than the charter party carrier or excursion service carrier.

(5) This section does not relieve a passenger of legal responsibility for his or her own conduct or the permit holder of legal responsibility for compliance with Title 66 RCW.

(6) Any charter party carrier or excursion service carrier in violation of this section is subject to a penalty of up to five thousand dollars per violation. [2015 c 233 § 8.]

RCW 81.70.390 Passenger smoking on board prohibited. (1) A charter party carrier or excursion service carrier may not knowingly allow any passenger to smoke aboard a motor vehicle regulated under this chapter.

(2) For the purposes of this section, "smoke" has the same meaning as defined in RCW 70.160.020. [2015 c 233 § 9.]