

matter specified in any statement or affidavit required to be provided under this section.

Sec. 10. Section 2, chapter 2, Laws of 1961 and RCW 64.28.020 are each amended to read as follows:

(1) Every interest created in favor of two or more persons in their own right is an interest in common, unless acquired by them in partnership, for partnership purposes, or unless declared in its creation to be a joint tenancy, as provided in RCW 64.28.010, ~~((or unless acquired as community property))~~ or unless acquired by executors or trustees.

(2) Interests in common held in the names of a husband and wife, whether or not in conjunction with others, are presumed to be their community property.

(3) Subsection (2) of this section applies as of the effective date of this 1988 section, to all existing or subsequently created interests in common.

Passed the House February 10, 1988.

Passed the Senate February 29, 1988.

Approved by the Governor March 11, 1988.

Filed in Office of Secretary of State March 11, 1988.

CHAPTER 30

[Senate Bill No. 5451]

PASSENGER CHARTER CARRIERS

AN ACT Relating to passenger charter carriers; amending RCW 81.70.020; adding new sections to chapter 81.70 RCW; and repealing RCW 81.70.040, 81.70.050, 81.70.060, 81.70.070, 81.70.080, 81.70.090, 81.70.095, 81.70.100, 81.70.110, 81.70.120, 81.70.130, 81.70.140, 81.70.150, 81.70.160, 81.70.170, 81.70.180, 81.70.190, 81.70.200, 81.70.210, 81.70.900, and 81.70.910.

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

Sec. 1. Section 3, chapter 150, Laws of 1965 as amended by section 1, chapter 132, Laws of 1969 and RCW 81.70.020 are each amended to read as follows:

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 RCW 81.70.030, "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))~~ a group of persons, who, pursuant to a common purpose and under a single contract, have acquired the use of a motor bus 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 having left the place of origin.

NEW SECTION. Sec. 2. No person may engage in the business of a charter party carrier of persons over any public highway without first having obtained a certificate from the commission to do so.

NEW SECTION. Sec. 3. (1) Applications for certificates shall be made to the commission in writing, verified under oath, and shall be in such form and contain such information as the commission by regulation may require. Every such application shall be accompanied by a fee as the commission may prescribe by rule.

(2) A certificate shall be issued to any qualified applicant authorizing, in whole or in part, the operations covered by the application if it is found that the applicant is fit, willing, and able to perform properly the service and to conform to the provisions of this chapter and the rules and regulations of the commission.

(3) Before a certificate is issued, the commission shall require the applicant to establish safety fitness and proof of minimum financial responsibility as provided in this chapter.

NEW SECTION. Sec. 4. 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.

NEW SECTION. Sec. 5. 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 pursuant to this chapter;
- (3) Failure of a charter party carrier of passengers to pay a fee imposed on the carrier within the time required by law;
- (4) Failure of a charter party carrier to maintain required insurance coverage in full force and effect; or
- (5) Failure of the certificate holder to operate and perform reasonable service.

NEW SECTION. Sec. 6. After the cancellation or revocation of a certificate or during the period of its suspension, it is unlawful for a charter party carrier of passengers to conduct any operations as such a carrier.

NEW SECTION. Sec. 7. It is the duty of the commission to regulate charter party 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.

NEW SECTION. Sec. 8. (1) In granting certificates under this chapter, the commission shall require charter party carriers of passengers 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 reason of 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 giving consideration to the character and amount of traffic, the number of persons affected, and the degree of danger which the proposed operation involves. Such liability and property damage insurance or surety bond shall be maintained in force on each motor-propelled vehicle while so used. Each policy for liability or property damage insurance or surety bond required herein shall be filed with the commission and kept in effect and a failure so to do is cause for revocation of the certificate.

NEW SECTION. Sec. 9. A charter party 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 interstate commerce commission of the United States in accordance with the United States interstate commerce act applicable to self-insurance by motor carriers is exempt from section 8 of this act relating to the carrying or filing of insurance policies or bonds in connection with such operations as long as such qualification remains effective.

The commission may require proof of the existence and continuation of qualification with the interstate commerce commission to be made by affidavit of the charter party carrier in a form the commission may prescribe.

NEW SECTION. Sec. 10. In all respects in which the commission has power and authority under this chapter, applications and complaints may be made and filed with it, process issued by it, hearings held, opinions, orders, and decisions made and filed, petitions for rehearing filed and acted upon, petitions for writs of review filed with the superior court, appeals or mandates filed with the supreme court or the court of appeals of this state, and may be considered and disposed of by said courts in a manner, under the conditions, subject to the limitations, and with the effect specified in this chapter.

NEW SECTION. Sec. 11. 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.

NEW SECTION. Sec. 12. (1) An application for a certificate or amendment thereof, or application to sell, lease, mortgage, or transfer a certificate, shall be accompanied by such filing fees as the commission may prescribe by rule, however the fee shall not exceed two hundred dollars.

(2) All fees paid to the commission under this chapter shall 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 shall reasonably approximate the cost of supervising and regulating charter party carriers subject thereto, and to that end the commission is authorized to decrease the schedule of fees provided for in section 15 of this act by general order entered before November 1 of any year in which the commission determines that the moneys then in the charter party carrier account of the public service revolving fund and the fees currently to be paid 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, such increase, not in any event to exceed the schedule set forth in this chapter, may be effected by a similar general order entered before November 1 of any calendar year.

