

(2) The status of all extended area service petitions pending at the commission;

(3) Commission action on the recommendations of the local extended calling advisory committee; and

(4) Commission recommendations for any other legislation addressing the issue of extended area service.

NEW SECTION. Sec. 5. The extended area service program under sections 2 through 5 of this act shall expire on December 1, 1990, except for any extended area service obtained by any business residence or community and put in place under section 3 of this act.

NEW SECTION. Sec. 6. The utilities and transportation commission shall study the feasibility of the elimination, by January 1, 1992, of multi-party lines and mileage charges in all telephone exchanges throughout the state and the relationship between mileage charges and extended area service. The study shall include recommendations as to methods to equitably share the costs of any such program, any recommendations for legislative action, and an analysis of technological changes which may alter the telecommunications network in the next decade. The utilities and transportation commission shall report the results of the study to the energy and utilities committees of the house of representatives and the senate by December 1, 1989.

NEW SECTION. Sec. 7. The sum of forty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the public service revolving fund to the utilities and transportation commission for the purposes of section 6 of this act.

NEW SECTION. Sec. 8. Sections 2, 3 and 6 of this act are each added to chapter 80.36 RCW.

Passed the House April 18, 1989.

Passed the Senate April 6, 1989.

Approved by the Governor May 8, 1989.

Filed in Office of Secretary of State May 8, 1989.

CHAPTER 283

[Substitute Senate Bill No. 5184]

LIMOUSINE SERVICE OPERATORS—CERTIFICATION

AN ACT Relating to commercial limousine operators; amending RCW 81.70.030; and adding a new chapter to Title 81 RCW.

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

NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout 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, or 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, commonly referred to as a limousine, with seating capacity for four to sixteen persons, excluding the driver.

(5) Subject to the exclusions of section 2 of this act, "limousine charter party carrier of passengers" means every person engaged in the transportation of a person or group of persons, who, under a single contract, acquires the use of a limousine to travel to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the person or group of persons after having left the place of origin.

(6) "Chauffeur" means any person with a valid Washington state driver's license authorized by the Washington utilities and transportation commission to drive a limousine under this chapter.

NEW SECTION. Sec. 2. The provisions of this chapter do not apply to:

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

(2) Private passenger vehicles carrying passengers on a noncommercial enterprise basis;

(3) Charter party carriers of passengers under chapter 81.70 RCW.

NEW SECTION. Sec. 3. No person may engage in the business of a limousine charter party carrier of persons over any public highway without first having obtained a certificate or registration from the commission to do so.

NEW SECTION. Sec. 4. (1) Applications for certificates shall 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 shall be accompanied by a fee as the commission may prescribe by rule.

(2) A certificate shall be issued to any qualified applicant authorizing the operations covered by the application if it is found that the applicant is fit, willing, and able to perform properly the service and 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. 5. 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. 6. The commission may cancel, revoke, or suspend any certificate or registration 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 limousine charter party carrier of passengers to pay a fee imposed on the carrier within the time required by law;
- (4) Failure of a limousine 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 services.

NEW SECTION. Sec. 7. After the cancellation or revocation of a certificate or registration or during the period of its suspension, it is unlawful for a limousine charter party carrier of passengers to conduct any operations as such a carrier.

NEW SECTION. Sec. 8. It is the duty of the commission to regulate limousine charter party carriers with respect to safety of equipment, chauffeur qualifications, and safety of operations. The commission shall establish rules and regulations and require such reports as are necessary to carry out the provisions of this chapter.

NEW SECTION. Sec. 9. (1) In granting certificates under this chapter, the commission shall require limousine 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 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;
- (b) Not less than five hundred thousand dollars for any vehicle having a capacity of sixteen passengers or less; and
- (c) Not less than fifty thousand dollars for damage to property of any person other than the insured; or
- (d) Combined bodily injury, property damage liability insurance of not less than six hundred thousand dollars.

(2) The commission shall fix the amount of the insurance policy or policies 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 shall be

maintained in force on each motor-propelled vehicle while so used. Each policy for liability or property damage insurance 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. 10. A limousine charter party carrier of passengers authorized to transport persons for compensation on the highways and engaging in 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 9 of this act relating to the carrying or filing of insurance policies 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 limousine charter party carrier in a form the commission may prescribe.

NEW SECTION. Sec. 11. 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. 12. 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. 13. (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 limousine 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 limousine

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. 14. It is unlawful for a limousine 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 P.L. 89-170, as amended, and the regulations of the interstate commerce commission adopted thereunder. Interstate and foreign limousine 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 P.L. 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 statutes.

NEW SECTION. Sec. 15. (1) The commission shall collect from each limousine charter party carrier holding a certificate issued pursuant to this chapter and from each interstate and foreign carrier subject to this chapter, an annual regulatory fee to be established by the commission but which shall not exceed the cost of supervising and regulating such carriers, for each motor vehicle 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 state of Washington fully occupies and preempts the entire field of regulation over limousine charter party carriers of passengers as regulated by this chapter. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to limousine charter party carriers of passengers regulation that are consistent with this chapter. Cities, towns, and counties or other municipalities may enact laws and ordinances which require limousine charter party carriers of passengers to pay business and occupation taxes.

Sec. 17. Section 4, chapter 150, Laws of 1965 and RCW 81.70.030 are each amended to read as follows:

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; or
- (5) Limousine charter party carriers of passengers under chapter — RCW (sections 1 through 16 of this act).

NEW SECTION. Sec. 18. Sections 1 through 16 of this act shall constitute a new chapter in Title 81 RCW.

Passed the Senate April 20, 1989.

Passed the House April 3, 1989.

Approved by the Governor May 8, 1989.

Filed in Office of Secretary of State May 8, 1989.

CHAPTER 284

[Substitute Senate Bill No. 5173]

STATE AUDITOR—DISCLOSURE OF IMPROPER GOVERNMENTAL ACTIONS—DUTIES

AN ACT Relating to disclosure of improper governmental action; amending RCW 42.40.020, 42.40.030, 42.40.040, 42.40.050, and 42.40.070; and repealing RCW 42.40.060.

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

Sec. 1. Section 2, chapter 208, Laws of 1982 and RCW 42.40.020 are each amended to read as follows:

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

- (1) "Auditor" means the office of the state auditor.
- (2) "Employee" means any individual employed or holding office in any department or agency of state government.
- (3) (a) "Improper governmental action" means any action by an employee:
 - ((a)) (i) Which is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and