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SENATE BILL 6353

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State of Washington

60th Legislature

2008 Regular Session

By Senator Haugen

Read first time 01/15/08. Referred to Committee on Transportation.

1 AN ACT Relating to public transportation fares; amending RCW  
2 35.58.020 and 36.57A.010; adding new sections to chapter 35.58 RCW;  
3 adding new sections to chapter 36.57A RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.58 RCW  
6 to read as follows:

7 (1) Persons traveling on public transportation operated by a  
8 metropolitan municipal corporation shall pay the fare established by  
9 the metropolitan municipal corporation. Such persons shall produce  
10 proof of payment when requested by a person designated to monitor fare  
11 payment.

12 (2) The following constitute civil infractions punishable according  
13 to the schedule of fines and penalties established by a metropolitan  
14 municipal corporation under section 2 of this act:

15 (a) Failure to pay the required fare;

16 (b) Failure to display proof of payment when requested to do so by  
17 a person designated to monitor fare payment; and

18 (c) Failure to depart the bus or other mode of public

1 transportation when requested to do so by a person designated to  
2 monitor fare payment.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.58 RCW  
4 to read as follows:

5 (1) A metropolitan municipal corporation may establish, by  
6 resolution, a schedule of fines and penalties for civil infractions  
7 established in section 1 of this act. Fines established shall not  
8 exceed those imposed for class 1 infractions under RCW 7.80.120.

9 (2)(a) A metropolitan municipal corporation may designate persons  
10 to monitor fare payment who are equivalent to, and are authorized to  
11 exercise all the powers of, an enforcement officer as defined in RCW  
12 7.80.040. A metropolitan municipal corporation may employ personnel to  
13 either monitor fare payment or contract for such services, or both.

14 (b) In addition to the specific powers granted to enforcement  
15 officers under RCW 7.80.050 and 7.80.060, persons designated to monitor  
16 fare payment may also take the following actions:

17 (i) Request proof of payment from passengers;

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

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

22 (iv) Request that a passenger leave the bus or other mode of public  
23 transportation when the passenger has not produced proof of payment  
24 after being asked to do so by a person designated to monitor fare  
25 payment.

26 (3) A metropolitan municipal corporation shall keep records of  
27 citations in the manner prescribed by RCW 7.80.150. All civil  
28 infractions established by this section and sections 1 and 3 of this  
29 act shall be heard and determined by a district court as provided in  
30 RCW 7.80.010 (1) and (4).

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.58 RCW  
32 to read as follows:

33 Sections 1 and 2 of this act do not prevent law enforcement  
34 authorities from prosecuting for theft, trespass, or other charges by  
35 any individual who:

- 1 (1) Fails to pay the required fare on more than one occasion within  
2 a twelve-month period;
- 3 (2) Fails to timely select one of the options for responding to the  
4 notice of civil infraction after receiving a statement of the options  
5 for responding to the notice of infraction and the procedures necessary  
6 to exercise these options; or
- 7 (3) Fails to depart the bus or other mode of public transportation  
8 when requested to do so by a person designated to monitor fare payment.

9 **Sec. 4.** RCW 35.58.020 and 1982 c 103 s 1 are each amended to read  
10 as follows:

11 The definitions set forth in this section apply throughout this  
12 chapter.

13 (1) "Metropolitan municipal corporation" means a municipal  
14 corporation of the state of Washington created pursuant to this  
15 chapter, or a county which has by ordinance or resolution assumed the  
16 rights, powers, functions, and obligations of a metropolitan municipal  
17 corporation pursuant to the provisions of chapter 36.56 RCW.

18 (2) "Metropolitan area" means the area contained within the  
19 boundaries of a metropolitan municipal corporation, or within the  
20 boundaries of an area proposed to be organized as such a corporation.

21 (3) "City" means an incorporated city or town.

22 (4) "Component city" means an incorporated city or town within a  
23 metropolitan area.

24 (5) "Component county" means a county, all or part of which is  
25 included within a metropolitan area.

26 (6) "Central city" means the city with the largest population in a  
27 metropolitan area.

28 (7) "Central county" means the county containing the city with the  
29 largest population in a metropolitan area.

30 (8) "Special district" means any municipal corporation of the state  
31 of Washington other than a city, county, or metropolitan municipal  
32 corporation.

33 (9) "Metropolitan council" means the legislative body of a  
34 metropolitan municipal corporation, or the legislative body of a county  
35 which has by ordinance or resolution assumed the rights, powers,  
36 functions, and obligations of a metropolitan municipal corporation  
37 pursuant to the provisions of chapter 36.56 RCW.

1 (10) "City council" means the legislative body of any city or town.

2 (11) "Population" means the number of residents as shown by the  
3 figures released for the most recent official state, federal, or county  
4 census, or population determination made under the direction of the  
5 office of financial management.

6 (12) "Metropolitan function" means any of the functions of  
7 government named in RCW 35.58.050.

8 (13) "Authorized metropolitan function" means a metropolitan  
9 function which a metropolitan municipal corporation shall have been  
10 authorized to perform in the manner provided in this chapter.

