

of suspected child abuse or neglect, or (d) when a patient commits a crime on program premises or against program personnel, or threatens to do so.

(2) Notwithstanding subsection (1) of this section, the secretary may receive information from patients' records for purposes of research into the causes and treatment of alcoholism, and the evaluation of alcoholism and treatment programs. Information under this subsection shall not be published in a way that discloses patients' names or otherwise discloses their identities.

Passed the Senate March 8, 1989.

Passed the House April 12, 1989.

Approved by the Governor April 22, 1989.

Filed in Office of Secretary of State April 22, 1989.

CHAPTER 163

[Substitute Senate Bill No. 5553]

EXCURSION BUSES—REGULATION BY UTILITIES AND TRANSPORTATION COMMISSION AS CHARTER BUSES

AN ACT Relating to regulation of excursion service carriers; and amending RCW 81.68.010, 81.68.015, 81.68.020, 81.68.030, 81.68.060, 81.70.020, 81.70.220, 81.70.250, 81.70.260, 81.70.270, 81.70.280, 81.70.290, 81.70.320, 81.70.330, 81.70.340, and 81.70.350.

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

Sec. 1. Section 81.68.010, chapter 14, Laws of 1961 as last amended by section 1, chapter 166, Laws of 1984 and RCW 81.68.010 are each amended to read as follows:

The definitions set forth in this section shall apply throughout this chapter, unless the context clearly indicates otherwise.

(1) "Corporation" means a corporation, company, association, or joint stock association.

(2) "Person" means an individual, firm, or a copartnership.

(3) "Auto transportation company" means every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any motor propelled vehicle not usually operated on or over rails used in the business of transporting persons, and baggage, mail, and express on the vehicles of auto transportation companies carrying passengers, for compensation over any public highway in this state between fixed termini or over a regular route, and not operating exclusively within the incorporated limits of any city or town.

(4) (~~"Excursion service company" means every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any motor propelled vehicle not usually operated on or over rails used in the business of transporting 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 designated by the commission, to any other location within the state of Washington and returning to that origin. The service shall not pick up or drop off passengers after leaving and before returning to the area of origin. The excursions may or may not be regularly scheduled. Compensation for the transportation offered or afforded shall be computed, charged, or assessed by the excursion service company on an individual fare basis.~~

~~(5))~~ "Public highway" means every street, road, or highway in this state.

~~((6))~~ (5) The words "between fixed termini or over a regular route" mean the termini or route between or over which any auto transportation company usually or ordinarily operates any motor propelled vehicle, even though there may be departure from the termini or route, whether the departures are periodic or irregular. Whether or not any motor propelled vehicle is operated by any auto transportation company "between fixed termini or over a regular route" within the meaning of this section is a question of fact, and the finding of the commission thereon is final and is not subject to review.

Sec. 2. Section 2, chapter 166, Laws of 1984 and RCW 81.68.015 are each amended to read as follows:

This chapter does not apply to corporations or persons, their lessees, trustees, receivers, or trustees appointed by any court whatsoever insofar as they own, control, operate, or manage taxicabs, hotel buses, school buses, motor propelled vehicles operated exclusively in transporting agricultural, horticultural, dairy, or other farm products from the point of production to the market, or any other carrier that does not come within the term "auto transportation company" (~~(or "excursion service company")~~) as defined in RCW 81.68.010.

This chapter does not apply to persons operating motor vehicles when operated wholly within the limits of incorporated cities or towns, and for a distance not exceeding three road miles beyond the corporate limits of the city or town in Washington in which the original starting point of the vehicle is located, and which operation either alone or in conjunction with another vehicle or vehicles is not a part of any journey beyond the three-mile limit.

This chapter does not apply to commuter ride sharing or ride sharing for the elderly and the handicapped in accordance with RCW 46.74.010, so long as the ride-sharing operation does not compete with nor infringe upon comparable service actually being provided before the initiation of the ride-sharing operation by an existing auto transportation company (~~(or excursion service company)~~) certificated under this chapter.

Sec. 3. Section 81.68.020, chapter 14, Laws of 1961 as amended by section 3, chapter 166, Laws of 1984 and RCW 81.68.020 are each amended to read as follows:

No corporation or person, their lessees, trustees, or receivers or trustees appointed by any court whatsoever, may engage in the business of operating as a common carrier any motor propelled vehicle for the transportation of persons, and baggage, mail, and express on the vehicles of auto transportation companies carrying passengers, between fixed termini or over a regular route(~~(; or the vehicles of an excursion service company between the designated areas of pickup and points of destination;))~~) for compensation on any public highway in this state, except in accordance with the provisions of this chapter.

Sec. 4. Section 81.68.030, chapter 14, Laws of 1961 as amended by section 4, chapter 166, Laws of 1984 and RCW 81.68.030 are each amended to read as follows:

The commission is vested with power and authority, and it is its duty to supervise and regulate every auto transportation company (~~(and every excursion service company)~~) in this state as provided in this section. Under this authority, it shall for each auto transportation company (~~(and for each excursion service company)~~):

- (1) Fix, alter, and amend just, fair, reasonable, and sufficient rates, fares, charges, classifications, rules, and regulations;
- (2) Regulate the accounts, service, and safety of operations;
- (3) Require the filing of annual and other reports and of other data;
- (4) Supervise and regulate the companies in all other matters affecting the relationship between such companies and the traveling and shipping public;
- (5) By general order or otherwise, prescribe rules and regulations in conformity with this chapter, applicable to any and all such companies, and within such limits make orders.

