

**Chapter 46.72A RCW
LIMOUSINES**

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RCW 46.72A.010 Finding and intent. The legislature finds and declares that privately operated limousine transportation service is a vital part of the transportation system within the state and provides prearranged transportation services to state residents, tourists, and out-of-state business people. Consequently, the safety, reliability, and stability of privately operated limousine transportation services are matters of statewide importance. The regulation of privately operated limousine transportation services is thus an essential governmental function. Therefore, it is the intent of the legislature to permit the department and a port district in a county with a population of one million or more to regulate limousine transportation services without liability under federal antitrust laws. It is further the intent of the legislature to authorize a city with a population of five hundred thousand or more to enforce this chapter through a joint agreement with the department, and to direct the department to provide annual funding from limousine regulation-related fees that provide sufficient funds to such a city to provide delegated enforcement. [2011 c 374 s 1; 1996 c 87 s 4.]

Effective date—2011 c 374 ss 1-12: "Sections 1 through 12 of this act take effect January 1, 2012." [2011 c 374 s 15.]

Report by internal work group on issuance of chauffeur licenses—2011 c 374: See note following RCW 46.72A.090.

Transfer of powers, duties, and functions—1996 c 87: "(1) All powers, duties, and functions of the utilities and transportation commission pertaining to the regulation of limousines and limousine

charter party carriers are transferred to the department of licensing. All references to the utilities and transportation commission in the Revised Code of Washington shall be construed to mean the director or the department of licensing when referring to the functions transferred in this section.

(2) (a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the utilities and transportation commission pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of licensing. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the utilities and transportation commission in carrying out the powers, functions, and duties transferred shall be made available to the department of licensing. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of licensing.

(b) Any appropriations made to the utilities and transportation commission for carrying out the powers, functions, and duties transferred shall, on June 6, 1996, be transferred and credited to the department of licensing.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the utilities and transportation commission pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of licensing. All existing contracts and obligations shall remain in full force and shall be performed by the department of licensing.

(4) The transfer of the powers, duties, and functions of the utilities and transportation commission shall not affect the validity of any act performed before June 6, 1996.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification." [1996 c 87 s 22.]

**RCW 46.72A.020 Engagement of and fares for carrier services—
Service records—Carrier information—Penalties—Rules.** (1) Contact by a customer or customer's agent to engage the services of a carrier's limousine must be initiated by a customer or customer's agent at a time and place different from the customer's time and place of departure. The fare for service must be agreed upon prior to departure. Under no circumstances may customers or customers' agents make arrangements to immediately engage the services of a carrier's limousine with the chauffeur, even if the chauffeur is an owner or officer of the company, with the single exception of stand-hail limousines only at a facility owned and operated by a port district in a county with a population of one million or more that are licensed

and restricted by the rules and policies set forth by the port district.

(2) At the time of the conduct of the commercial limousine business, the chauffeur of a limousine and the limousine carrier business must possess written or electronic records substantiating the prearrangement of the carrier's services for any customer carried for compensation, except for vehicles meeting the requirements of the exception for stand-hail limousines described in subsection (1) of this section. Limousine carriers and limousine chauffeurs operating as an independent business must list a physical address on their business license issued under chapter 19.02 RCW where records substantiating the prearrangement of the carrier's services may be reviewed by an enforcement officer. A limousine carrier must retain these records for a minimum of one calendar year, and failure to do so is a class 3 civil infraction against the carrier for each record that is missing or fails to include all of the information described in rules adopted under subsection (4) of this section.

(3) Limousine carriers and limousine chauffeurs operating as an independent business must list a telephone or pager number that is used to prearrange the carrier's services for any customer carried for compensation.

(4) The department must adopt rules specifying the content and retention schedule of the records required for compliance with subsection (2) of this section.

