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HOUSE BILL 2842

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State of Washington                      53rd Legislature                      1994 Regular Session

By Representatives R. Fisher and Orr

Read first time 01/26/94. Referred to Committee on Transportation.

1            AN ACT Relating to public transit facility security; amending RCW  
2 7.48.140, 9.66.010, 9.91.025, 7.48.020, and 9.41.300; reenacting and  
3 amending RCW 9.41.010; creating a new section; and prescribing  
4 penalties.

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

6            NEW SECTION.    **Sec. 1.** The legislature finds that it is important  
7 to the general welfare to protect and preserve public safety in the  
8 operation of public transportation facilities and vehicles, in order to  
9 protect the personal safety of both passengers and employees. The  
10 legislature further finds that public transportation facilities and  
11 services will be utilized more fully by the general public if they are  
12 assured of personal safety and security in the utilization.

13            The legislature recognizes that cities, towns, counties, public  
14 transportation benefit areas, and other municipalities that offer  
15 public transportation services have the independent authority to adopt  
16 regulations, rules, and guidelines that regulate conduct in public  
17 transportation vehicles and facilities to protect and preserve the  
18 public safety in the operation of the vehicles and facilities. The  
19 legislature finds that this act is not intended to limit the

1 independent authority to regulate conduct by these municipalities. The  
2 legislature, however, further finds that this act is necessary to  
3 provide state-wide guidelines that regulate conduct in public  
4 transportation vehicles and facilities to further enhance the  
5 independent regulatory authority of cities, towns, counties, public  
6 transportation benefit areas, and any other municipalities that offer  
7 public transportation services.

8 **Sec. 2.** RCW 7.48.140 and 1955 c 237 s 1 are each amended to read  
9 as follows:

10 It is a public nuisance:

11 (1) To cause or suffer the carcass of any animal or any offal,  
12 filth, or noisome substance to be collected, deposited, or to remain in  
13 any place to the prejudice of others;

14 (2) To throw or deposit any offal or other offensive matter, or the  
15 carcass of any dead animal, in any watercourse, stream, lake, pond,  
16 spring, well, or common sewer, street, or public highway, or in any  
17 manner to corrupt or render unwholesome or impure the water of any such  
18 spring, stream, pond, lake, or well, to the injury or prejudice of  
19 others;

20 (3) To obstruct or impede, without legal authority, the passage of  
21 any river, harbor, or collection of water;

22 (4) To obstruct or encroach upon public highway, private ways,  
23 streets, alleys, commons, landing places, and ways to burying places or  
24 to obstruct or impede the flow of municipal transit vehicles as defined  
25 in RCW 46.04.355 or passenger traffic, access to municipal transit  
26 vehicles or stations as defined in RCW 9.91.025(2)(a), or otherwise  
27 interfere with the provision or use of public transportation services,  
28 or obstruct or impede a municipal transit official in the performance  
29 of the official's duties;

30 (5) To carry on the business of manufacturing gun powder,  
31 nitroglycerine, or other highly explosive substance, or mixing or  
32 grinding the materials therefor, in any building within fifty rods of  
33 any valuable building erected at the time such business may be  
34 commenced;

35 (6) To establish powder magazines near incorporated cities or  
36 towns, at a point different from that appointed by the corporate  
37 authorities of such city or town; or within fifty rods of any occupied  
38 dwelling house;

1 (7) To erect, continue, or use any building, or other place, for  
2 the exercise of any trade, employment, or manufacture, which, by  
3 occasioning obnoxious exhalations, offensive smells, or otherwise is  
4 offensive or dangerous to the health of individuals or of the public;

5 (8) To suffer or maintain on one's own premises, or upon the  
6 premises of another, or to permit to be maintained on one's own  
7 premises, any place where wines, spirituous, fermented, malt, or other  
8 intoxicating liquors are kept for sale or disposal to the public in  
9 contravention of law;

10 (9) For an owner or occupier of land, knowing of the existence of  
11 a well, septic tank, cesspool, or other hole or excavation ten inches  
12 or more in width at the top and four feet or more in depth, to fail to  
13 cover, fence or fill the same, or provide other proper and adequate  
14 safeguards: PROVIDED, That this section shall not apply to a hole one  
15 hundred square feet or more in area or one that is open, apparent, and  
16 obvious.

