

---

ENGROSSED SUBSTITUTE SENATE BILL 5513

---

State of Washington

61st Legislature

2009 Regular Session

By Senate Transportation (originally sponsored by Senators Jarrett, Swecker, Delvin, Marr, Kilmer, and Tom)

READ FIRST TIME 02/18/09.

1 AN ACT Relating to law enforcement authority concerning civil  
2 infractions and unlawful transit conduct; amending RCW 7.80.090,  
3 7.80.010, 9.91.025, 81.112.020, 81.112.210, 81.112.220, and 81.112.230;  
4 adding a new section to chapter 81.112 RCW; and prescribing penalties.

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

6 **Sec. 1.** RCW 7.80.090 and 1987 c 456 s 17 are each amended to read  
7 as follows:

8 (1) Procedures for the conduct of all hearings provided in this  
9 chapter may be established by rule of the supreme court.

10 (2) Any person subject to proceedings under this chapter may be  
11 represented by counsel.

12 (3) The attorney representing the state, county, city, (~~or~~) town,  
13 or transit agency authorized to issue civil infractions may appear in  
14 any proceedings under this chapter but need not appear, notwithstanding  
15 any statute or rule of court to the contrary.

16 **Sec. 2.** RCW 7.80.010 and 1987 c 456 s 9 are each amended to read  
17 as follows:

18 (1) All violations of state law, local law, ordinance, regulation,

1 or resolution designated as civil infractions may be heard and  
2 determined by a district court, except as otherwise provided in this  
3 section.

4 (2) Any municipal court has the authority to hear and determine  
5 pursuant to this chapter civil infractions that are established by  
6 municipal ordinance or by local law or resolution of a transit agency  
7 authorized to issue civil infractions, and that are committed within  
8 the jurisdiction of the municipality.

9 (3) Any city or town with a municipal court under chapter 3.50 RCW  
10 may contract with the county to have civil infractions that are  
11 established by city or town ordinance and that are committed within the  
12 city or town adjudicated by a district court.

13 (4) District court commissioners have the authority to hear and  
14 determine civil infractions pursuant to this chapter.

15 (5) Nothing in this chapter prevents any city, town, or county from  
16 hearing and determining civil infractions pursuant to its own system  
17 established by ordinance.

18 **Sec. 3.** RCW 9.91.025 and 2004 c 118 s 1 are each amended to read  
19 as follows:

20 (1) A person is guilty of unlawful (~~bus~~) transit conduct if,  
21 while on or in a (~~municipal~~) transit vehicle (~~as defined by RCW~~  
22 ~~46.04.355~~) or in or at a (~~municipal~~) transit station (~~and with~~  
23 ~~knowledge that the conduct is prohibited~~), he or she knowingly:

24 (a) (~~Except while in or at a municipal transit station,~~) Smokes  
25 or carries a lighted or smoldering pipe, cigar, or cigarette, unless he  
26 or she is smoking in an area designated and authorized by the transit  
27 authority;

28 (b) Discards litter other than in designated receptacles;

29 (c) Dumps or discards, or both, any materials on or at a transit  
30 facility including, but not limited to, hazardous substances and  
31 automotive fluids;

32 (d) Plays any radio, recorder, or other sound-producing equipment,  
33 except that nothing herein prohibits the use of the equipment when  
34 connected to earphones or an ear receiver that limits the sound to an  
35 individual listener(~~s or the use of a communication device by an~~  
36 ~~employee of the owner or operator of the municipal transit vehicle or~~  
37 ~~municipal transit station~~). The use of public address systems or

1 music systems that are authorized by a transit agency is permitted.  
2 The use of communications devices by transit employees and designated  
3 contractors or public safety officers in the line of duty is permitted,  
4 as is the use of private communications devices used to summon, notify,  
5 or communicate with other individuals, such as pagers and cellular  
6 phones;

7 ~~((d))~~ (e) Spits ~~((e))~~, expectorates, urinates, or defecates,  
8 except in appropriate plumbing fixtures in restroom facilities;

9 ~~((e))~~ (f) Carries any flammable liquid, explosive, acid, or other  
10 article or material likely to cause harm to others, except that nothing  
11 herein prevents a person from carrying a cigarette, cigar, or pipe  
12 lighter or carrying a firearm or ammunition in a way that is not  
13 otherwise prohibited by law;

