

Passed the House March 6, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965, with the exception of Section 1 which was vetoed.

NOTE: Governor's explanation of partial veto is as follows:

Veto message.

"I believe that section 2 and section 3 fully accomplish the purposes of House Bill No. 307, and that addition to the general insurance laws of section 1 will create an unnecessary ambiguity in the law.

"I am therefore vetoing section 1. The remainder of House Bill No. 307 is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 150.

[House Bill No. 332.]

REGULATION OF CARRIERS OF PASSENGER CHARTER PARTIES.

AN ACT relating to the business of carriers of passenger charter parties; adding a new chapter to Title 81 RCW; levying certain fees; providing penalties; and making an effective date.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. There is added to Title 81 RCW a new chapter to read as set forth in sections 2 through 24 of this act.

New chapter.

SEC. 2. 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

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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.

Definitions.

SEC. 3. Unless the context otherwise requires, the definitions and general provisions set forth in this section shall govern the construction of this chapter:

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

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

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

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

(5) Subject to the exclusions of section 4 of this chapter, "charter party carrier of passengers" means every person engaged in the transportation of persons by motor vehicle for compensation whether in common or contract carriage over any public highway in this state.

(6) "Certificate of public convenience and necessity" as used herein means the certificate required by RCW 81.68.040.

Exemptions.

SEC. 4. Provisions of this chapter do not apply to:

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

(2) 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;

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

(4) Operators of charter boats operating on waters within or bordering this state.

SEC. 5. No charter party carrier of passengers shall engage in transportation services made subject to this chapter unless there is in force a permit issued annually by the commission authorizing such operation.

Annual permit for operation.

SEC. 6. Applications for permits shall be in writing, verified under oath, and shall be in such form and contain such information as the commission may require.

—Application—Contents.

SEC. 7. Each annual application for a permit to act as a charter party carrier of passengers pursuant to the provision of this chapter shall be accompanied by a filing fee of twenty-five dollars.

—Filing fee.

SEC. 8. Before an annual permit is issued the commission shall require the applicant to establish reasonable fitness and financial responsibility to initiate and conduct such proposed transportation service.

—Fitness, financial responsibility to be established.

SEC. 9. The commission may with or without hearing issue a permit, or may refuse to issue a permit after a hearing. If the commission finds that the applicant possesses satisfactory fitness and financial responsibility to initiate and conduct the proposed transportation service, and will faithfully comply with the rules and regulations adopted by the commission with respect thereto, it shall issue the permit to conduct the requested operations or may issue it for the partial exercise of the privilege sought, and may attach to the permit such terms and conditions as in its judgment are required in the public interest, provided that the permit shall not limit the authorized operations to designated points, area or

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routes. The fact that the applicant for the permit is or may later become a holder of a certificate of public convenience and necessity shall not be deemed inconsistent with the provisions of this chapter, and such dual authority may be authorized.

—Permit for one year.

SEC. 10. A permit shall be and remain in effect for one year unless suspended or terminated by the commission.

—Permits not transferable.

SEC. 11. No permit issued pursuant to this chapter or rights to conduct any of the services therein authorized shall be leased, assigned, or otherwise transferred or encumbered.

—Cancellation, suspension or revocation, grounds.

SEC. 12. The commission may cancel, revoke or suspend any operating permit issued pursuant to the provisions of this chapter upon any of the following grounds:

(1) The violation of any of the provisions of this chapter or of any operating permit issued thereunder;

(2) The violation of any order, decision, rule, regulation, direction, demand or requirement established by the commission pursuant to this chapter;

(3) The rendition of a judgment against the charter party carrier of passengers for any penalty imposed under this chapter;

(4) Failure of a charter party carrier of passengers to pay any fee imposed on the carrier within the time required by law;

(5) On the request of the holder of the permit.

Operation unlawful after cancellation or revocation of permit.

SEC. 13. After the cancellation or revocation of a permit or during the period of its suspension, it shall be unlawful for a charter party carrier of passengers to conduct any operations as such a carrier. The commission may either grant or deny an application for a new permit whenever it appears that a prior permit of the applicant has been canceled or

revoked pursuant to section 12 or whenever it appears after hearing that as a prior permit holder the applicant engaged in any unlawful activity set forth in section 12 for which his permit might have been canceled or revoked.

