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SENATE BILL 5513

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State of Washington                      61st Legislature                      2009 Regular Session

By Senators Jarrett, Swecker, Delvin, Marr, Kilmer, and Tom

Read first time 01/26/09. Referred to Committee on Transportation.

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 other agency authorized to issue civil infractions may appear in any  
14           proceedings under this chapter but need not appear, notwithstanding any  
15           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, county, or state  
7 transportation system, transportation authority, public transportation  
8 benefit area, public transit authority, or metropolitan municipal  
9 corporation within the states that operates public transit vehicles as  
10 defined in RCW 69.50.435, or a regional transit authority authorized  
11 under chapter 81.112 RCW.

12       (3) Any person who violates this section is guilty of a  
13 misdemeanor.

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

16       Unless the context clearly requires otherwise, the definitions in  
17 this section apply throughout this chapter.

18       (1) "Authority" means a regional transit authority authorized under  
19 this chapter.

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

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

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

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

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

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

34       (1) An authority is authorized to establish, by resolution, a  
35 schedule of fines and penalties for civil infractions established in

1 RCW 81.112.220. Fines established by a regional transit authority  
2 shall not exceed those imposed for class 1 infractions under RCW  
3 7.80.120.

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

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

12 (i) Request proof of payment from passengers;

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

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

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

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

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

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

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

36 (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.

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