14 ~~((f) Intentionally)~~ (g) Consumes an alcoholic beverage or is in  
15 possession of an open alcoholic beverage container, unless authorized  
16 by the transit authority and required permits have been obtained;

17 (h) Obstructs or impedes the flow of ~~((municipal))~~ transit vehicles  
18 or passenger traffic, hinders or prevents access to ~~((municipal))~~  
19 transit vehicles or stations, or otherwise unlawfully interferes with  
20 the provision or use of public transportation services;

21 ~~((g) Intentionally)~~ (i) And unreasonably disturbs others by  
22 engaging in loud, raucous, unruly, harmful, or harassing behavior; ~~((e~~

23 ~~(h))~~ (j) Destroys, defaces, or otherwise damages property ~~((of a~~  
24 municipality as defined in RCW 35.58.272 or a regional transit  
25 authority authorized by chapter 81.112 RCW employed in the provision or  
26 use of public transportation services)) in a transit vehicle or at a  
27 transit facility;

28 (k) Throws an object in a transit vehicle, at a transit facility,  
29 or at any person at a transit facility with intent to do harm;

30 (l) Possesses an unissued transfer or fare media or tenders an  
31 unissued transfer or fare media as proof of fare payment;

32 (m) Falsely claims to be a transit operator or other transit  
33 employee or through words, actions, or the use of clothes, insignia, or  
34 equipment resembling department-issued uniforms and equipment, creates  
35 a false impression that he or she is a transit operator or other  
36 transit employee;

37 (n) Engages in gambling or any game of chance for the winning of  
38 money or anything of value;

1 (o) Skates on roller skates or in-line skates, or rides in or upon  
2 or by any means a coaster, skateboard, toy vehicle, or any similar  
3 device. However, a person may walk while wearing skates or carry a  
4 skateboard while on or in a transit vehicle or in or at a transit  
5 station if that conduct is not otherwise prohibited by law; or

6 (p) Engages in other conduct that is inconsistent with the intended  
7 use and purpose of the transit facility, transit station, or transit  
8 vehicle and refuses to obey the lawful commands of an agent of the  
9 transit authority or a peace officer to cease such conduct.

10 (2) For the purposes of this section(~~(, "municipal")~~):

11 (a) "Transit station" or "transit facility" means all passenger  
12 facilities, structures, (~~(lands, interest in lands, air rights over~~  
13 lands)) stops, shelters, bus zones, properties, and rights-of-way of  
14 all kinds that are owned, leased, held, or used by a (~~(municipality as~~  
15 defined in RCW 35.58.272, or a regional transit authority authorized by  
16 chapter ~~81.112~~ RCW)) transit authority for the purpose of providing  
17 public transportation services(~~(, including, but not limited to, park~~  
18 and ride lots, transit centers and tunnels, and bus shelters.

19 ~~(3) Unlawful bus conduct is a misdemeanor).~~

20 (b) "Transit vehicle" means any motor vehicle, street car, train,  
21 trolley vehicle, ferry boat, or any other device, vessel, or vehicle  
22 that is owned or operated by a transit authority or an entity providing  
23 service on behalf of a transit authority that is used for the purpose  
24 of carrying passengers on a regular schedule.

25 (c) "Transit authority" means a city transit system under RCW  
26 35.58.2721 or chapter 35.95A RCW, a county transportation authority  
27 under chapter 36.57 RCW, a metropolitan municipal corporation transit  
28 system under chapter 36.56 RCW, a public transportation benefit area  
29 under chapter 36.57A RCW, an unincorporated transportation benefit area  
30 under RCW 36.57.100, a regional transportation authority under chapter  
31 81.112 RCW, or any special purpose district formed to operate a public  
32 transportation system.

33 (3) Any person who violates this section is guilty of a  
34 misdemeanor.

35 **Sec. 4.** RCW 81.112.020 and 1999 c 20 s 2 are each amended to read  
36 as follows:

1 Unless the context clearly requires otherwise, the definitions in  
2 this section apply throughout this chapter.

3 (1) "Authority" means a regional transit authority authorized under  
4 this chapter.

5 (2) "Board" means the board of a regional transit authority.

6 (3) "Service area" or "area" means the area included within the  
7 boundaries of a regional transit authority.

