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**SENATE BILL 5673**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Randall, Saldaña, Wilson, C., and Nguyen

AN ACT Relating to parking enforcement; adding a new section to chapter 47.04 RCW; adding a new section to chapter 81.112 RCW; and adding a new section to chapter 36.57A RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 47.04 RCW to read as follows:

(1) The department may charge a fee for vehicle parking or bicycle parking or both at department-owned park and ride lots. The department may charge fees that vary depending on criteria such as facility demand, user impacts, vehicle occupancy, vehicle type, vehicle size or length, time of day, duration of use, or other criteria or factors. The department shall establish by rule such fees and any revenue from such fees along with any other procedures necessary to carry out this section. The fees charged by the department under this section shall be used by the department and/or the operator of the parking facility to recoup costs to administer a parking management program and to maintain and operate the parking facilities.

(2) Any city, county, regional transit authority, metropolitan municipal corporation, or other public entity that operates or maintains:

(a) One or more department-owned park and ride lots by agreement with the department;

(b) One or more state funded park and ride lots; or

(c) Any combination of department-owned and state funded park and ride lots, may charge a fee for vehicle parking or bicycle parking or both. The municipality or regional transit authority or other public entity may charge fees that vary depending on criteria such as facility demand, user impacts, vehicle occupancy, vehicle type, vehicle size or length, time of day, duration of use, or other criteria or factors. The municipality or regional transit authority or other public entity shall adopt fees along with any other procedures necessary to carry out this section.

(3) A municipality or regional transit authority or other public entity may enter into an agreement or amend an existing agreement with the department to use funds from management and enforcement of parking facilities to recoup costs to administer a parking management and enforcement program and to maintain and operate those facilities.

(4) Funds in excess of the costs to administer a parking management and enforcement program and the costs to operate and maintain the facilities affected by this section shall be directed into a park and ride improvement account to be administered by the Washington state department of transportation. The purpose of this account shall be to fund improvements or other investments that support use of park and ride facilities, with a priority toward parking facilities operated under this section.

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

(1) Upon probable cause to believe that a violation of this chapter related to motor vehicle parking has occurred, an authorized agent of a regional transit authority may issue a notice of violation. An authority may designate persons to monitor payment for parking who are equivalent to and are authorized to exercise all the powers of an enforcement officer, defined in RCW 7.80.040. A regional transit authority is authorized to employ personnel to monitor payment for parking, or to contract for such services, or both.

(2) Upon probable cause to believe that a violation has occurred, a regional transit authority may issue a notice of violation setting forth the date, approximate time, locality, nature of violation, identifiable characteristics of the vehicle if applicable, and amount of the fine.

(3) The regional transit authority is authorized to set by resolution a schedule of fines related to parking violations.

(4) The following information shall accompany and/or be printed on the notice of violation:

(a) The fine and instructions for payment; and

(b) Instruction for contesting the notice of violation, including where to obtain and submit petitions.

(5) The notice of violation shall be served on the person responsible for the violation by:

(a) Attaching a copy of the notice to the vehicle allegedly involved in the violation;

(b) Mailing a copy of the notice of violation to the registered owner of the vehicle; or

(c) Serving a copy of the notice of violation personally to the person responsible.

(6) The recipient of a parking violation must be provided with an opportunity to appeal the notice of violation.

(7) For any parking violation involving a motor vehicle that is registered to a permit holder, there shall be a prima facie presumption that the permit holder was the person who operated the motor vehicle in violation. The responsibility does not afford a defense to another person who was in violation.

(8) For any parking violation involving a motor vehicle that is not registered to a permit holder, there shall be a prima facie presumption that the registered owner of the motor vehicle was the person who operated the motor vehicle in violation. The responsibility does not afford a defense to another person who was in violation.

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

(1) Upon probable cause to believe that a violation of this chapter related to motor vehicle parking has occurred, an authorized agent of a public transportation benefit area may issue a notice of violation. A public transportation benefit area authority may designate persons to monitor payment for parking who are equivalent to and are authorized to exercise all the powers of an enforcement officer, defined in RCW 7.80.040. A public transportation benefit area authority is authorized to employ personnel to monitor payment for parking, or to contract for such services, or both.

(2) Upon probable cause to believe that a violation has occurred, a public transportation area authority may issue a notice of violation setting forth the date, approximate time, locality, nature of violation, identifiable characteristics of the vehicle if applicable, and amount of the fine.

(3) The public transportation benefit area authority is authorized to set by resolution a schedule of fines related to parking violations.

(4) The following information shall accompany and/or be printed on the notice of violation:

(a) The fine and instructions for payment; and

(b) Instruction for contesting the notice of violation, including where to obtain and submit petitions.

(5) The notice of violation shall be served on the person responsible for the violation by:

(a) Attaching a copy of the notice to the vehicle allegedly involved in the violation;

(b) Mailing a copy of the notice of violation to the registered owner of the vehicle; or

(c) Serving a copy of the notice of violation personally to the person responsible.

(6) The recipient of a parking violation must be provided with an opportunity to appeal the notice of violation.

(7) For any parking violation involving a motor vehicle that is registered to a permit holder, there shall be a prima facie presumption that the permit holder was the person who operated the motor vehicle in violation. The responsibility does not afford a defense to another person who was in violation.

(8) For any parking violation involving a motor vehicle that is not registered to a permit holder, there shall be a prima facie presumption that the registered owner of the motor vehicle was the person who operated the motor vehicle in violation. The responsibility does not afford a defense to another person who was in violation.

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