
SUBSTITUTE SENATE BILL 5513

State of Washington 61st Legislature 2009 Regular Session

By Senate Transportation (originally sponsored by Senators Jarrett, Swecker, Delvin, Marr, Kilmer, and Tom)

READ FIRST TIME 02/18/09.

1 AN ACT Relating to law enforcement authority concerning civil
2 infractions and unlawful transit conduct; amending RCW 7.80.090,
3 9.91.025, 81.112.020, 81.112.210, 81.112.220, and 81.112.230; adding a
4 new section to chapter 81.112 RCW; and prescribing penalties.

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

6 **Sec. 1.** RCW 7.80.090 and 1987 c 456 s 17 are each amended to read
7 as follows:

8 (1) Procedures for the conduct of all hearings provided in this
9 chapter may be established by rule of the supreme court.

10 (2) Any person subject to proceedings under this chapter may be
11 represented by counsel.

12 (3) The attorney representing the state, county, city, ~~((or))~~ town,
13 or transit agency authorized to issue civil infractions may appear in
14 any proceedings under this chapter but need not appear, notwithstanding
15 any statute or rule of court to the contrary.

16 **Sec. 2.** RCW 9.91.025 and 2004 c 118 s 1 are each amended to read
17 as follows:

18 (1) A person is guilty of unlawful ~~((bus))~~ transit conduct if,

1 while on or in a (~~municipal~~) transit vehicle (~~as defined by RCW~~
2 ~~46.04.355~~) or in or at a (~~municipal~~) transit station (~~and with~~
3 ~~knowledge that the conduct is prohibited~~), he or she knowingly:

4 (a) (~~Except while in or at a municipal transit station,~~) Smokes
5 or carries a lighted or smoldering pipe, cigar, or cigarette, unless he
6 or she is smoking in an area designated and authorized by the transit
7 authority;

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

9 (c) Dumps or discards, or both, any materials on or at a transit
10 facility including, but not limited to, hazardous substances and
11 automotive fluids;

12 (d) Plays any radio, recorder, or other sound-producing equipment,
13 except that nothing herein prohibits the use of the equipment when
14 connected to earphones or an ear receiver that limits the sound to an
15 individual listener(~~s or the use of a communication device by an~~
16 employee of the owner or operator of the municipal transit vehicle or
17 municipal transit station)). The use of public address systems or
18 music systems that are authorized by a transit agency is permitted.
19 The use of communications devices by transit employees and designated
20 contractors or public safety officers in the line of duty is permitted,
21 as is the use of private communications devices used to summon, notify,
22 or communicate with other individuals, such as pagers and cellular
23 phones;

24 (~~(d)~~) (e) Spits (~~or~~), expectorates, urinates, or defecates,
25 except in appropriate plumbing fixtures in restroom facilities;

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

31 (~~(f)~~ Intentionally) (g) Consumes an alcoholic beverage or is in
32 possession of an open alcoholic beverage container, unless authorized
33 by the transit authority and required permits have been obtained;

34 (h) Obstructs or impedes the flow of (~~municipal~~) transit vehicles
35 or passenger traffic, hinders or prevents access to (~~municipal~~)
36 transit vehicles or stations, or otherwise unlawfully interferes with
37 the provision or use of public transportation services;

1 ~~((g) Intentionally)~~ (i) And unreasonably disturbs others by
2 engaging in loud, raucous, unruly, harmful, or harassing behavior; ~~((or~~
3 ~~(h))~~ (j) Destroys, defaces, or otherwise damages property ~~((of a~~
4 ~~municipality as defined in RCW 35.58.272 or a regional transit~~
5 ~~authority authorized by chapter 81.112 RCW employed in the provision or~~
6 ~~use of public transportation services))~~ in a transit vehicle or at a
7 transit facility;

8 (k) Throws an object in a transit vehicle, at a transit facility,
9 or at any person at a transit facility with intent to do harm;

10 (l) Possesses an unissued transfer or fare media or tenders an
11 unissued transfer or fare media as proof of fare payment;

12 (m) Falsely claims to be a transit operator or other transit
13 employee or through words, actions, or the use of clothes, insignia, or
14 equipment resembling department-issued uniforms and equipment, creates
15 a false impression that he or she is a transit operator or other
16 transit employee;

17 (n) Engages in gambling or any game of chance for the winning of
18 money or anything of value;

19 (o) Skates on roller skates or in-line skates, or rides in or upon
20 or by any means a coaster, skateboard, toy vehicle, or any similar
21 device. However, a person may walk while wearing skates or carry a
22 skateboard while on or in a transit vehicle or in or at a transit
23 station if that conduct is not otherwise prohibited by law; or

24 (p) Engages in other conduct that is inconsistent with the intended
25 use and purpose of the transit facility, transit station, or transit
26 vehicle and refuses to obey the lawful commands of an agent of the
27 transit authority or a peace officer to cease such conduct.

28 (2) For the purposes of this section~~((, "municipal"))~~:

29 (a) "Transit station" or "transit facility" means all passenger
30 facilities, structures, ~~((lands, interest in lands, air rights over~~
31 lands)) stops, shelters, bus zones, properties, and rights-of-way of
32 all kinds that are owned, leased, held, or used by a ~~((municipality as~~
33 defined in RCW 35.58.272, or a regional transit authority authorized by
34 chapter 81.112 RCW)) transit authority for the purpose of providing
35 public transportation services~~((, including, but not limited to, park~~
36 ~~and ride lots, transit centers and tunnels, and bus shelters.~~

37 ~~(3) Unlawful bus conduct is a misdemeanor).~~

1 (b) "Transit vehicle" means any motor vehicle, street car, train,
2 trolley vehicle, ferry boat, or any other device, vessel, or vehicle
3 that is owned or operated by a transit authority or an entity providing
4 service on behalf of a transit authority that is used for the purpose
5 of carrying passengers on a regular schedule.