17 Every person who has the care, government, management, or control  
18 of any building, structure, powder magazine, or any other place  
19 mentioned in this section shall, for the purposes of this section, be  
20 taken and deemed to be the owner or agent of the owner or owners of  
21 such building, structure, powder magazine or other place, and, as such,  
22 may be proceeded against for erecting, contriving, causing, continuing,  
23 or maintaining such nuisance.

24 **Sec. 3.** RCW 9.66.010 and 1971 ex.s. c 280 s 22 are each amended to  
25 read as follows:

26 A public nuisance is a crime against the order and economy of the  
27 state. Every place

28 (1) Wherein any fighting between (~~men~~) people or animals or birds  
29 shall be conducted; or,

30 (2) Wherein any intoxicating liquors are kept for unlawful use,  
31 sale or distribution; or,

32 (3) Where vagrants resort; and

33 Every act unlawfully done and every omission to perform a duty,  
34 which act or omission

35 (1) Shall annoy, injure or endanger the safety, health, comfort, or  
36 repose of any considerable number of persons; or,

37 (2) Shall offend public decency; or,

1 (3) Shall unlawfully interfere with, befoul, obstruct, or tend to  
2 obstruct, or render dangerous for passage, a lake, navigable river,  
3 bay, stream, canal or basin, or a public park, square, street, alley  
4 ~~((or))~~, highway, or municipal transit vehicle or station; or,

5 (4) Shall in any way render a considerable number of persons  
6 insecure in life or the use of property;

7 Shall be a public nuisance.

8 **Sec. 4.** RCW 9.91.025 and 1992 c 77 s 1 are each amended to read as  
9 follows:

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

14 (a) Except while in or at a municipal transit station, smokes or  
15 carries a lighted or smoldering pipe, cigar, or cigarette; ~~((or))~~

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

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

23 (d) Spits or expectorates; ~~((or))~~

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

29 (f) Obstructs or impedes the flow of municipal transit vehicles or  
30 passenger traffic, access to municipal transit vehicles or stations, or  
31 otherwise interferes with the provision or use of public transportation  
32 services;

33 (g) Intentionally disturbs others by engaging in loud ~~((or))~~,  
34 raucous, unruly, harmful, or harassing behavior ~~((or))~~;

35 (h) Vandalizes city, town, county, public transportation benefit  
36 area, and any other municipality property employed in the provision or  
37 use of public transportation services;

1 (i) Allows any pet to run at large without a leash, to unreasonably  
2 disturb others or obstruct the flow of passengers or municipal transit  
3 vehicle traffic;

4 (j) Roller skates, skateboards, or rides bicycles, motorcycles, or  
5 other vehicles, except that the bicycles may be loaded and unloaded  
6 from bicycle rack equipped municipal transit vehicles;

7 (k) Sleeps, camps, or stores personal property on benches, floors,  
8 or other properties, except as expressly authorized by the city, town,  
9 county, public transportation benefit area, and any other municipality  
10 that offers public transportation services; or

11 (l) Sells or distributes goods or services, except as expressly  
12 authorized by the city, town, county, public transportation benefit  
13 area, and any other municipality that offers public transportation  
14 services.

15 (2)(a) For the purposes of this section, "municipal transit  
16 station" means all facilities, structures, lands, interest in lands,  
17 air rights over lands, and rights of way of all kinds that are owned,  
18 leased, held, or used by ~~((a public agency))~~ cities, towns, counties,  
19 public transportation benefit areas, and any other municipalities for  
20 the purpose of providing public transportation services, including, but  
21 not limited to, park and ride lots, transit centers and tunnels, and  
22 bus shelters.

23 (b) For purposes of this section, "municipal transit official"  
24 means any person employed by or providing services under contract to a  
25 city, town, county, public transportation benefit area, and any other  
26 municipality authorized to provide public transportation services.

27 (3) Unlawful bus conduct is a misdemeanor.

