

(2) The designated incident command agency and the person whose assistance is requested have entered into a written hazardous materials assistance agreement prior to the incident which incorporates the terms and conditions of RCW 70.136.060, except as specified in RCW 70.136.070;

(3) The request for assistance comes from the designated incident command agency.

NEW SECTION. Sec. 3. There is added to chapter 4.24 RCW a new section to read as follows:

(1) Any person transporting hazardous materials shall clean up any hazardous materials incident that occurs during transportation, and shall take such additional action as may be reasonably necessary after consultation with the designated incident command agency in order to achieve compliance with all applicable federal and state laws and regulations.

Any person responsible for causing the hazardous materials incident, other than operating employees of a transportation company, is liable to the state or any political subdivision thereof for extraordinary costs incurred by the state or the political subdivision in the course of protecting the public from actual or threatened harm resulting from the hazardous materials incident.

(2) "Extraordinary costs" as used in this section means those reasonable and necessary costs incurred by a governmental entity in the course of protecting life and property that exceed the normal and usual expenses anticipated for police and fire protection, emergency services, and public works. These shall include, but not be limited to, overtime for public employees, unusual fuel consumption requirements, any loss or damage to publicly owned equipment, and the purchase or lease of any special equipment or services required to protect the public during the hazardous materials incident.

Passed the Senate March 1, 1984.

Passed the House February 25, 1984.

Approved by the Governor March 8, 1984.

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## CHAPTER 166

[Substitute Senate Bill No. 3758]

### EXCURSION SERVICES—REGULATION

AN ACT Relating to excursion services; amending section 81.68.010, chapter 14, Laws of 1961 as last amended by section 16, chapter 111, Laws of 1979 and RCW 81.68.010; amending section 81.68.020, chapter 14, Laws of 1961 and RCW 81.68.020; amending section 81.68.030, chapter 14, Laws of 1961 and RCW 81.68.030; amending section 81.68.060, chapter 14, Laws of 1961 as amended by section 1, chapter 298, Laws of 1977 ex. sess. and RCW 81.68.060; and adding new sections to chapter 81.68 RCW.

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 16, chapter 111, Laws of 1979 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. ~~((The term "auto transportation company" shall not include 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 which does not come within the term "auto transportation company" as herein defined.~~

~~No portion of this section shall 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 such 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.~~

~~The term "auto transportation company" shall not include, nor shall the provisions of this chapter 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 prior to the initiation of the ride-sharing operation by an existing auto transportation company certificated under this chapter:))~~

(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.

~~((5))~~ (6) 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 ~~((said))~~ the termini or route, whether ~~((such))~~ the departures ~~((be))~~ 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 ~~((shall be))~~ is a question of fact, and the finding of the commission thereon ~~((shall be))~~ is final and ~~((shall))~~ is not ~~((be))~~ subject to review.

NEW SECTION. Sec. 2. There is added to chapter 81.68 RCW a new section 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 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, ~~((shall))~~ 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 and RCW 81.68-.030 are each amended to read as follows:

The commission is ~~((hereby))~~ vested with power and authority, and it is ~~((hereby made))~~ its duty to supervise and regulate every auto transportation company and every excursion service company in this state ~~((as such to))~~ 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 ~~((of each such auto transportation company)); ((to))~~

(2) Regulate the accounts, service, and safety of operations ~~((of each such auto transportation company)); ((to))~~

(3) Require the filing of annual and other reports and of other data ~~((by such auto transportation companies)); ((and to))~~

(4) Supervise and regulate ~~((auto transportation))~~ the companies in all other matters affecting the relationship between such ~~((auto transportation))~~ companies and the traveling and shipping public ~~((The commission shall have power and authority));~~

(5) By general order or otherwise, ((to)) prescribe rules and regulations in conformity with this chapter, applicable to any and all such ~~((auto transportation))~~ companies ~~((;))~~, and within such limits ~~((shall have power and authority to))~~ make orders ~~((and to prescribe rules and regulations affecting auto transportation companies)).~~

The commission may, at any time, by its order duly entered after a hearing had upon notice to the holder of any certificate ~~((hereunder))~~ under this chapter, and an opportunity to ~~((such))~~ the holder to be heard, at which it shall be proven that ~~((such))~~ the holder wilfully violates or refuses to observe any of ~~((its))~~ 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 ~~((such))~~ the certificate ~~((shall have))~~ has all the rights of rehearing, review, and appeal as to ~~((such))~~ the order of the commission as is provided for in RCW 81.68.070.