(5) The failure of a chauffeur who is operating a limousine to immediately provide, on demand by an enforcement officer, written or electronic records required by the department substantiating the prearrangement of the carrier's services for any customer carried for compensation, except for limousines meeting the requirements of the exception for stand-hail limousines described in subsection (1) of this section, is a class 2 civil infraction and is subject to monetary penalties under RCW 7.80.120. It is a class 1 civil infraction for a repeat offense under this subsection during the same calendar year.

(6) The department must define by rule conditions under which a chauffeur is considered to be operating a limousine, including when the limousine is parked in a designated passenger load zone. [2013 c 144 s 40; 2011 c 374 s 2; 1996 c 87 s 5.]

Effective date—2011 c 374 ss 1-12: See note following RCW 46.72A.010.

Report by internal work group on issuance of chauffeur licenses—2011 c 374: See note following RCW 46.72A.090.

RCW 46.72A.030 Regulation—Inspection—Fees—Penalties. (1) The department, in conjunction with the Washington state patrol, shall regulate limousine carriers with respect to entry, safety of equipment, chauffeur qualifications, and operations. The department shall adopt rules and require such reports as are necessary to carry out this chapter. The department may develop penalties for failure to comply with this section.

(2) In addition, a port district in a county with a population of one million or more may regulate limousine carriers with respect to entry, safety of equipment, chauffeur qualifications, and operations. The county in which the port district is located may adopt ordinances

and rules to assist the port district in enforcement of limousine regulations only at port facilities. In no event may this be construed to grant the county the authority to regulate limousines within its jurisdiction. The port district may not set limousine rates, but the limousine carriers shall file their rates and schedules with the port district if requested.

(3) The department, a port district in a county with a population of at least one million, or a county in which the port district is located may enter into cooperative agreements for the joint regulation of limousines.

(4) The department and a city with a population of five hundred thousand or more may enter into cooperative agreements as provided in RCW 46.72A.150, subject to the limitations set forth in RCW 46.72A.130.

(5) The Washington state patrol shall annually conduct a vehicle inspection of each limousine licensed under this chapter, except when a port district, or a city with a population of five hundred thousand or more, enforces limousine carrier regulations under subsection (2) or (4) of this section, that port district or county in which the port district is located, or a city with a population of five hundred thousand or more, may conduct the annual limousine vehicle inspection and random limousine vehicle inspections in conjunction with limousine regulation enforcement activities, provided that the inspection criteria and fees are substantially the same regardless of the authority conducting the inspection. Random limousine vehicle inspections may not be conducted while the limousine contains customers. The state patrol, the city, or the port district conducting the annual limousine vehicle inspection may impose an annual vehicle inspection fee and reinspection fee. A carrier must pay a reinspection fee if a limousine fails inspection for compliance with vehicle standards and is reinspected. If the limousine passes the first reinspection within thirty days of failing the original inspection, all of the reinspection fee must be refunded to the carrier. However, refunds are not available for subsequent reinspections. While a limousine is licensed by the department for commercial limousine use, failure to comply with vehicle inspection standards, established by the department by rule, is a class 3 civil infraction against the carrier, with monetary penalties against the carrier as specified in RCW 7.80.120, for each violation of a safety requirement. It is a class 4 civil infraction for each violation of other vehicle standards, with monetary penalties against the carrier as specified in RCW 7.80.120, and the limousine vehicle certificate must be summarily suspended until safety violations of vehicle standards are corrected and the limousine is reinspected. [2011 c 374 s 3; 1996 c 87 s 6.]

Effective date—2011 c 374 ss 1-12: See note following RCW 46.72A.010.

Report by internal work group on issuance of chauffeur licenses—2011 c 374: See note following RCW 46.72A.090.

RCW 46.72A.040 State preemption—Exceptions. Except when a port district regulates limousine carriers under RCW 46.72A.030 or a city with a population of five hundred thousand or more is authorized under RCW 46.72A.150 to enforce state laws or rules applicable to limousine

carriers, limousines, and chauffeurs, subject to the limitations set forth in RCW 46.72A.150, the state of Washington fully occupies and preempts the entire field of regulation over limousine carriers as regulated by this chapter. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to limousine carriers that are consistent with this chapter. [2011 c 374 s 4; 1996 c 87 s 7.]