8 (4) "System" means a regional transit system authorized under this  
9 chapter and under the jurisdiction of a regional transit authority.

10 (5) "Facilities" means any lands, interest in land, air rights over  
11 lands, and improvements thereto including vessel terminals, and any  
12 equipment, vehicles, vessels, trains, stations, designated passenger  
13 waiting areas, and other components necessary to support the system.

14 (6) "Proof of payment" means evidence of fare prepayment authorized  
15 by a regional transit authority for the use of (~~trains, including but~~  
16 ~~not limited to commuter trains and light rail trains~~) its facilities.

17 **Sec. 5.** RCW 81.112.210 and 1999 c 20 s 3 are each amended to read  
18 as follows:

19 (1) An authority is authorized to establish, by resolution, a  
20 schedule of fines and penalties for civil infractions established in  
21 RCW 81.112.220. Fines established by a regional transit authority  
22 shall not exceed those imposed for class 1 infractions under RCW  
23 7.80.120.

24 (2)(a) A regional transit authority may designate persons to  
25 monitor fare payment who are equivalent to and are authorized to  
26 exercise all the powers of an enforcement officer, defined in RCW  
27 7.80.040. An authority is authorized to employ personnel to either  
28 monitor fare payment, or to contract for such services, or both.

29 (b) In addition to the specific powers granted to enforcement  
30 officers under RCW 7.80.050 and 7.80.060, persons designated to monitor  
31 fare payment also have the authority to take the following actions:

32 (i) Request proof of payment from passengers;

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

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

1 (iv) Request that a passenger leave the regional transit authority  
2 (~~(train, including but not limited to commuter trains and light rail~~  
3 ~~trains,)~~) facility when the passenger has not produced proof of payment  
4 after being asked to do so by a person designated to monitor fare  
5 payment.

6 (3) Regional transit authorities shall keep records of citations in  
7 the manner prescribed by RCW 7.80.150. All civil infractions  
8 established by chapter 20, Laws of 1999 shall be heard and determined  
9 by a district court as provided in RCW 7.80.010 (1) and (4).

10 **Sec. 6.** RCW 81.112.220 and 1999 c 20 s 4 are each amended to read  
11 as follows:

12 (1) Persons traveling on (~~(trains, including but not limited to~~  
13 ~~commuter trains or light rail trains,)~~) facilities operated by an  
14 authority(~~(r)~~) shall pay the fare established by the authority. Such  
15 persons shall produce proof of payment when requested by a person  
16 designated to monitor fare payment.

17 (2) The following constitute civil infractions punishable according  
18 to the schedule of fines and penalties established by the authority  
19 under RCW 81.112.210(1):

20 (a) Failure to pay the required fare;

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

23 (c) Failure to depart the (~~(train, including but not limited to~~  
24 ~~commuter trains and light rail trains,)~~) facility when requested to do  
25 so by a person designated to monitor fare payment.

26 **Sec. 7.** RCW 81.112.230 and 2006 c 270 s 12 are each amended to  
27 read as follows:

28 Nothing in RCW 81.112.020 and 81.112.210 through 81.112.230 shall  
29 be deemed to prevent law enforcement authorities from prosecuting for  
30 theft, trespass, or other charges by any individual who:

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

33 (2) Fails to timely select one of the options for responding to the  
34 notice of civil infraction after receiving a statement of the options  
35 provided in this chapter for responding to the notice of infraction and  
36 the procedures necessary to exercise these options; or

1           (3) Fails to depart the (~~train, including but not limited to~~  
2 ~~commuter trains and light rail trains,~~) facility when requested to do  
3 so by a person designated to monitor fare payment.

4           NEW SECTION. Sec. 8. A new section is added to chapter 81.112 RCW  
5 to read as follows:

6           The powers and authority conferred by RCW 81.112.210 through  
7 81.112.230 are in addition and supplemental to powers or authority  
8 conferred by any other law. RCW 81.112.210 through 81.112.230 do not  
9 limit any other powers or authority of a regional transit authority.

10          NEW SECTION. Sec. 9. If any provision of this act or its  
11 application to any person or circumstance is held invalid, the  
12 remainder of the act or the application of the provision to other  
13 persons or circumstances is not affected.

--- END ---