
SENATE BILL 5402

State of Washington

68th Legislature

2023 Regular Session

By Senators Randall, Gildon, Trudeau, Holy, Nobles, Lovick, Kuderer, Nguyen, and C. Wilson

Read first time 01/16/23. Referred to Committee on Law & Justice.

1 AN ACT Relating to authorizing public transportation benefit
2 areas to become limited authority Washington law enforcement
3 agencies; amending RCW 36.57A.080; reenacting and amending RCW
4 10.93.020; and adding a new section to chapter 36.57A RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 10.93.020 and 2021 c 318 s 307 are each reenacted
7 and amended to read as follows:

8 As used in this chapter, the following terms have the meanings
9 indicated unless the context clearly requires otherwise.

10 (1) "Agency with primary territorial jurisdiction" means a city
11 or town police agency which has responsibility for police activity
12 within its boundaries; or a county police or sheriff's department
13 which has responsibility with regard to police activity in the
14 unincorporated areas within the county boundaries; or a statutorily
15 authorized port district police agency or four-year state college or
16 university police agency which has responsibility for police activity
17 within the statutorily authorized enforcement boundaries of the port
18 district, state college, or university.

19 (2) "Federal peace officer" means any employee or agent of the
20 United States government who has the authority to carry firearms and

1 make warrantless arrests and whose duties involve the enforcement of
2 criminal laws of the United States.

3 (3) "General authority Washington law enforcement agency" means
4 any agency, department, or division of a municipal corporation,
5 political subdivision, or other unit of local government of this
6 state, and any agency, department, or division of state government,
7 having as its primary function the detection and apprehension of
8 persons committing infractions or violating the traffic or criminal
9 laws in general, as distinguished from a limited authority Washington
10 law enforcement agency, and any other unit of government expressly
11 designated by statute as a general authority Washington law
12 enforcement agency. The Washington state patrol and the department of
13 fish and wildlife are general authority Washington law enforcement
14 agencies.

15 (4) "General authority Washington peace officer" means any full-
16 time, fully compensated and elected, appointed, or employed officer
17 of a general authority Washington law enforcement agency who is
18 commissioned to enforce the criminal laws of the state of Washington
19 generally.

20 (5) "Limited authority Washington law enforcement agency" means
21 any agency, political subdivision, or unit of local government of
22 this state, and any agency, department, or division of state
23 government, having as one of its functions the apprehension or
24 detection of persons committing infractions or violating the traffic
25 or criminal laws relating to limited subject areas, including but not
26 limited to, the state departments of natural resources and social and
27 health services, the state gambling commission, the state lottery
28 commission, the state parks and recreation commission, the state
29 utilities and transportation commission, the state liquor and
30 cannabis board, the office of the insurance commissioner, the state
31 department of corrections, ~~((and))~~ the office of independent
32 investigations, and public transportation benefit areas.

33 (6) "Limited authority Washington peace officer" means any full-
34 time, fully compensated officer of a limited authority Washington law
35 enforcement agency empowered by that agency to detect or apprehend
36 violators of the laws in some or all of the limited subject areas for
37 which that agency is responsible. A limited authority Washington
38 peace officer may be a specially commissioned Washington peace
39 officer if otherwise qualified for such status under this chapter.

1 (7) "Mutual law enforcement assistance" includes, but is not
2 limited to, one or more law enforcement agencies aiding or assisting
3 one or more other such agencies through loans or exchanges of
4 personnel or of material resources, for law enforcement purposes.

5 (8) "Primary commissioning agency" means (a) the employing agency
6 in the case of a general authority Washington peace officer, a
7 limited authority Washington peace officer, a tribal peace officer
8 from a federally recognized tribe, or a federal peace officer, and
9 (b) the commissioning agency in the case of a specially commissioned
10 Washington peace officer (i) who is performing functions within the
11 course and scope of the special commission and (ii) who is not also a
12 general authority Washington peace officer, a limited authority
13 Washington peace officer, a tribal peace officer from a federally
14 recognized tribe, or a federal peace officer.

15 (9) "Primary function of an agency" means that function to which
16 greater than fifty percent of the agency's resources are allocated.