The commission may, at any time, by its order duly entered after a hearing had upon notice to the holder of any certificate under this chapter, and an opportunity to the holder to be heard, at which it shall be proven that the holder wilfully violates or refuses to observe any of the commission's proper orders, rules, or regulations, suspend, revoke, alter, or amend any certificate issued under the provisions of this chapter, but the holder of the certificate has all the rights of rehearing, review, and appeal as to the order of the commission as is provided for in RCW 81.68.070.

Sec. 5. Section 81.68.060, chapter 14, Laws of 1961 as last amended by section 6, chapter 166, Laws of 1984 and RCW 81.68.060 are each amended to read as follows:

In granting certificates to operate any auto transportation company (~~(or excursion service company)~~), for transporting for compensation persons and baggage, mail, and express on the vehicles of auto transportation companies (~~(or excursion service companies)~~) carrying passengers, the commission shall require the owner or operator to first procure 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 amount of not less than one hundred thousand dollars for any recovery for personal injury by one person and not less than three hundred thousand dollars for any vehicle having a capacity of sixteen passengers or less and not less than five hundred thousand dollars for any vehicle having a capacity of seventeen passengers or more for all persons receiving personal injury by reason of at least one act of negligence and not less than fifty thousand dollars for damage to property of any person other than the assured. The commission shall fix the amount of the insurance policy or policies or security deposit giving due consideration to the character and amount of traffic, the number of persons affected, and the degree of danger that the proposed operation involves. The liability and property damage insurance or surety bond shall be maintained in force on [the] motor propelled vehicle while so used, and each policy for liability or property damage insurance or surety bond required by this section shall be filed with the commission and kept in full force and effect. Failure so to do is cause for the revocation of the certificate.

Sec. 6. Section 3, chapter 150, Laws of 1965 as last amended by section 1, chapter 30, Laws of 1988 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 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.

(6) 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 shall not pick up or drop off passengers after leaving and before returning to the area of origin. The excursions may or may not be regularly scheduled. Compensation for the transportation offered or afforded shall be computed, charged, or assessed by the excursion service company on an individual fare basis.

Sec. 7. Section 2, chapter 30, Laws of 1988 and RCW 81.70.220 are each amended to read as follows:

No person may engage in the business of a charter party carrier or excursion service carrier of persons over any public highway without first having obtained a certificate from the commission to do so or having registered as an interstate carrier.

Sec. 8. Section 5, chapter 30, Laws of 1988 and RCW 81.70.250 are each amended to read as follows:

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

Sec. 9. Section 6, chapter 30, Laws of 1988 and RCW 81.70.260 are each amended to read as follows:

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.

Sec. 10. Section 7, chapter 30, Laws of 1988 and RCW 81.70.270 are each amended to read as follows:

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.

Sec. 11. Section 8, chapter 30, Laws of 1988 and RCW 81.70.280 are each amended to read as follows:

(1) In granting certificates under this chapter, the commission shall require charter party carriers and excursion service 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.

Sec. 12. Section 9, chapter 30, Laws of 1988 and RCW 81.70.290 are each amended to read as follows:

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 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 RCW 81.70.280 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 or excursion service carrier in a form the commission may prescribe.

Sec. 13. Section 12, chapter 30, Laws of 1988 and RCW 81.70.320 are each amended to read as follows:

(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 and excursion service carriers subject thereto, and to that end the commission is authorized to decrease the schedule of fees provided for in RCW 81.70.350 by general order entered before November 1 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 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.

Sec. 14. Section 13, chapter 30, Laws of 1988 and RCW 81.70.330 are each amended to read as follows:

It is unlawful for a charter party carrier or excursion service 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.

Sec. 15. Section 14, chapter 30, Laws of 1988 and RCW 81.70.340 are each amended to read as follows:

It is unlawful for a charter party carrier or excursion service 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 and excursion service 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.

Sec. 16. Section 15, chapter 30, Laws of 1988 and RCW 81.70.350 are each amended to read as follows:

(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) 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.

Passed the Senate March 14, 1989.

Passed the House April 12, 1989.

Approved by the Governor April 22, 1989.

Filed in Office of Secretary of State April 22, 1989.

CHAPTER 164

[Senate Bill No. 5595]

DRUG SAMPLES—DISTRIBUTION TO HOSPITAL PHARMACIES AND OTHER MEDICAL ENTITIES

AN ACT Relating to distribution of drug samples; amending RCW 69.45.050; creating a new section; and declaring an emergency.

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

NEW SECTION. Sec. 1. The legislature finds that chapter 69.45 RCW is more restrictive than the federal prescription drug marketing act of 1987, and the legislature further finds that a change in chapter 69.45 RCW accepting the position of the federal law is beneficial to the citizens of this state.

Sec. 2. Section 5, chapter 411, Laws of 1987 and RCW 69.45.050 are each amended to read as follows:

(1) Drug samples may be distributed by a manufacturer or a manufacturer's representative only to practitioners legally authorized to prescribe such drugs or, at the request of such practitioner, to pharmacies of hospitals or other health care entities. The recipient of the drug sample must execute a written receipt upon delivery that is returned to the manufacturer or the manufacturer's representative.

(2) Drug samples may be distributed by a manufacturer or a manufacturer's representative only to a practitioner legally authorized to prescribe such drugs pursuant to a written request for such samples. The request shall contain: