

ESSB 5513 - H COMM AMD  
By Committee on Transportation

ADOPTED 04/09/2009

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

3 "Sec. 1. RCW 7.80.090 and 1987 c 456 s 17 are each amended to read  
4 as follows:

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

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

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

13 Sec. 2. RCW 7.80.010 and 1987 c 456 s 9 are each amended to read  
14 as follows:

15 (1) All violations of state law, local law, ordinance, regulation,  
16 or resolution designated as civil infractions may be heard and  
17 determined by a district court, except as otherwise provided in this  
18 section.

19 (2) Any municipal court has the authority to hear and determine  
20 pursuant to this chapter civil infractions that are established by  
21 municipal ordinance or by local law or resolution of a transit agency  
22 authorized to issue civil infractions, and that are committed within  
23 the jurisdiction of the municipality.

24 (3) Any city or town with a municipal court under chapter 3.50 RCW  
25 may contract with the county to have civil infractions that are  
26 established by city or town ordinance and that are committed within the  
27 city or town adjudicated by a district court.

28 (4) District court commissioners have the authority to hear and  
29 determine civil infractions pursuant to this chapter.

1 (5) Nothing in this chapter prevents any city, town, or county from  
2 hearing and determining civil infractions pursuant to its own system  
3 established by ordinance.

4 **Sec. 3.** RCW 9.91.025 and 2004 c 118 s 1 are each amended to read  
5 as follows:

6 (1) A person is guilty of unlawful ~~((bus))~~ transit conduct if,  
7 while on or in a ~~((municipal))~~ transit vehicle ~~((as defined by RCW~~  
8 ~~46.04.355))~~ or in or at a ~~((municipal))~~ transit station ~~((and with~~  
9 ~~knowledge that the conduct is prohibited))~~, he or she knowingly:

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

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

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

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

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

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

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

4        (h) Obstructs or impedes the flow of (~~municipal~~) transit vehicles  
5 or passenger traffic, hinders or prevents access to (~~municipal~~)  
6 transit vehicles or stations, or otherwise unlawfully interferes with  
7 the provision or use of public transportation services;

8        ~~((g) Intentionally)~~ (i) Unreasonably disturbs others by engaging  
9 in loud, raucous, unruly, harmful, or harassing behavior; (~~or~~

10 ~~(h)~~) (j) Destroys, defaces, or otherwise damages property (~~of a~~  
11 ~~municipality as defined in RCW 35.58.272 or a regional transit~~  
12 ~~authority authorized by chapter 81.112 RCW employed in the provision or~~  
13 ~~use of public transportation services)~~ in a transit vehicle or at a  
14 transit facility;

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

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

19        (m) Falsely claims to be a transit operator or other transit  
20 employee or through words, actions, or the use of clothes, insignia, or  
21 equipment resembling department-issued uniforms and equipment, creates  
22 a false impression that he or she is a transit operator or other  
23 transit employee;

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

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

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

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

36        (a) "Transit station" or "transit facility" means all passenger  
37 facilities, structures, (~~lands, interest in lands, air rights over~~  
38 ~~lands)~~ stops, shelters, bus zones, properties, and rights-of-way of

1 all kinds that are owned, leased, held, or used by a (~~municipality as~~  
2 ~~defined in RCW 35.58.272, or a regional transit authority authorized by~~  
3 ~~chapter 81.112 RCW~~) transit authority for the purpose of providing  
4 public transportation services(~~(, including, but not limited to, park~~  
5 ~~and ride lots, transit centers and tunnels, and bus shelters.~~

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

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

12 (c) "Transit authority" means a city transit system under RCW  
13 35.58.2721 or chapter 35.95A RCW, a county transportation authority  
14 under chapter 36.57 RCW, a metropolitan municipal corporation transit  
15 system under chapter 36.56 RCW, a public transportation benefit area  
16 under chapter 36.57A RCW, an unincorporated transportation benefit area  
17 under RCW 36.57.100, a regional transportation authority under chapter  
18 81.112 RCW, or any special purpose district formed to operate a public  
19 transportation system.

20 (3) Any person who violates this section is guilty of a  
21 misdemeanor.

22 **Sec. 4.** RCW 81.112.020 and 1999 c 20 s 2 are each amended to read  
23 as follows:

24 Unless the context clearly requires otherwise, the definitions in  
25 this section apply throughout this chapter.

26 (1) "Authority" means a regional transit authority authorized under  
27 this chapter.

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

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

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

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

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

4 **Sec. 5.** RCW 81.112.210 and 1999 c 20 s 3 are each amended to read  
5 as follows:

6 (1) An authority is authorized to establish, by resolution, a  
7 schedule of fines and penalties for civil infractions established in  
8 RCW 81.112.220. Fines established by a regional transit authority  
9 shall not exceed those imposed for class 1 infractions under RCW  
10 7.80.120.

11 (2)(a) A regional transit authority may designate persons to  
12 monitor fare payment who are equivalent to and are authorized to  
13 exercise all the powers of an enforcement officer, defined in RCW  
14 7.80.040. An authority is authorized to employ personnel to either  
15 monitor fare payment, or to contract for such services, or both.

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

19 (i) Request proof of payment from passengers;

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

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

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

29 (3) Regional transit authorities shall keep records of citations in  
30 the manner prescribed by RCW 7.80.150. All civil infractions  
31 established by chapter 20, Laws of 1999 shall be heard and determined  
32 by a district or municipal court as provided in RCW 7.80.010 (1), (2),  
33 and (4).

34 **Sec. 6.** RCW 81.112.220 and 1999 c 20 s 4 are each amended to read  
35 as follows:

36 (1) Persons traveling on (~~trains, including but not limited to~~

1 ~~commuter trains or light rail trains,~~) facilities operated by an  
2 authority((~~7~~)) shall pay the fare established by the authority. Such  
3 persons shall produce proof of payment when requested by a person  
4 designated to monitor fare payment.

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

8 (a) Failure to pay the required fare;

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

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

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

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

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

21 (2) Fails to timely select one of the options for responding to the  
22 notice of civil infraction after receiving a statement of the options  
23 provided in this chapter for responding to the notice of infraction and  
24 the procedures necessary to exercise these options; or

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

28 NEW SECTION. **Sec. 8.** A new section is added to chapter 81.112 RCW  
29 to read as follows:

30 The powers and authority conferred by RCW 81.112.210 through  
31 81.112.230 are in addition and supplemental to powers or authority  
32 conferred by any other law. RCW 81.112.210 through 81.112.230 do not  
33 limit any other powers or authority of a regional transit authority.

34 NEW SECTION. **Sec. 9.** If any provision of this act or its

1 application to any person or circumstance is held invalid, the  
2 remainder of the act or the application of the provision to other  
3 persons or circumstances is not affected."

4 Correct the title.

EFFECT: Makes two technical corrections: (1) Corrects a grammatical error by removing the word "and" from the beginning of a sentence; and (2) adds language to complete the authorization of municipal courts to hear civil citations issued by Regional Transit Authorities.

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