

**ESSB 5186 - H AMD 495**

By Representative Appleton

FAILED 04/06/2011

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 79A.45  
4 RCW to read as follows:

5 A person commits a class 1 civil infraction, as provided in RCW  
6 7.80.120, if the person knowingly skis in an area or on a ski trail,  
7 owned or controlled by a ski area operator, that is closed to the  
8 public and that has signs posted indicating the closure.

9 **Sec. 2.** RCW 7.80.120 and 2003 c 365 s 3 and 2003 c 337 s 4 are  
10 each reenacted and amended to read as follows:

11 (1) A person found to have committed a civil infraction shall be  
12 assessed a monetary penalty.

13 (a) The maximum penalty and the default amount for a class 1 civil  
14 infraction shall be two hundred fifty dollars, not including statutory  
15 assessments, except for an infraction of state law involving  
16 potentially dangerous litter as specified in RCW 70.93.060(4) (~~and~~),  
17 an infraction of state law involving violent video or computer games  
18 under RCW 9.91.180, and an infraction of state law involving skiing in  
19 an area or on a ski trail closed to the public under section 1 of this  
20 act, in which case the maximum penalty and default amount is five  
21 hundred dollars;

22 (b) The maximum penalty and the default amount for a class 2 civil  
23 infraction shall be one hundred twenty-five dollars, not including  
24 statutory assessments;

25 (c) The maximum penalty and the default amount for a class 3 civil  
26 infraction shall be fifty dollars, not including statutory assessments;  
27 and

28 (d) The maximum penalty and the default amount for a class 4 civil

1 infraction shall be twenty-five dollars, not including statutory  
2 assessments.

3 (2) The supreme court shall prescribe by rule the conditions under  
4 which local courts may exercise discretion in assessing fines for civil  
5 infractions.

6 (3) Whenever a monetary penalty is imposed by a court under this  
7 chapter it is immediately payable. If the person is unable to pay at  
8 that time the court may grant an extension of the period in which the  
9 penalty may be paid. If the penalty is not paid on or before the time  
10 established for payment, the court may proceed to collect the penalty  
11 in the same manner as other civil judgments and may notify the  
12 prosecuting authority of the failure to pay.

13 (4) The court may also order a person found to have committed a  
14 civil infraction to make restitution."

15 Correct the title.

EFFECT: Removes the changes made in the underlying bill. Creates a class one civil infraction for knowingly skiing in an area or on a ski trail, owned or controlled by a ski area operator, that is closed to the public and that has signs posted indicating the closure. Provides that the maximum penalty and default amount for this infraction is \$500.

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