

HOUSE BILL REPORT

SHB 2252

As Passed Legislature

Title: An act relating to proof of payment for certain transportation fares.

Brief Description: Concerning proof of payment for certain transportation fares and disclosure of certain information on transit passes and fare media.

Sponsors: House Committee on Transportation (originally sponsored by Representative Fitzgibbon).

Brief History:

Committee Activity:

Transportation: 1/16/12, 2/1/12 [DPS].

Floor Activity:

Passed House: 2/9/12, 95-2.

Senate Amended.

Passed Senate: 2/28/12, 46-0.

Passed House: 3/3/12, 95-0.

Passed Legislature.

Brief Summary of Substitute Bill

- Permits certain transit agencies to require passengers to produce proof of payment in a manner determined by the transit agency.
- Requires certain transit agencies, when collecting fares before passengers board a transit vehicle, to place conspicuous signage regarding fare payment in order to issue infractions for failure to pay the required fare.
- Defines personally identifying information, in the context of fare media, to include purchase and use data, and limits the disclosure of that data.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 27 members: Representatives Clibborn, Chair; Billig, Vice Chair; Liias, Vice Chair; Armstrong, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Angel, Asay, Eddy, Finn, Fitzgibbon, Hansen, Jinkins, Johnson, Klippert,

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Ladenburg, McCune, Moeller, Morris, Moscoso, Overstreet, Reykdal, Rivers, Rodne, Ryu, Takko, Upthegrove and Zeiger.

Minority Report: Do not pass. Signed by 2 members: Representatives Kristiansen and Shea.

Staff: David Munnecke (786-7315).

Background:

Metropolitan municipal corporations (Metros), regional transit authorities (RTAs), city-owned transit systems (city-owned transits), and public transportation benefit areas (PTBAs) are special purpose districts authorized to provide public transportation services within their respective boundaries. Passengers traveling on public transportation operated by Metros, RTAs, city-owned transits, and PTBAs are required to pay the established fare and to provide proof of payment when requested to do so by persons designated to monitor fare payment.

Metros, RTAs, city-owned transits, and PTBAs are authorized to designate persons to monitor fare payment, and to establish a schedule of civil fines and penalties for civil infractions related to fare payment violations. A civil infraction not to exceed \$250 may be issued by designated fare monitors to passengers who: fail to pay the fare; fail to provide proof of payment when requested to do so by a person designated to monitor fare payment; or refuse to leave the vehicle when asked by a person designated to monitor fare payment. The authority to issue civil citations for fare payment violations is supplemental to any other existing authority to enforce fare payment.

Certain transportation-related information is exempt from public disclosure requirements, including personally identifying information that an agency may have on vanpool riders, paratransit participants or applicants, transit passes, and transponders. All transit pass and other fare media payment information may be disclosed in aggregate form, or for certain law enforcement purposes, if the request is accompanied by a court order.

Generally speaking, "public transportation service" means the transportation of packages, passengers, and their incidental baggage by means other than by chartered bus or sight-seeing bus, together with the terminals and parking facilities necessary for passenger and vehicular access to and from such systems.

Summary of Substitute Bill:

Metros, RTAs, city-owned transits, and PTBAs are authorized to require passengers to produce proof of payment in a manner determined by the transit agency. This authority includes the ability to require a person using an electronic fare payment card to validate the card through the use of an electronic card reader.

In cases where fare payment is required prior to boarding a transit vehicle, Metros, RTAs, city-owned transits, and PTBAs are required to place conspicuous signage in boarding areas in order to issue civil infractions for failure to pay the required fare. The signage must clearly indicate the location where fare media may be purchased and that a person using a

fare media card must present the card to an electronic reader before entering the transit vehicle or a restricted fare paid area.

The term personally identifying information, as used in relation to the disclosure of information regarding transit passes and other fare media, which can be disclosed to the entity who pays for the pass or fare media for the purpose of preventing fraud or to the news media when reporting on public transportation or public safety, is defined to include the purchase and use data collected on an individual's transit pass. The disclosure of aggregate data relating to transit passes is limited to purchase and use data.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The Washington statutes do not always keep up with technology. The ORCA card is used by all the central Puget Sound transit agencies. It is designed to allow passengers to use their cards anywhere and agencies to get the appropriate funds when the card is used. This bill will allow fare enforcement to keep pace with this technology.

Citations for fare evasion are being dismissed in some jurisdictions, and this bill would clarify the law to allow for fare enforcement. Fare enforcement is first done through education.

The ORCA cards are not fare in and of themselves, because the payment takes place on the network. Some customers feel that proof of payment comes about by showing the card, but failure to tap the card prevents the proper division of fares among the partner agencies. Failure to tap out of the system can also lead to the trip being charged to the end of the route.

More and more transit systems are going to barrier-less fare payment systems, such as what is used by Sound Transit. These types of systems provide greater safety for the travelling public.

(Opposed) None.

Persons Testifying: Representative Fitzgibbon, prime sponsor; and Ken Cummins, Sound Transit.

Persons Signed In To Testify But Not Testifying: None.