11 (14) "Metropolitan public transportation" or "metropolitan  
12 transportation" for the purposes of this chapter means the  
13 transportation of packages, passengers, and their incidental baggage by  
14 means other than by chartered bus, sightseeing bus, or any other motor  
15 vehicle not on an individual fare-paying basis, together with the  
16 necessary passenger terminals and parking facilities or other  
17 properties necessary for passenger and vehicular access to and from  
18 such people-moving systems: PROVIDED, That nothing in this chapter  
19 shall be construed to prohibit a metropolitan municipal corporation  
20 from leasing its buses to private certified carriers; to prohibit a  
21 metropolitan municipal corporation from providing school bus service  
22 for the transportation of pupils; or to prohibit a metropolitan  
23 municipal corporation from chartering an electric streetcar on rails  
24 which it operates entirely within a city.

25 (15) "Pollution" has the meaning given in RCW 90.48.020.

26 (16) "Proof of payment" means evidence of fare prepayment  
27 authorized by a metropolitan municipal corporation for the use of buses  
28 or other modes of public transportation.

29 NEW SECTION. Sec. 5. A new section is added to chapter 36.57A RCW  
30 to read as follows:

31 (1) Persons traveling on public transportation operated by a public  
32 transportation benefit area shall pay the fare established by the  
33 public transportation benefit area. Such persons shall produce proof  
34 of payment when requested by a person designated to monitor fare  
35 payment.

36 (2) The following constitute civil infractions punishable according

1 to the schedule of fines and penalties established by a public  
2 transportation benefit area under section 6 of this act:

3 (a) Failure to pay the required fare;

4 (b) Failure to display proof of payment when requested to do so by  
5 a person designated to monitor fare payment; and

6 (c) Failure to depart the bus or other mode of public  
7 transportation when requested to do so by a person designated to  
8 monitor fare payment.

9 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.57A RCW  
10 to read as follows:

11 (1) A public transportation benefit area may establish, by  
12 resolution, a schedule of fines and penalties for civil infractions  
13 established in section 5 of this act. Fines established shall not  
14 exceed those imposed for class 1 infractions under RCW 7.80.120.

15 (2)(a) A public transportation benefit area may designate persons  
16 to monitor fare payment who are equivalent to, and are authorized to  
17 exercise all the powers of, an enforcement officer as defined in RCW  
18 7.80.040. A public transportation benefit area may employ personnel to  
19 either monitor fare payment or contract for such services, or both.

20 (b) In addition to the specific powers granted to enforcement  
21 officers under RCW 7.80.050 and 7.80.060, persons designated to monitor  
22 fare payment may also take the following actions:

23 (i) Request proof of payment from passengers;

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

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

28 (iv) Request that a passenger leave the bus or other mode of public  
29 transportation when the passenger has not produced proof of payment  
30 after being asked to do so by a person designated to monitor fare  
31 payment.

32 (3) A public transportation benefit area shall keep records of  
33 citations in the manner prescribed by RCW 7.80.150. All civil  
34 infractions established by this section and sections 5 and 7 of this  
35 act shall be heard and determined by a district court as provided in  
36 RCW 7.80.010 (1) and (4).

1        NEW SECTION.    **Sec. 7.** A new section is added to chapter 36.57A RCW  
2 to read as follows:

3        Sections 5 and 6 of this act do not prevent law enforcement  
4 authorities from prosecuting for theft, trespass, or other charges by  
5 any individual who:

6        (1) Fails to pay the required fare on more than one occasion within  
7 a twelve-month period;

8        (2) Fails to timely select one of the options for responding to the  
9 notice of civil infraction after receiving a statement of the options  
10 for responding to the notice of infraction and the procedures necessary  
11 to exercise these options; or

12        (3) Fails to depart the bus or other mode of public transportation  
13 when requested to do so by a person designated to monitor fare payment.

14        **Sec. 8.** RCW 36.57A.010 and 2003 c 83 s 209 are each amended to  
15 read as follows:

16        The definitions set forth in this section apply throughout this  
17 chapter unless the context clearly requires otherwise.

18        (1) "Public transportation benefit area" means a municipal  
19 corporation of the state of Washington created pursuant to this  
20 chapter.

21        (2) "Public transportation benefit area authority" or "authority"  
22 means the legislative body of a public transportation benefit area.

23        (3) "City" means an incorporated city or town.

24        (4) "Component city" means an incorporated city or town within a  
25 public transportation benefit area.

26        (5) "City council" means the legislative body of any city or town.

27        (6) "County legislative authority" means the board of county  
28 commissioners or the county council.

29        (7) "Population" means the number of residents as shown by the  
30 figures released for the most recent official state, federal, or county  
31 census, or population determination made by the office of financial  
32 management.

33        (8) "Proof of payment" means evidence of fare prepayment authorized  
34 by a public transportation benefit area for the use of buses or other  
35 modes of public transportation.

36        (9) "Public transportation service" means the transportation of  
37 packages, passengers, and their incidental baggage by means other than

1 by chartered bus, sight-seeing bus, together with the necessary  
2 passenger terminals and parking facilities or other properties  
3 necessary for passenger and vehicular access to and from such people  
4 moving systems: PROVIDED, That nothing shall prohibit an authority  
5 from leasing its buses to private certified carriers or prohibit the  
6 authority from providing school bus service. "Public transportation  
7 service" includes passenger-only ferry service for those public  
8 transportation benefit areas eligible to provide passenger-only ferry  
9 service under RCW 36.57A.200.

10 ~~((9))~~ (10) "Public transportation improvement conference" or  
11 "conference" means the body established pursuant to RCW 36.57A.020  
12 which shall be authorized to establish, subject to the provisions of  
13 RCW 36.57A.030, a public transportation benefit area pursuant to the  
14 provisions of this chapter.

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