
HOUSE BILL 1980

State of Washington

69th Legislature

2025 Regular Session

By Representatives Zahn and Salahuddin

1 AN ACT Relating to allowing certain private employer
2 transportation services to use certain public transportation
3 facilities; and amending RCW 47.52.025 and 46.61.165.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 47.52.025 and 2023 c 290 s 8 are each amended to
6 read as follows:

7 (1) Highway authorities of the state, counties, and incorporated
8 cities and towns, in addition to the specific powers granted in this
9 chapter, shall also have, and may exercise, relative to limited
10 access facilities, any and all additional authority, now or hereafter
11 vested in them relative to highways or streets within their
12 respective jurisdictions, and may regulate, restrict, or prohibit the
13 use of such limited access facilities by various classes of vehicles
14 or traffic. Such highway authorities may reserve any limited access
15 facility or portions thereof, including designated lanes or ramps for
16 the exclusive or preferential use of (a) public transportation
17 vehicles, (b) privately owned buses, (c) motorcycles, (d) private
18 motor vehicles carrying not less than a specified number of
19 passengers, (e) organ transport vehicles transporting a time urgent
20 organ or a time sensitive organ or tissue donor as defined in RCW
21 68.64.010, or (f) the following private transportation provider

1 vehicles if the vehicle has the capacity to carry eight or more
2 passengers, regardless of the number of passengers in the vehicle,
3 and if such use does not interfere with the efficiency, reliability,
4 and safety of public transportation operations: (i) Auto
5 transportation company vehicles regulated under chapter 81.68 RCW;
6 (ii) passenger charter carrier vehicles regulated under chapter 81.70
7 RCW, except marked or unmarked stretch limousines and stretch sport
8 utility vehicles as defined under department of licensing rules;
9 (iii) private nonprofit transportation provider vehicles regulated
10 under chapter 81.66 RCW; and (iv) private employer transportation
11 service vehicles, when such limitation will increase the efficient
12 utilization of the highway facility or will aid in the conservation
13 of energy resources. Regulations authorizing such exclusive or
14 preferential use of a highway facility may be declared to be
15 effective at all time or at specified times of day or on specified
16 days.

17 (2) Any transit-only lanes that allow other vehicles to access
18 abutting businesses that are reserved pursuant to subsection (1) of
19 this section may not be authorized for the use of private
20 transportation provider vehicles as described under subsection (1) of
21 this section, except in counties with a population over 2,000,000
22 persons where local authorities have established a permit process for
23 private employer transportation services to apply for the use of
24 designated transit-only lanes, as described under subsection (4) of
25 this section.

26 (3) Highway authorities of the state, counties, or incorporated
27 cities and towns may prohibit the use of limited access facilities by
28 the following private transportation provider vehicles: (a) Auto
29 transportation company vehicles regulated under chapter 81.68 RCW;
30 (b) passenger charter carrier vehicles regulated under chapter 81.70
31 RCW, and marked or unmarked limousines and stretch sport utility
32 vehicles as defined under department of licensing rules; (c) private
33 nonprofit transportation provider vehicles regulated under chapter
34 81.66 RCW; and (d) private employer transportation service vehicles,
35 when the average transit speed in the high occupancy vehicle travel
36 lane fails to meet department standards and falls below 45 miles per
37 hour at least 90 percent of the time during the peak hours for two
38 consecutive months.

39 (4) (a) Local authorities are encouraged to establish a process
40 for private transportation providers, described under subsections (1)

1 and (3) of this section, to apply for the use of limited access
2 facilities that are reserved for the exclusive or preferential use of
3 public transportation vehicles.

4 (b) The process must provide a list of facilities that the local
5 authority determines to be unavailable for use by the private
6 transportation provider and must provide the criteria used to reach
7 that determination.

8 (c) The application and review processes must be uniform and
9 should provide for an expeditious response by the authority.

10 (5) For the purposes of this section, "private employer
11 transportation service" means regularly scheduled, fixed-route
12 transportation service that is similarly marked or identified to
13 display the business name or logo on the driver and passenger sides
14 of the vehicle, meets the annual certification requirements of the
15 department, and is offered by an employer for the benefit of its
16 employees.

17 **Sec. 2.** RCW 46.61.165 and 2023 c 290 s 7 are each amended to
18 read as follows:

19 (1) The state department of transportation and the local
20 authorities are authorized to reserve all or any portion of any
21 highway under their respective jurisdictions, including any
22 designated lane or ramp, for the exclusive or preferential use of one
23 or more of the following: (a) Public transportation vehicles; (b)
24 motorcycles; (c) private motor vehicles carrying no fewer than a
25 specified number of passengers; (d) organ transport vehicles
26 transporting a time urgent organ or a time sensitive organ or tissue
27 donor as defined in RCW 68.64.010; or (e) the following private
28 transportation provider vehicles if the vehicle has the capacity to
29 carry eight or more passengers, regardless of the number of
30 passengers in the vehicle, and if such use does not interfere with
31 the efficiency, reliability, and safety of public transportation
32 operations: (i) Auto transportation company vehicles regulated under
33 chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated
34 under chapter 81.70 RCW, except marked or unmarked stretch limousines
35 and stretch sport utility vehicles as defined under department of
36 licensing rules; (iii) private nonprofit transportation provider
37 vehicles regulated under chapter 81.66 RCW; and (iv) private employer
38 transportation service vehicles, when such limitation will increase

1 the efficient utilization of the highway or will aid in the
2 conservation of energy resources.