NEW SECTION. Sec. 5. There is added to chapter 81.68 RCW a new section to read as follows:

No excursion service company may operate for the transportation of persons for compensation without first having obtained from the commission under the provisions of this chapter a certificate to do so.

A certificate shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operations covered by the application, if it is found that the applicant is fit, willing, and able to properly perform the services proposed and conform to the provisions of this chapter and the rules of the commission adopted under this chapter, and that such operations will be consistent with the public interest. However, a certificate shall be granted when it appears to the satisfaction of the commission that the person, firm, or corporation was actually operating in good faith that type of service for which the certificate was sought on January 15, 1983. Any right, privilege, or certificate held, owned, or obtained by an excursion service company may be sold, assigned, leased, transferred, or inherited as other property only upon authorization by the commission. For good cause shown the commission may refuse to issue the certificate, or issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by the certificate such terms and conditions as, in its judgment, the public interest may require.

Sec. 6. Section 81.68.060, chapter 14, Laws of 1961 as amended by section 1, chapter 298, Laws of 1977 ex. sess. and RCW 81.68.060 are each amended to read as follows:

~~((The commission shall))~~ In ~~((the))~~ granting ~~((of))~~ 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, ~~((for compensation))~~ 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 ~~((which))~~ that the proposed operation involves. ~~((Such))~~ The liability and property damage insurance or surety bond shall be maintained in force on motor propelled vehicle while so used, and each policy for liability or property damage insurance or surety bond required ~~((herein;))~~ by this section shall be filed with the commission

and kept in full force and effect ~~((and))~~. Failure so to do ~~((shall be))~~ is cause for the revocation of the certificate.

Passed the Senate March 1, 1984.

Passed the House February 24, 1984.

Approved by the Governor March 8, 1984.

Filed in Office of Secretary of State March 8, 1984.

## CHAPTER 167

[Engrossed Substitute Senate Bill No. 3849]

### CONDUCT ON BUSES

AN ACT Relating to conduct on buses; amending section 4, chapter 76, Laws of 1974 ex. sess. and RCW 46.04.355; adding a new section to chapter 9.91 RCW; defining crimes; and prescribing penalties.

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

NEW SECTION. Sec. 1. There is added to chapter 9.91 RCW a new section to read as follows:

(1) A person is guilty of unlawful bus conduct if while on or in a municipal transit vehicle as defined by RCW 46.04.355 and with knowledge that such conduct is prohibited, he or she:

(a) Smokes or carries a lighted or smoldering pipe, cigar, or cigarette; or

(b) Discards litter other than in designated receptacles; or

(c) Plays any radio, recorder, or other sound producing equipment except that nothing herein shall prohibit the use of such equipment when connected to earphones that limit the sound to individual listeners or the use of a communication device by an employee of the owner or operator of the municipal transit vehicle; or

(d) Spits or expectorates; or

(e) Carries any flammable liquid, explosive, acid, or other article or material likely to cause harm to others except that nothing herein shall prevent a person from carrying a cigarette, cigar, or pipe lighter or carrying a firearm or ammunition in a way that is not otherwise prohibited by law; or

(f) Intentionally disturbs others by engaging in loud or unruly behavior.

(2) Unlawful bus conduct is a misdemeanor.

Sec. 2. Section 4, chapter 76, Laws of 1974 ex. sess. and RCW 46.04-.355 are each amended to read as follows:

Municipal transit vehicle includes every motor vehicle, street car, train, trolley vehicle, and any other device, which (1) is capable of being moved within, upon, above, or below a public highway, (2) is owned or operated by a city, county, county transportation authority, public transportation benefit area, or metropolitan municipal corporation within the state, and (3) is used