17 (10) "Specially commissioned Washington peace officer," for the
18 purposes of this chapter, means any officer, whether part-time or
19 full-time, compensated or not, commissioned by a general authority
20 Washington law enforcement agency to enforce some or all of the
21 criminal laws of the state of Washington, who does not qualify under
22 this chapter as a general authority Washington peace officer for that
23 commissioning agency, specifically including reserve peace officers,
24 and specially commissioned full-time, fully compensated peace
25 officers duly commissioned by the states of Oregon or Idaho or any
26 such peace officer commissioned by a unit of local government of
27 Oregon or Idaho. A reserve peace officer is an individual who is an
28 officer of a Washington law enforcement agency who does not serve
29 such agency on a full-time basis but who, when called by the agency
30 into active service, is fully commissioned on the same basis as full-
31 time peace officers to enforce the criminal laws of the state.

32 **Sec. 2.** RCW 36.57A.080 and 1975 1st ex.s. c 270 s 18 are each
33 amended to read as follows:

34 In addition to the powers specifically granted by this chapter a
35 public transportation benefit area shall have all powers which are
36 necessary to carry out the purposes of the public transportation
37 benefit area. A public transportation benefit area may contract with
38 the United States or any agency thereof, any state or agency thereof,
39 any other public transportation benefit area, any county, city,

1 metropolitan municipal corporation, special district, or governmental
2 agency, within or without the state, and any private person, firm or
3 corporation for the purpose of receiving gifts or grants or securing
4 loans or advances for preliminary planning and feasibility studies,
5 or for the design, construction or operation of transportation
6 facilities. In addition a public transportation benefit area may
7 contract with any governmental agency or with any private person,
8 firm or corporation for the use by either contracting party of all or
9 any part of the facilities, structures, lands, interests in lands,
10 air rights over lands and rights-of-way of all kinds which are owned,
11 leased or held by the other party and for the purpose of planning,
12 constructing or operating any facility or performing any service
13 which the public transportation benefit area may be authorized to
14 operate or perform, on such terms as may be agreed upon by the
15 contracting parties. Before any contract for the lease or operation
16 of any public transportation benefit area facilities shall be let to
17 any private person, firm or corporation, a general schedule of rental
18 rates for bus equipment with or without drivers shall be publicly
19 posted applicable to all private certificated carriers, and for other
20 facilities competitive bids shall first be called upon such notice,
21 bidder qualifications and bid conditions as the public transportation
22 benefit area authority shall determine.

23 A public transportation benefit area may sue and be sued in its
24 corporate capacity in all courts and in all proceedings.

25 A public transportation benefit area may become a limited
26 authority Washington law enforcement agency, as defined under RCW
27 10.93.020.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.57A
29 RCW to read as follows:

30 (1) Designated officers, employed by a public transportation
31 benefit area, shall be vested with police powers to enforce the
32 general criminal statutes or ordinances of the state:

33 (a) Within the boundaries of lands and property owned or managed
34 by the public transportation benefit area;

35 (b) Within transportation facilities owned or managed by the
36 public transportation benefit area, including but not limited to
37 passenger terminal and parking facilities and properties; and

38 (c) Within any bus or other mode of public transportation owned
39 or managed by the public transportation benefit area.

1 (2) Designated officers, employed by a public transportation
2 benefit area, are authorized to issue traffic infractions for
3 violations of state or local laws, ordinances, regulations, or
4 resolutions relating to the stopping, standing, or parking of a
5 vehicle that occur on property owned or managed by the public
6 transportation benefit area or areas designated for buses or other
7 modes of public transportation owned or managed by the public
8 transportation benefit area, including but not limited to bus stops,
9 bus lanes, and bus zones.

10 (3) Designated officers, employed by a public transportation
11 benefit area, are authorized to enforce the public transportation
12 area's rules, regulations, and policies regarding passenger conduct.

13 (4) Nothing in this section shall preclude general authority
14 Washington peace officers as defined in RCW 10.93.020 from exercising
15 concurrent jurisdiction with designated officers employed by a public
16 transportation benefit area with respect to enforcing the laws,
17 ordinances, regulations, or resolutions described in subsections (1)
18 and (2) of this section.

19 (5) The authority granted to public benefit transportation areas
20 in this section is in addition to any other authority provided by
21 law.

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