Effective date—2011 c 374 ss 1-12: See note following RCW 46.72A.010.

Report by internal work group on issuance of chauffeur licenses—2011 c 374: See note following RCW 46.72A.090.

RCW 46.72A.050 Registration—Carrier license, vehicle certificates required—Rules—Penalty. (1) No limousine carrier may operate a limousine upon the highways of this state without first being properly registered as a business in Washington and having been issued a unified business identifier.

(2) In addition, a limousine carrier shall obtain from the department a limousine carrier license for the business and a limousine vehicle certificate for each limousine operated by the carrier. The limousine carrier license and limousine vehicle certificates must be renewed through the department annually or as may be required by the department. The department shall establish by rule the procedure for obtaining, and the fees for, the limousine carrier license and limousine vehicle certificate. It is a class 1 civil infraction, with monetary penalties against the carrier as specified in RCW 7.80.120, for each day that a limousine is operated without a valid limousine carrier license or valid limousine vehicle certificate required under this subsection. [2011 c 374 s 5; 1996 c 87 s 8.]

Effective date—2011 c 374 ss 1-12: See note following RCW 46.72A.010.

Report by internal work group on issuance of chauffeur licenses—2011 c 374: See note following RCW 46.72A.090.

RCW 46.72A.060 Insurance—Amount—Penalty. (1) The department shall require limousine carriers to obtain and continue in effect, liability and property damage insurance from a company licensed to sell liability insurance in this state for each limousine used to transport persons for compensation.

(2) The department shall fix by rule coverages and limits, and prohibit provisions that limit coverage, for the insurance policy or policies, giving consideration to the character and amount of traffic, the number of persons affected, and the degree of danger that the proposed operation involves. The limousine carrier must maintain the liability and property damage insurance in force on each limousine while licensed by the department.

(3) Failure to file and maintain in effect the insurance required under this section is a gross misdemeanor and the limousine vehicle certificate must be summarily suspended. It is a class 1 civil infraction, with monetary penalties against the carrier as specified

in RCW 7.80.120, for each day that a carrier operates a limousine with a summarily suspended limousine vehicle certificate. [2011 c 374 s 6; 2003 c 53 s 251; 1996 c 87 s 9.]

Effective date—2011 c 374 ss 1-12: See note following RCW 46.72A.010.

Report by internal work group on issuance of chauffeur licenses—2011 c 374: See note following RCW 46.72A.090.

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

RCW 46.72A.070 Vehicle certificates—Issuance of new or duplicate certificate—Penalty. (1) If the limousine carrier substitutes a liability and property damage insurance policy after a vehicle certificate has been issued, a new vehicle certificate is required. The limousine carrier shall submit the substituted policy to the department for approval, together with a fee. If the department approves the substituted policy, the department shall issue a new vehicle certificate.

(2) If a vehicle certificate has been lost, destroyed, or stolen, a duplicate vehicle certificate may be obtained by filing an affidavit of loss and paying a fee.

(3) (a) Except as provided in (b) of this subsection, a limousine carrier who operates a vehicle without first having received a vehicle certificate as required by this chapter is guilty of a misdemeanor.

(b) A second or subsequent offense is a gross misdemeanor. [2003 c 53 s 252; 1996 c 87 s 10.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

RCW 46.72A.080 Advertising—Penalties. (1) No limousine carrier may advertise without listing the carrier's unified business identifier issued by the department in the advertisement and specifying the type of service offered as provided in RCW 46.04.274. No limousine carrier may advertise or hold itself out to the public as providing taxicab transportation services.

(2) All advertising, contracts, correspondence, cards, signs, posters, papers, and documents that show a limousine carrier's name or address shall list the carrier's unified business identifier and the type of service offered. The alphabetized listing of limousine carriers appearing in the advertising sections of telephone books or other directories and all advertising that shows the carrier's name or address must show the carrier's current unified business identifier.