SEC. 14. To the extent that such is not inconsistent with the provisions of this chapter, the commission may supervise and regulate every charter party carrier of passengers in the state and may do all things specifically designated in this chapter which are necessary and convenient in the exercise of such power and jurisdiction.

Commission may supervise and regulate carriers.

SEC. 15. To the extent that such are not inconsistent with the provisions of this chapter, all general orders, and rules and regulations applicable to the operation of auto transportation companies under authority of certificates of public convenience and necessity issued pursuant to the provisions of RCW 81.68.010 through 81.68.090, unless otherwise ordered by the commission, shall apply to charter party carriers of passengers.

Application of regulations applicable to auto transportation companies.

SEC. 16. The commission shall in granting permits pursuant to this chapter require charter party carriers of passengers to procure and continue in effect during the life of the permit adequate protection against liability imposed by law upon the charter party carrier of passengers for the payment of damages for personal bodily injuries including death resulting therefrom, protection against a total liability of the charter party carrier of passengers on account of bodily injuries to or death of one or more persons as a result of any one accident and protection against damage or destruction of property. The minimum requirements for such assurance of protection against liability shall not be less than the requirements which are applicable to operations conducted under certificates of public con-

Liability against damages for bodily injuries or death requisite for permit.

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venience and necessity issued pursuant to the appropriate statutes of this title and the rules and regulations prescribed pursuant thereto shall apply to charter party carriers of passengers.

Charges must be on vehicle mileage or time of use basis.

SEC. 17. Charges for the transportation to be offered or afforded by a charter party carrier of passengers shall be computed and assessed on a vehicle mileage or time of use basis or on a combination thereof, which charges may vary in accordance with the passenger capacity of the vehicle or the number of persons to be transported, but it shall not be lawful for a charter party carrier of passengers to directly or through his agent, broker or otherwise to contract, agree or arrange to charge, to demand or receive compensation for the transportation offered or afforded which shall be computed, charged or assessed by the carrier on an individual fare basis.

Violations enumerated—Penalty.

SEC. 18. Every person who knowingly or wilfully violates or fails to comply with or who knowingly or wilfully procures, aids or abets in the violation of any provisions of this chapter or who knowingly or wilfully fails to obey or comply with any order, decision, rule, regulation, direction, demand or requirement of the commission or any part or provisions thereof is guilty of a gross misdemeanor.

Statement of gross operating revenue—Fee imposed.

SEC. 19. Every charter party carrier of passengers shall, between the first and fifteenth days of January, April, July and October of each year, file with the commission a statement showing its gross operating revenue from intrastate operations for the preceding three months, or portion thereof, and pay to the commission a fee of two-fifths of one percent of the amount of gross operating revenue: *Provided*, That the fee paid shall in no case be less than two dollars and fifty cents. The percentage rate of gross operating revenue to be paid in any period may

be decreased by the commission by general order entered before the fifteenth day of the month preceding the month in which such fees are due.

SEC. 20. All fees collected under section 19 of this act or under any other provisions of this chapter shall be paid to the commission and shall be by it transmitted to the state treasurer within thirty days to be deposited to the credit of the public service commission revolving fund.

Disposition of fees.

SEC. 21. In construing and enforcing the provisions of this chapter relating to the prescribed privileges and obligations of a holder of a permit issued hereunder, the act, omission or failure of any officer, agent or employee or persons offering to afford the permitted service with the approval or consent of the permit holder is the act, omission or failure to the permit holder.

Acts or omissions of others as that of permit holder.

SEC. 22. Neither this chapter nor any provisions shall apply or be construed to apply to commerce with foreign nations or commerce among the several states except insofar as the same may be permitted under the provisions of the Constitution of the United States and the acts of congress.

Application to interstate or foreign commerce.

SEC. 23. This chapter may be cited as the "Passenger Charter Carriers Act".

Short title.

SEC. 24. The effective date of this act shall be July 1, 1965.

Effective date.

Passed the House March 11, 1965.

Passed the Senate March 10, 1965.

Approved by the Governor March 23, 1965.