3 (2) Any transit-only lanes that allow other vehicles to access
4 abutting businesses that are authorized pursuant to subsection (1) of
5 this section may not be authorized for the use of private
6 transportation provider vehicles as described under subsection (1) of
7 this section, except in counties with a population over 2,000,000
8 persons where local authorities have established a permit process for
9 private employer transportation services to apply for the use of
10 designated transit-only lanes, as described under subsection (5) of
11 this section.

12 (3) The state department of transportation and the local
13 authorities authorized to reserve all or any portion of any highway
14 under their respective jurisdictions, for exclusive or preferential
15 use, may prohibit the use of a high occupancy vehicle lane by the
16 following private transportation provider vehicles: (a) Auto
17 transportation company vehicles regulated under chapter 81.68 RCW;
18 (b) passenger charter carrier vehicles regulated under chapter 81.70
19 RCW, and marked or unmarked limousines and stretch sport utility
20 vehicles as defined under department of licensing rules; (c) private
21 nonprofit transportation provider vehicles regulated under chapter
22 81.66 RCW; and (d) private employer transportation service vehicles,
23 when the average transit speed in the high occupancy vehicle lane
24 fails to meet department of transportation standards and falls below
25 45 miles per hour at least 90 percent of the time during the peak
26 hours, as determined by the department of transportation or the local
27 authority, whichever operates the facility.

28 (4) Regulations authorizing such exclusive or preferential use of
29 a highway facility may be declared to be effective at all times or at
30 specified times of day or on specified days. Violation of a
31 restriction of highway usage prescribed by the appropriate authority
32 under this section is a traffic infraction. A person who commits a
33 traffic infraction under this section is also subject to additional
34 monetary penalties as defined in this subsection. The additional
35 monetary penalties are separate from the base penalty, fees, and
36 assessments issued for the traffic infraction and are intended to
37 raise awareness, and improve the efficiency, of the high occupancy
38 vehicle lane system.

39 (a) Whenever a person commits a traffic infraction under this
40 section, an additional monetary penalty of \$50 must be collected,

1 and, in the case that a person has already committed a violation
2 under this section within two years of committing this violation,
3 then an additional \$150 must be collected.

4 (b) Any time a person commits a traffic infraction under this
5 section and is using a dummy, doll, or other human facsimile to make
6 it appear that an additional person is in the vehicle, the person
7 must be assessed a \$200 penalty, which is in addition to the
8 penalties in (a) of this subsection.

9 (c) The monetary penalties under (a) and (b) of this subsection
10 are additional, separate, and distinct penalties from the base
11 penalty and are not subject to fees or assessments specified in RCW
12 46.63.110, 3.62.090, and 2.68.040.

13 (d) (i) The additional penalties collected under (a) of this
14 subsection must be distributed as follows:

15 (A) Twenty-five percent must be deposited into the congestion
16 relief and traffic safety account created under RCW 46.68.398; and

17 (B) Seventy-five percent must be deposited into the motor vehicle
18 fund created under RCW 46.68.070.

19 (ii) The additional penalty collected under (b) of this
20 subsection must be deposited into the congestion relief and traffic
21 safety account created under RCW 46.68.398.

22 (e) Violations committed under this section are excluded from
23 eligibility as a moving violation for driver's license suspension
24 under RCW 46.20.289 when a person subsequently fails to respond to a
25 notice of traffic infraction for this moving violation, fails to
26 appear at a requested hearing for this moving violation, violates a
27 written promise to appear in court for a notice of infraction for
28 this moving violation, or fails to comply with the terms of a notice
29 of traffic infraction for this moving violation.

30 (5) Local authorities are encouraged to establish a process for
31 private transportation providers, as described under subsections (1)
32 and (3) of this section, to apply for the use of public
33 transportation facilities reserved for the exclusive or preferential
34 use of public transportation vehicles. The application and review
35 processes should be uniform and should provide for an expeditious
36 response by the local authority. Whenever practicable, local
37 authorities should enter into agreements with such private
38 transportation providers to allow for the reasonable use of these
39 facilities.

1 (6) For the purposes of this section, "private employer
2 transportation service" means regularly scheduled, fixed-route
3 transportation service that is similarly marked or identified to
4 display the business name or logo on the driver and passenger sides
5 of the vehicle, meets the annual certification requirements of the
6 department of transportation, and is offered by an employer for the
7 benefit of its employees.

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