

SENATE BILL REPORT

ESSB 5513

As Amended by House, April 9, 2009

Title: An act relating to law enforcement authority concerning civil infractions and unlawful transit conduct.

Brief Description: Concerning law enforcement authority that relates to civil infractions and unlawful transit conduct.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Jarrett, Swecker, Delvin, Marr, Kilmer and Tom).

Brief History:

Committee Activity: Transportation: 2/09/09, 2/16/09 [DPS].

Passed Senate: 3/11/09, 48-0.

Passed House: 4/09/09, 96-2.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5513 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker, Ranking Minority Member; Becker, Berkey, Delvin, Eide, Jarrett, Kastama, Kauffman, Kilmer, King, Ranker and Sheldon.

Staff: Wendy Malkin (786-7434)

Background: Under current law, unlawful bus conduct includes certain actions conducted while in a municipal transit vehicle or at a municipal transit station. Unlawful bus conduct includes knowingly littering, spitting, obstructing the flow of transit vehicles or passenger traffic, and destroying transit property. Unlawful bus conduct is a misdemeanor.

Regional transit authorities (RTAs) are authorized to set fines and penalties for civil infractions established under the RTA statute. The fines cannot be greater than the fine for a class 1 civil infraction, which is currently \$250. The civil infractions established by the RTA statute are failure to pay the required fare, failure to display proof of payment when requested to do so, and failure to leave the train when requested to do so 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.

Summary of Engrossed Substitute Bill: The statute pertaining to unlawful bus conduct is changed to a statute pertaining to unlawful transit conduct in a transit vehicle or at a transit station. Definitions for transit vehicle and transit authority are added to the statute. A transit vehicle means any motor vehicle, street car, train, trolley, or ferry boat that is owned or operated by a transit authority or an entity providing service on behalf of a transit authority, for the purpose of carrying passengers on a regular schedule. A transit authority means a city or county public transportation system, a metropolitan municipal corporation public transportation system, or any special purpose district formed to operate a public transportation system, including RTAs and public transportation benefit areas. The definition of a transit station is changed to include all passenger stops, shelters, and bus zones.

The list of conduct that is unlawful is expanded to include, among other additions, unreasonably disturbing others with loud or harassing behavior; possessing or tendering an unissued fare media; falsely claiming to be a transit employee; engaging in gambling; skating on skates, or riding on a skateboard, coaster, or toy vehicle; and engaging in conduct that is inconsistent with the intended use and purpose of the transit facility, transit station, or transit vehicle and refusing to obey the commands of an agent of the transit authority or peace officer to stop the conduct.

The definition of "facilities" in the statute pertaining to RTAs is changed to explicitly include trains, stations, and designated-passenger waiting areas. RTA has the authority to issue civil infractions and ask persons to leave an RTA facility for failure to show proof of payment. In addition, the statute pertaining to hearings for civil infractions is changed to allow an attorney representing a transit agency that has the authority to issue civil infractions to appear in civil infraction proceedings.

Municipal courts may hear civil infractions that are established by local law or resolution of a transit agency authorized to issue civil infractions.

Appropriation: None.

Fiscal Note: Not Requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill is the result of 18 months of collaborative work. Transit agencies, prosecutors, and law enforcement agree that we need to modernize the unlawful bus conduct statute to provide local law enforcement with the necessary tools to keep transit safe. This bill will protect riders and transit employees.

This bill is important to RTA because it will allow it to create fare enforcement zones. This will keep passenger waiting areas, such as train platforms, safe.

Persons Testifying: PRO: Senator Jarrett, prime sponsor; Rod Baker, Pierce County Transit Police; Ron Griffin, Sound Transit Police; Dave Jutilla, Metro Transit Police.

House Amendment(s): Makes two technical corrections: (1) corrects a grammatical error by removing the word "and" from the beginning of a sentence; and (2) adds language to complete the authorization of municipal courts to hear civil citations issued by transit authorities.