

ESHB 2480 - S COMM AMD

By Committee on Transportation

ADOPTED 03/07/2008

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 35.58 RCW
4 to read as follows:

5 (1) Persons traveling on public transportation operated by a
6 metropolitan municipal corporation or a city-owned transit system shall
7 pay the fare established by the metropolitan municipal corporation or
8 the city-owned transit system. Such persons shall produce proof of
9 payment when requested by a person designated to monitor fare payment.

10 (2) The following constitute civil infractions punishable according
11 to the schedule of fines and penalties established by a metropolitan
12 municipal corporation or a city-owned transit system under section 2 of
13 this act:

14 (a) Failure to pay the required fare;

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

17 (c) Failure to depart the bus or other mode of public
18 transportation when requested to do so by a person designated to
19 monitor fare payment.

20 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.58 RCW
21 to read as follows:

22 (1) Both a metropolitan municipal corporation and a city-owned
23 transit system may establish, by resolution, a schedule of fines and
24 penalties for civil infractions established in section 1 of this act.
25 Fines established shall not exceed those imposed for class 1
26 infractions under RCW 7.80.120.

27 (2)(a) Both a metropolitan municipal corporation and a city-owned
28 transit system may designate persons to monitor fare payment who are
29 equivalent to, and are authorized to exercise all the powers of, an

1 enforcement officer as defined in RCW 7.80.040. Both a metropolitan
2 municipal corporation and a city-owned transit system may employ
3 personnel to either monitor fare payment or contract for such services,
4 or both.

5 (b) In addition to the specific powers granted to enforcement
6 officers under RCW 7.80.050 and 7.80.060, persons designated to monitor
7 fare payment may also take the following actions:

8 (i) Request proof of payment from passengers;

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

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

13 (iv) Request that a passenger leave the bus or other mode of public
14 transportation when the passenger has not produced proof of payment
15 after being asked to do so by a person designated to monitor fare
16 payment.

17 (3) Both a metropolitan municipal corporation and a city-owned
18 transit system shall keep records of citations in the manner prescribed
19 by RCW 7.80.150. All civil infractions established by this section and
20 sections 1 and 3 of this act shall be heard and determined by a
21 district court as provided in RCW 7.80.010 (1) and (4).

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.58 RCW
23 to read as follows:

24 Sections 1 and 2 of this act do not prevent law enforcement
25 authorities from prosecuting for theft, trespass, or other charges by
26 any individual who:

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

29 (2) Fails to timely select one of the options for responding to the
30 notice of civil infraction after receiving a statement of the options
31 for responding to the notice of infraction and the procedures necessary
32 to exercise these options; or

33 (3) Fails to depart the bus or other mode of public transportation
34 when requested to do so by a person designated to monitor fare payment.

35 NEW SECTION. **Sec. 4.** A new section is added to chapter 35.58 RCW
36 to read as follows:

1 The powers and authority conferred by sections 1 through 3 of this
2 act shall be construed as in addition and supplemental to powers or
3 authority conferred by any other law, and nothing contained therein
4 shall be construed as limiting any other powers or authority of any
5 public agency.

6 **Sec. 5.** RCW 35.58.020 and 1982 c 103 s 1 are each amended to read
7 as follows:

8 The definitions set forth in this section apply throughout this
9 chapter.

10 (1) "Metropolitan municipal corporation" means a municipal
11 corporation of the state of Washington created pursuant to this
12 chapter, or a county which has by ordinance or resolution assumed the
13 rights, powers, functions, and obligations of a metropolitan municipal
14 corporation pursuant to the provisions of chapter 36.56 RCW.

15 (2) "Metropolitan area" means the area contained within the
16 boundaries of a metropolitan municipal corporation, or within the
17 boundaries of an area proposed to be organized as such a corporation.

18 (3) "City" means an incorporated city or town.

19 (4) "Component city" means an incorporated city or town within a
20 metropolitan area.

21 (5) "Component county" means a county, all or part of which is
22 included within a metropolitan area.

23 (6) "Central city" means the city with the largest population in a
24 metropolitan area.

