

SENATE BILL REPORT

SHB 2252

As Reported by Senate Committee On:
Transportation, February 21, 2012

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

Brief Description: Concerning proof of payment for certain transportation fares.

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

Brief History: Passed House: 2/09/12, 95-2.

Committee Activity: Transportation: 2/16/12, 2/21/12 [DPA].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended.

Signed by Senators Haugen, Chair; Eide, Vice Chair; King, Ranking Minority Member; Fain, Assistant Ranking Minority Member; Delvin, Ericksen, Hill, Hobbs, Litzow, Ranker, Rolfes, Sheldon, Shin and Swecker.

Staff: Hayley Gamble (786-7452)

Background: Proof of Payment on Transit. 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 these transit agencies are required to pay a 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.

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.

Public Disclosure of Transit Pass Information. Current law allows for certain transportation-related information to be exempt from public disclosure requirements. Current transportation-related exemptions include personally identifying information 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. The term personally identifying information, as it relates to transit passes and other fare media, is not currently defined.

Summary of Bill (Recommended Amendments): 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 must 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.

As used in relation to transit passes and other fare media, the term personally identifying information 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.

EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (Recommended Amendments): As used in relation to transit passes and other fare media, the term personally identifying information 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.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony as Heard in Committee: PRO: This bill ensures transit passengers are paying their fares. Some courts have interpreted current law to say a passenger does not have to swipe their ORCA card to prove proof of payment.

Persons Testifying: PRO: Representative Fitzgibbon, prime sponsor; Cheryl Huston, ORCA Board.