28 **Sec. 5.** RCW 7.48.020 and 1891 c 50 s 1 are each amended to read as  
29 follows:

30 Such action may be brought by any person whose property is, or  
31 whose patrons are, injuriously affected or whose personal enjoyment is  
32 lessened by the nuisance. If judgment be given for the plaintiff in  
33 such action, he or she may, in addition to the execution to enforce the  
34 same, on motion, have an order allowing a warrant to issue to the  
35 sheriff to abate and to prevent the resumption of such nuisance. Such  
36 motion shall be allowed, of course, unless it appear on the hearing  
37 that the nuisance has ceased, or that such remedy is inadequate to

1 abate or prevent the continuance of the nuisance, in which latter case  
2 the plaintiff may have the defendant enjoined.

3 **Sec. 6.** RCW 9.41.300 and 1993 c 396 s 1 are each amended to read  
4 as follows:

5 (1) It is unlawful for any person to enter the following places  
6 when he or she knowingly possesses or knowingly has under his or her  
7 control a weapon:

8 (a) The restricted access areas of a jail, or of a law enforcement  
9 facility, or any place used for the confinement of a person (i)  
10 arrested for, charged with, or convicted of an offense, (ii) charged  
11 with being or adjudicated to be a juvenile offender as defined in RCW  
12 13.40.020, (iii) held for extradition or as a material witness, or (iv)  
13 otherwise confined pursuant to an order of a court, except an order  
14 under chapter 13.32A or 13.34 RCW. Restricted access areas do not  
15 include common areas of egress or ingress open to the general public;

16 (b) Those areas in any building which are used in connection with  
17 court proceedings, including courtrooms, jury rooms, judge's chambers,  
18 offices and areas used to conduct court business, waiting areas, and  
19 corridors adjacent to areas used in connection with court proceedings.  
20 The restricted areas do not include common areas of ingress and egress  
21 to the building that is used in connection with court proceedings, when  
22 it is possible to protect court areas without restricting ingress and  
23 egress to the building. The restricted areas shall be the minimum  
24 necessary to fulfill the objective of this subsection (1)(b).

25 In addition, the local legislative authority shall provide either  
26 a stationary locked box sufficient in size for short firearms and key  
27 to a weapon owner for weapon storage, or shall designate an official to  
28 receive weapons for safekeeping, during the owner's visit to restricted  
29 areas of the building. The locked box or designated official shall be  
30 located within the same building used in connection with court  
31 proceedings. The local legislative authority shall be liable for any  
32 negligence causing damage to or loss of a weapon either placed in a  
33 locked box or left with an official during the owner's visit to  
34 restricted areas of the building.

35 The local judicial authority shall designate and clearly mark those  
36 areas where weapons are prohibited, and shall post notices at each  
37 entrance to the building of the prohibition against weapons in the  
38 restricted areas;

1 (c) The restricted access areas of a public mental health facility  
2 certified by the department of social and health services for inpatient  
3 hospital care and state institutions for the care of the mentally ill,  
4 excluding those facilities solely for evaluation and treatment.  
5 Restricted access areas do not include common areas of egress and  
6 ingress open to the general public; or

7 (d) That portion of an establishment classified by the state liquor  
8 control board as off-limits to persons under twenty-one years of age.

9 (2) Notwithstanding RCW 9.41.290, cities, towns, counties, and  
10 other municipalities may enact laws and ordinances:

11 (a) Restricting the discharge of firearms in any portion of their  
12 respective jurisdictions where there is a reasonable likelihood that  
13 humans, domestic animals, or property will be jeopardized. Such laws  
14 and ordinances shall not abridge the right of the individual guaranteed  
15 by Article I, section 24 of the state Constitution to bear arms in  
16 defense of self or others; ((and))

17 (b) Restricting the possession of firearms in any stadium or  
18 convention center, operated by a city, town, county, or other  
19 municipality, except that such restrictions shall not apply to:

20 (i) Any firearm in the possession of a person licensed under RCW  
21 9.41.070; or

22 (ii) Any showing, demonstration, or lecture involving the  
23 exhibition of firearms; and

24 (c) Restricting the possession of firearms in, on, or within any  
25 municipal transit vehicle or municipal transit station, except that the  
26 restriction shall not apply to any firearm in possession of a person  
27 licensed under RCW 9.41.070.