25 (7) "Central county" means the county containing the city with the
26 largest population in a metropolitan area.

27 (8) "Special district" means any municipal corporation of the state
28 of Washington other than a city, county, or metropolitan municipal
29 corporation.

30 (9) "Metropolitan council" means the legislative body of a
31 metropolitan municipal corporation, or the legislative body of a county
32 which has by ordinance or resolution assumed the rights, powers,
33 functions, and obligations of a metropolitan municipal corporation
34 pursuant to the provisions of chapter 36.56 RCW.

35 (10) "City council" means the legislative body of any city or town.

36 (11) "Population" means the number of residents as shown by the

1 figures released for the most recent official state, federal, or county
2 census, or population determination made under the direction of the
3 office of financial management.

4 (12) "Metropolitan function" means any of the functions of
5 government named in RCW 35.58.050.

6 (13) "Authorized metropolitan function" means a metropolitan
7 function which a metropolitan municipal corporation shall have been
8 authorized to perform in the manner provided in this chapter.

9 (14) "Metropolitan public transportation" or "metropolitan
10 transportation" for the purposes of this chapter means the
11 transportation of packages, passengers, and their incidental baggage by
12 means other than by chartered bus, sightseeing bus, or any other motor
13 vehicle not on an individual fare-paying basis, together with the
14 necessary passenger terminals and parking facilities or other
15 properties necessary for passenger and vehicular access to and from
16 such people-moving systems: PROVIDED, That nothing in this chapter
17 shall be construed to prohibit a metropolitan municipal corporation
18 from leasing its buses to private certified carriers; to prohibit a
19 metropolitan municipal corporation from providing school bus service
20 for the transportation of pupils; or to prohibit a metropolitan
21 municipal corporation from chartering an electric streetcar on rails
22 which it operates entirely within a city.

23 (15) "Pollution" has the meaning given in RCW 90.48.020.

24 (16) "Proof of payment" means evidence of fare prepayment
25 authorized by a metropolitan municipal corporation or a city-owned
26 transit system for the use of buses or other modes of public
27 transportation.

28 (17) "City-owned transit system" means a system of public
29 transportation owned or operated, including contracts for the services
30 of a publicly owned or operated system of transportation, by a city
31 that is not located within the boundaries of a metropolitan municipal
32 corporation, county transportation authority, or public transportation
33 benefit area.

34 NEW SECTION. Sec. 6. A new section is added to chapter 36.57A RCW
35 to read as follows:

36 (1) Persons traveling on public transportation operated by a public
37 transportation benefit area shall pay the fare established by the

1 public transportation benefit area. Such persons shall produce proof
2 of payment when requested by a person designated to monitor fare
3 payment.

4 (2) The following constitute civil infractions punishable according
5 to the schedule of fines and penalties established by a public
6 transportation benefit area under section 7 of this act:

- 7 (a) Failure to pay the required fare;
- 8 (b) Failure to display proof of payment when requested to do so by
9 a person designated to monitor fare payment; and
- 10 (c) Failure to depart the bus or other mode of public
11 transportation when requested to do so by a person designated to
12 monitor fare payment.

13 NEW SECTION. **Sec. 7.** A new section is added to chapter 36.57A RCW
14 to read as follows:

15 (1) A public transportation benefit area may establish, by
16 resolution, a schedule of fines and penalties for civil infractions
17 established in section 6 of this act. Fines established shall not
18 exceed those imposed for class 1 infractions under RCW 7.80.120.

19 (2)(a) A public transportation benefit area may designate persons
20 to monitor fare payment who are equivalent to, and are authorized to
21 exercise all the powers of, an enforcement officer as defined in RCW
22 7.80.040. A public transportation benefit area may employ personnel to
23 either monitor fare payment or contract for such services, or both.