NEW SECTION. Sec. 13. It is unlawful for a charter party carrier to operate a motor bus upon the highways of this state unless there is firmly affixed to the vehicle on both sides thereof, the name of the carrier and the certificate or permit number of such carrier. The characters composing such identification shall be of sufficient size to be clearly distinguishable at a distance of at least fifty feet from the vehicle.

NEW SECTION. Sec. 14. It is unlawful for a charter party carrier of passengers engaged in interstate or foreign commerce to use any of the public highways of this state for the transportation of passengers in interstate or foreign commerce, unless such carrier has identified its vehicles and

registered its interstate or foreign operations with the commission. Interstate and foreign carriers possessing operating authority issued by the interstate commerce commission shall register such authority pursuant to Public Law 89-170, as amended, and the regulations of the interstate commerce commission adopted thereunder. Interstate and foreign charter party carriers of passengers exempt from regulation by the interstate commerce commission shall register their interstate operations under regulations adopted by the commission, which shall, to the maximum extent practical, conform to the regulations promulgated by the interstate commerce commission under Public Law 89-170, as amended. All other provisions of this chapter shall be applicable to motor carriers of passengers engaged in interstate or foreign commerce insofar as the same are not prohibited under the Constitution of the United States or federal statute.

NEW SECTION. Sec. 15. (1) The commission shall collect from each charter party carrier holding a certificate issued pursuant to this chapter and from each interstate 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) All fees prescribed by this section shall be due and payable on or before December 31 of each year, to cover the ensuing year beginning February 1.

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

(1) Section 5, chapter 150, Laws of 1965, section 2, chapter 132, Laws of 1969 and RCW 81.70.040;

(2) Section 6, chapter 150, Laws of 1965, section 3, chapter 132, Laws of 1969 and RCW 81.70.050;

(3) Section 7, chapter 150, Laws of 1965, section 4, chapter 132, Laws of 1969, section 6, chapter 115, Laws of 1973 and RCW 81.70.060;

(4) Section 8, chapter 150, Laws of 1965, section 5, chapter 132, Laws of 1969 and RCW 81.70.070;

(5) Section 9, chapter 150, Laws of 1965, section 6, chapter 132, Laws of 1969 and RCW 81.70.080;

(6) Section 10, chapter 150, Laws of 1965, section 7, chapter 132, Laws of 1969 and RCW 81.70.090;

(7) Section 8, chapter 132, Laws of 1969, section 7, chapter 115, Laws of 1973 and RCW 81.70.095;

(8) Section 11, chapter 150, Laws of 1965, section 9, chapter 132, Laws of 1969, section 8, chapter 115, Laws of 1973 and RCW 81.70.100;

(9) Section 12, chapter 150, Laws of 1965, section 10, chapter 132, Laws of 1969 and RCW 81.70.110;

(10) Section 13, chapter 150, Laws of 1965, section 11, chapter 132, Laws of 1969 and RCW 81.70.120;

- (11) Section 14, chapter 150, Laws of 1965, section 12, chapter 132, Laws of 1969 and RCW 81.70.130;
- (12) Section 15, chapter 150, Laws of 1965 and RCW 81.70.140;
- (13) Section 16, chapter 150, Laws of 1965, section 13, chapter 132, Laws of 1969 and RCW 81.70.150;
- (14) Section 17, chapter 150, Laws of 1965 and RCW 81.70.160;
- (15) Section 18, chapter 150, Laws of 1965, section 107, chapter 136, Laws of 1979 ex. sess. and RCW 81.70.170;
- (16) Section 19, chapter 150, Laws of 1965, section 14, chapter 132, Laws of 1969, section 2, chapter 48, Laws of 1977 ex. sess. and RCW 81.70.180;
- (17) Section 20, chapter 150, Laws of 1965 and RCW 81.70.190;
- (18) Section 21, chapter 150, Laws of 1965, section 15, chapter 132, Laws of 1969 and RCW 81.70.200;
- (19) Section 22, chapter 150, Laws of 1965 and RCW 81.70.210;
- (20) Section 23, chapter 150, Laws of 1965 and RCW 81.70.900; and
- (21) Section 24, chapter 150, Laws of 1965 and RCW 81.70.910.

NEW SECTION. Sec. 17. Sections 2 through 15 of this act are each added to chapter 81.70 RCW.

Passed the Senate February 8, 1988.

Passed the House March 2, 1988.

Approved by the Governor March 11, 1988.

Filed in Office of Secretary of State March 11, 1988.

CHAPTER 31

[Substitute Senate Bill No. 5844]

COMMON CARRIER FREIGHT BROKERS

AN ACT Relating to motor carrier freight brokers; amending RCW 81.80.010; adding a new section to chapter 81.80 RCW; and prescribing penalties.

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

Sec. 1. Section 81.80.010, chapter 14, Laws of 1961 as last amended by section 1, chapter 71, Laws of 1982 and RCW 81.80.010 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

(1) "Person" means and includes an individual, firm, copartnership, corporation, company, or association or their lessees, trustees, or receivers.

(2) "Motor vehicle" means any truck, trailer, semitrailer, tractor, dump truck which uses a hydraulic or mechanical device to dump or discharge its load, or any self-propelled or motor-driven vehicle used upon any public highway of this state for the purpose of transporting property, but not including baggage, mail, and express transported on the vehicles of auto transportation companies carrying passengers.