28 (3) The perimeter of the premises of any specific location covered  
29 by subsection (1) of this section shall be posted at reasonable  
30 intervals to alert the public as to the existence of any law  
31 restricting the possession of firearms on the premises.

32 (4) Subsection (1) of this section does not apply to:

33 (a) A person engaged in military activities sponsored by the  
34 federal or state governments, while engaged in official duties;

35 (b) Law enforcement personnel; or

36 (c) Security personnel while engaged in official duties.

37 (5) Subsection (1)(a) of this section does not apply to a person  
38 licensed pursuant to RCW 9.41.070 who, upon entering the place or  
39 facility, directly and promptly proceeds to the administrator of the

1 facility or the administrator's designee and obtains written permission  
2 to possess the firearm while on the premises or checks his or her  
3 firearm. The person may reclaim the firearms upon leaving but must  
4 immediately and directly depart from the place or facility.

5 (6) Subsection (1)(c) of this section does not apply to any  
6 administrator or employee of the facility or to any person who, upon  
7 entering the place or facility, directly and promptly proceeds to the  
8 administrator of the facility or the administrator's designee and  
9 obtains written permission to possess the firearm while on the  
10 premises.

11 (7) Subsection (1)(d) of this section does not apply to the  
12 proprietor of the premises or his or her employees while engaged in  
13 their employment.

14 (8) Any person violating subsection (1) of this section is guilty  
15 of a misdemeanor.

16 (9) "Weapon" as used in this section means any firearm, explosive  
17 as defined in RCW 70.74.010, or instrument or weapon listed in RCW  
18 9.41.250.

19 **Sec. 7.** RCW 9.41.010 and 1992 c 205 s 117 and 1992 c 145 s 5 are  
20 each reenacted and amended to read as follows:

21 Unless the context clearly requires otherwise, the definitions in  
22 this section apply throughout this chapter.

23 (1) "Short firearm" or "pistol" (~~as used in this chapter~~) means  
24 any firearm with a barrel less than twelve inches in length.

25 (2) "Crime of violence" (~~as used in this chapter~~) means:

26 (a) Any of the following felonies, as now existing or hereafter  
27 amended: Any felony defined under any law as a class A felony or an  
28 attempt to commit a class A felony, criminal solicitation of or  
29 criminal conspiracy to commit a class A felony, manslaughter in the  
30 first degree, manslaughter in the second degree, indecent liberties if  
31 committed by forcible compulsion, rape in the second degree, kidnapping  
32 in the second degree, arson in the second degree, assault in the second  
33 degree, assault of a child in the second degree, extortion in the first  
34 degree, burglary in the second degree, and robbery in the second  
35 degree;

36 (b) Any conviction or adjudication for a felony offense in effect  
37 at any time prior to July 1, 1976, which is comparable to a felony



1 classified as a crime of violence in subsection (2)(a) of this section;  
2 and

3 (c) Any federal or out-of-state conviction or adjudication for an  
4 offense comparable to a felony classified as a crime of violence under  
5 subsection (2) (a) or (b) of this section.

6 (3) "Firearm" (~~(as used in this chapter)~~) means a weapon or device  
7 from which a projectile may be fired by an explosive such as gunpowder.

8 (4) "Commercial seller" (~~(as used in this chapter)~~) means a person  
9 who has a federal firearms license.

10 (5) "Municipal transit vehicle" means a vehicle as defined in RCW  
11 46.04.355.

12 (6) "Municipal transit station" means all facilities, structures,  
13 lands, interest in lands, air rights over lands, and rights of way of  
14 all kinds that are owned, leased, held, or used by cities, towns,  
15 counties, public transportation benefit areas, and any other  
16 municipalities for the purpose of providing public transportation  
17 services, including, but not limited to, park and ride lots, transit  
18 centers and tunnels, and bus shelters.

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