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

(4) It is a violation, subject to a fine of up to five thousand dollars per violation, for a person to (a) falsify a unified business identifier or use a false or inaccurate unified business identifier; (b) fail to specify the type of service offered; (c) advertise or otherwise hold itself out to the public as providing taxicab

transportation services in connection with a solicitation or identification as an authorized limousine carrier; or (d) conduct commercial limousine business without a valid limousine carrier license or valid limousine vehicle certificate as required under this chapter, unless licensed as a charter party carrier under chapter 81.70 RCW.

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

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

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

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

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

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

(b) Offer payment to a third party to solicit customers for limousine service pick up without current copies of a written contract regarding such services on file at the third party's business. Copies of the current written contract must be stored and made available on both the third party's and limousine carrier's business premises. Limousine vehicles engaged in the services detailed in the contract must carry a certificate verifying existence of a current contract between the parties. The certificate must contain a general description of the agreement, including initial and expiration dates. A written contract may not allow for immediate, nonprearranged limousine service pick up.

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

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

(b) Accept payment to solicit customers for limousine service pick up without current copies of a written contract regarding such services on file at the third party's business. Copies of the current written contract must be stored and made available on the third party's business premises and in any limousine engaged in the services detailed in the contract. A written contract may not allow for immediate, nonprearranged limousine service pick up. [2011 c 374 s 7; 1997 c 193 s 1; 1996 c 87 s 11.]

Effective date—2011 c 374 ss 1-12: See note following RCW 46.72A.010.

Report by internal work group on issuance of chauffeur licenses—2011 c 374: See note following RCW 46.72A.090.

RCW 46.72A.090 Chauffeurs—Criteria for, physical exams. (1)
The limousine carrier shall, before a chauffeur operates a limousine,

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

(2) The limousine carrier shall keep on file and make available for inspection all documents required by this section. [2011 c 374 s 8; 1996 c 87 s 12.]

Report by internal work group on issuance of chauffeur licenses—

2011 c 374: "The department of licensing shall convene an internal work group regarding the issuance of chauffeur licenses. The department shall provide a report on its recommendations on this issue to the transportation committees of the legislature by November 15, 2012." [2011 c 374 s 13.]

Effective date—2011 c 374 ss 1-12: See note following RCW 46.72A.010.

RCW 46.72A.100 Unprofessional conduct—Sanctions—Chauffeur. The director may impose any of the sanctions specified in RCW 18.235.110 for unprofessional conduct as described in RCW 18.235.130 or if one of the following is true of a chauffeur hired to drive a limousine, including where such a chauffeur is also the carrier: (1) The person has been convicted of an offense of such a nature as to indicate that he or she is unfit to qualify as a chauffeur; (2) the person is guilty of committing an offense for which mandatory revocation of a driver's license is provided by law; (3) the person has been convicted of vehicular homicide or vehicular assault; (4) the person is intemperate or addicted to narcotics; or (5) the person, while participating in a random testing program designed to detect the presence of any controlled substances determined by the department under RCW 46.72A.090, is found to have taken one of the controlled substances

determined by the department without a valid and current prescription from a licensed physician. [2011 c 374 s 9; 2002 c 86 s 295; 1996 c 87 s 13.]

Effective date—2011 c 374 ss 1-12: See note following RCW 46.72A.010.

Report by internal work group on issuance of chauffeur licenses—2011 c 374: See note following RCW 46.72A.090.

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

RCW 46.72A.110 Deposit of fees. The department must transmit all license and vehicle certificate fees received under this chapter, together with a proper identifying report, to the state treasurer to be deposited by the state treasurer in the highway safety fund. Appropriations from the highway safety fund will support expenses incurred in carrying out the licensing and regulatory activities of this chapter. [2011 c 298 s 28; 1996 c 87 s 14.]

Purpose—Intent—Agency transfer—Contracting—Effective date—2011 c 298: See notes following RCW 19.02.020.