24 (b) In addition to the specific powers granted to enforcement
25 officers under RCW 7.80.050 and 7.80.060, persons designated to monitor
26 fare payment may also take the following actions:

- 27 (i) Request proof of payment from passengers;
- 28 (ii) Request personal identification from a passenger who does not
29 produce proof of payment when requested;
- 30 (iii) Issue a citation conforming to the requirements established
31 in RCW 7.80.070; and
- 32 (iv) Request that a passenger leave the bus or other mode of public
33 transportation when the passenger has not produced proof of payment
34 after being asked to do so by a person designated to monitor fare
35 payment.

36 (3) A public transportation benefit area shall keep records of
37 citations in the manner prescribed by RCW 7.80.150. All civil

1 infractions established by this section and sections 6 and 8 of this
2 act shall be heard and determined by a district court as provided in
3 RCW 7.80.010 (1) and (4).

4 NEW SECTION. **Sec. 8.** A new section is added to chapter 36.57A RCW
5 to read as follows:

6 Sections 6 and 7 of this act do not prevent law enforcement
7 authorities from prosecuting for theft, trespass, or other charges by
8 any individual who:

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

11 (2) Fails to timely select one of the options for responding to the
12 notice of civil infraction after receiving a statement of the options
13 for responding to the notice of infraction and the procedures necessary
14 to exercise these options; or

15 (3) Fails to depart the bus or other mode of public transportation
16 when requested to do so by a person designated to monitor fare payment.

17 NEW SECTION. **Sec. 9.** A new section is added to chapter 36.57A RCW
18 to read as follows:

19 The powers and authority conferred by sections 6 through 8 of this
20 act shall be construed as in addition and supplemental to powers or
21 authority conferred by any other law, and nothing contained therein
22 shall be construed as limiting any other powers or authority of any
23 public agency.

24 **Sec. 10.** RCW 36.57A.010 and 2003 c 83 s 209 are each amended to
25 read as follows:

26 The definitions set forth in this section apply throughout this
27 chapter unless the context clearly requires otherwise.

28 (1) "Public transportation benefit area" means a municipal
29 corporation of the state of Washington created pursuant to this
30 chapter.

31 (2) "Public transportation benefit area authority" or "authority"
32 means the legislative body of a public transportation benefit area.

33 (3) "City" means an incorporated city or town.

34 (4) "Component city" means an incorporated city or town within a
35 public transportation benefit area.

1 (5) "City council" means the legislative body of any city or town.

2 (6) "County legislative authority" means the board of county
3 commissioners or the county council.

4 (7) "Population" means the number of residents as shown by the
5 figures released for the most recent official state, federal, or county
6 census, or population determination made by the office of financial
7 management.

8 (8) "Proof of payment" means evidence of fare prepayment authorized
9 by a public transportation benefit area for the use of buses or other
10 modes of public transportation.

11 (9) "Public transportation service" means the transportation of
12 packages, passengers, and their incidental baggage by means other than
13 by chartered bus, sight-seeing bus, together with the necessary
14 passenger terminals and parking facilities or other properties
15 necessary for passenger and vehicular access to and from such people
16 moving systems: PROVIDED, That nothing shall prohibit an authority
17 from leasing its buses to private certified carriers or prohibit the
18 authority from providing school bus service. "Public transportation
19 service" includes passenger-only ferry service for those public
20 transportation benefit areas eligible to provide passenger-only ferry
21 service under RCW 36.57A.200.

22 ((+9)) (10) "Public transportation improvement conference" or
23 "conference" means the body established pursuant to RCW 36.57A.020
24 which shall be authorized to establish, subject to the provisions of
25 RCW 36.57A.030, a public transportation benefit area pursuant to the
26 provisions of this chapter.

27 NEW SECTION. **Sec. 11.** The code reviser shall alphabetize and
28 renumber the definitions in RCW 35.58.020 and 36.57A.010."

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29 On page 1, line 1 of the title, after "fares;" strike the remainder

1 of the title and insert "amending RCW 35.58.020 and 36.57A.010; adding
2 new sections to chapter 35.58 RCW; adding new sections to chapter
3 36.57A RCW; creating a new section; and prescribing penalties."

EFFECT: Clarifies that the bill provides additional powers or authority to supplement existing law, and does not limit existing powers or authority granted to any public agency.

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