6 (c) "Transit authority" means a city transit system under RCW
7 35.58.2721 or chapter 35.95A RCW, a county transportation authority
8 under chapter 36.57 RCW, a metropolitan municipal corporation transit
9 system under chapter 36.56 RCW, a public transportation benefit area
10 under chapter 36.57A RCW, an unincorporated transportation benefit area
11 under RCW 36.57.100, a regional transportation authority under chapter
12 81.112 RCW, or any special purpose district formed to operate a public
13 transportation system.

14 (3) Any person who violates this section is guilty of a
15 misdemeanor.

16 **Sec. 3.** RCW 81.112.020 and 1999 c 20 s 2 are each amended to read
17 as follows:

18 Unless the context clearly requires otherwise, the definitions in
19 this section apply throughout this chapter.

20 (1) "Authority" means a regional transit authority authorized under
21 this chapter.

22 (2) "Board" means the board of a regional transit authority.

23 (3) "Service area" or "area" means the area included within the
24 boundaries of a regional transit authority.

25 (4) "System" means a regional transit system authorized under this
26 chapter and under the jurisdiction of a regional transit authority.

27 (5) "Facilities" means any lands, interest in land, air rights over
28 lands, and improvements thereto including vessel terminals, and any
29 equipment, vehicles, vessels, trains, stations, designated passenger
30 waiting areas, and other components necessary to support the system.

31 (6) "Proof of payment" means evidence of fare prepayment authorized
32 by a regional transit authority for the use of (~~trains, including but~~
33 ~~not limited to commuter trains and light rail trains~~) its facilities.

34 **Sec. 4.** RCW 81.112.210 and 1999 c 20 s 3 are each amended to read
35 as follows:

36 (1) An authority is authorized to establish, by resolution, a

1 schedule of fines and penalties for civil infractions established in
2 RCW 81.112.220. Fines established by a regional transit authority
3 shall not exceed those imposed for class 1 infractions under RCW
4 7.80.120.

5 (2)(a) A regional transit authority may designate persons to
6 monitor fare payment who are equivalent to and are authorized to
7 exercise all the powers of an enforcement officer, defined in RCW
8 7.80.040. An authority is authorized to employ personnel to either
9 monitor fare payment, or to contract for such services, or both.

10 (b) In addition to the specific powers granted to enforcement
11 officers under RCW 7.80.050 and 7.80.060, persons designated to monitor
12 fare payment also have the authority to take the following actions:

13 (i) Request proof of payment from passengers;

14 (ii) Request personal identification from a passenger who does not
15 produce proof of payment when requested;

16 (iii) Issue a citation conforming to the requirements established
17 in RCW 7.80.070; and

18 (iv) Request that a passenger leave the regional transit authority
19 (~~((train, including but not limited to commuter trains and light rail~~
20 ~~trains,))~~ facility) when the passenger has not produced proof of payment
21 after being asked to do so by a person designated to monitor fare
22 payment.

23 (3) Regional transit authorities shall keep records of citations in
24 the manner prescribed by RCW 7.80.150. All civil infractions
25 established by chapter 20, Laws of 1999 shall be heard and determined
26 by a district court as provided in RCW 7.80.010 (1) and (4).

27 **Sec. 5.** RCW 81.112.220 and 1999 c 20 s 4 are each amended to read
28 as follows:

29 (1) Persons traveling on (~~((trains, including but not limited to~~
30 ~~commuter trains or light rail trains,))~~ facilities) operated by an
31 authority(~~(r)~~) shall pay the fare established by the authority. Such
32 persons shall produce proof of payment when requested by a person
33 designated to monitor fare payment.

34 (2) The following constitute civil infractions punishable according
35 to the schedule of fines and penalties established by the authority
36 under RCW 81.112.210(1):

37 (a) Failure to pay the required fare;

1 (b) Failure to display proof of payment when requested to do so by
2 a person designated to monitor fare payment; and

3 (c) Failure to depart the (~~train, including but not limited to~~
4 ~~commuter trains and light rail trains,~~) facility when requested to do
5 so by a person designated to monitor fare payment.

6 **Sec. 6.** RCW 81.112.230 and 2006 c 270 s 12 are each amended to
7 read as follows:

8 Nothing in RCW 81.112.020 and 81.112.210 through 81.112.230 shall
9 be deemed to prevent law enforcement authorities from prosecuting for
10 theft, trespass, or other charges by any individual who:

11 (1) Fails to pay the required fare on more than one occasion within
12 a twelve-month period;

13 (2) Fails to timely select one of the options for responding to the
14 notice of civil infraction after receiving a statement of the options
15 provided in this chapter for responding to the notice of infraction and
16 the procedures necessary to exercise these options; or

17 (3) Fails to depart the (~~train, including but not limited to~~
18 ~~commuter trains and light rail trains,~~) facility when requested to do
19 so by a person designated to monitor fare payment.

20 NEW SECTION. **Sec. 7.** A new section is added to chapter 81.112 RCW
21 to read as follows:

22 The powers and authority conferred by RCW 81.112.210 through
23 81.112.230 are in addition and supplemental to powers or authority
24 conferred by any other law. RCW 81.112.210 through 81.112.230 do not
25 limit any other powers or authority of a regional transit authority.

26 NEW SECTION. **Sec. 8.** If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 remainder of the act or the application of the provision to other
29 persons or circumstances is not affected.

--- END ---