RCW 46.72A.120 Rules and fees. The department may adopt and enforce such rules, including the setting of fees, as may be consistent with and necessary to carry out this chapter. The fees must approximate the cost of administration. Any fee related to limousine vehicle certificates must not exceed seventy-five dollars. Any fee related to a limousine carrier license for a business must not exceed three hundred fifty dollars. Any fee related to limousine vehicle inspections must not exceed twenty-five dollars. [2011 c 374 s 10; 1996 c 87 s 15.]

Effective date—2011 c 374 ss 1-12: See note following RCW 46.72A.010.

Report by internal work group on issuance of chauffeur licenses—2011 c 374: See note following RCW 46.72A.090.

RCW 46.72A.130 Continued operation of existing limousines. A vehicle operated as a limousine under *chapter 81.90 RCW before April 1, 1996, may continue to operate as a limousine even though it may not meet the definition of limousine in RCW 46.04.274 as long as the owner is the same as the registered owner on April 1, 1996, and the vehicle and limousine carrier otherwise comply with this chapter. [1996 c 87 s 16.]

***Reviser's note:** Chapter 81.90 RCW was repealed by 1996 c 87 s 23.

RCW 46.72A.140 Uniform regulation of business and professions act. The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter by the department. [2011 c 374 s 11; 2002 c 86 s 296.]

Effective date—2011 c 374 ss 1-12: See note following RCW 46.72A.010.

Report by internal work group on issuance of chauffeur licenses—2011 c 374: See note following RCW 46.72A.090.

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

RCW 46.72A.150 Cooperative agreements with cities with populations of five hundred thousand or more—Enforcement authority, limitations. (1) The department may enter into cooperative agreements with cities with populations of five hundred thousand or more for the purpose of enforcing state laws or rules applicable to limousine carriers and chauffeurs. This power to enforce includes the right to adopt local limousine laws by city ordinance that are consistent with this chapter and the right to impose monetary penalties by civil infraction as provided in this chapter.

(2) In addition, the following specific authority and limitations to city enforcement must be included:

(a) City enforcement officers may conduct street enforcement activity consistent with this chapter;

(b) City enforcement officers may conduct inspections of limousines to verify compliance with limousine standards adopted by rule by the department and, if the carrier requests, conduct annual limousine vehicle inspections in lieu of an inspection conducted by the Washington state patrol. The city may receive all limousine inspection or reinspection fees for inspections conducted by city enforcement officers;

(c) A city may require that any limousine carrier dispatching a limousine to pick up passengers within the incorporated area of the city to maintain on file with the city insurance documents that meet the requirements adopted by rule by the department. The city may issue civil infractions to carriers and summarily suspend limousine vehicle certificates for failure to maintain on file valid insurance documents with the city.

(3) A cooperative agreement with the department for delegated enforcement must specify the schedule and amount of funds derived from limousine carrier license, limousine vehicle certificate, and chauffeur license fee revenue to be provided to the city to allow the city to provide the agreed upon level of enforcement. In addition, the cooperative agreement must restrict the fee revenue use by a city to the costs of enforcing state laws or rules applicable to limousine carriers and chauffeurs. [2011 c 374 s 12.]

Effective date—2011 c 374 ss 1-12: See note following RCW 46.72A.010.

Report by internal work group on issuance of chauffeur licenses—
2011 c 374: See note following RCW 46.72A.090.

RCW 46.72A.160 Limousine carriers account. (1) The limousine carriers account is created in the state treasury. Notwithstanding any other provision of law, all receipts from each civil infraction and violation imposed by this chapter must be deposited into the account. Moneys in the account must be spent only after appropriation.

(2) Expenditures from the account may be used only for regulation and enforcement under this chapter, including regulation and enforcement through a cooperative agreement as described in RCW 46.72A.150. [2011 c 374 s 14.]

Effective date—2011 c 374 s 14: "Section 14 of this act takes effect July 1, 2012." [2011 c 374 s 16.]

Report by internal work group on issuance of chauffeur licenses—
2011 c 374: See note following RCW 46.72A.090.