
SENATE BILL 6231

State of Washington

58th Legislature

2004 Regular Session

By Senators Franklin and Oke

Read first time 01/15/2004. Referred to Committee on Commerce & Trade.

1 AN ACT Relating to prohibiting smoking in public places; amending
2 RCW 70.160.010, 70.160.020, 70.160.030, 70.160.050, and 70.160.070;
3 repealing RCW 70.160.040; and prescribing penalties.

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

5 **Sec. 1.** RCW 70.160.010 and 1985 c 236 s 1 are each amended to read
6 as follows:

7 The legislature recognizes the increasing evidence that secondhand
8 tobacco smoke (~~((in closely confined places may))~~) creates a danger to
9 the health of (~~((some))~~) the citizens of this state. In order to protect
10 the health and welfare of those citizens, it is necessary to prohibit
11 smoking in public places (~~((except in areas designated as smoking~~
12 ~~areas))~~).

13 **Sec. 2.** RCW 70.160.020 and 1985 c 236 s 2 are each amended to read
14 as follows:

15 As used in this chapter, the following terms have the meanings
16 indicated unless the context clearly indicates otherwise.

17 (1) "Smoke" or "smoking" means the carrying or smoking of any kind

1 of lighted pipe, cigar, cigarette, or any other lighted smoking
2 equipment.

3 (2) "Public place" means that portion of any building or vehicle
4 used by and open to the public, regardless of whether the building or
5 vehicle is owned in whole or in part by private persons or entities,
6 the state of Washington, or other public entity, and regardless of
7 whether a fee is charged for admission.

8 Public places include, but are not limited to: Elevators, public
9 conveyances or transportation facilities, museums, concert halls,
10 theaters, auditoriums, exhibition halls, indoor sports arenas,
11 hospitals, nursing homes, health care facilities or clinics, enclosed
12 shopping centers, retail stores, retail service establishments,
13 financial institutions, educational facilities, ticket areas, public
14 hearing facilities, state legislative chambers and immediately adjacent
15 hallways, public restrooms, libraries, restaurants, waiting areas,
16 lobbies, bars, taverns, bowling alleys, skating rinks, and reception
17 areas. A public place does not include a private residence. This
18 chapter is not intended to restrict smoking in private facilities which
19 are occasionally open to the public except upon the occasions when the
20 facility is open to the public.

21 (3) "Restaurant" means any building, structure, or area used,
22 maintained, or advertised as, or held out to the public to be, an
23 enclosure where meals are made available to be consumed on the
24 premises, for consideration of payment.

25 **Sec. 3.** RCW 70.160.030 and 1985 c 236 s 3 are each amended to read
26 as follows:

27 No person may smoke in a public place (~~except in designated~~
28 ~~smoking areas~~)).

29 **Sec. 4.** RCW 70.160.050 and 1985 c 236 s 5 are each amended to read
30 as follows:

31 Owners, or in the case of a leased or rented space the lessee or
32 other person in charge, of a place regulated under this chapter shall
33 make every reasonable effort to prohibit smoking in public places by
34 posting signs prohibiting (~~or permitting~~) smoking as appropriate
35 under this chapter. Signs shall be posted conspicuously at each
36 building entrance. In the case of retail stores and retail service

1 establishments, signs shall be posted conspicuously at each entrance
2 and in prominent locations throughout the place. (~~The boundary~~
3 ~~between a nonsmoking area and a smoking permitted area shall be clearly~~
4 ~~designated so that persons may differentiate between the two areas.~~)

5 **Sec. 5.** RCW 70.160.070 and 1985 c 236 s 7 are each amended to read
6 as follows:

7 (1) Any person intentionally violating this chapter by smoking in
8 a public place (~~(not designated as a smoking area)~~) or any person
9 removing, defacing, or destroying a sign required by this chapter is
10 subject to a civil fine of up to one hundred dollars. Local law
11 enforcement agencies shall enforce this section by issuing a notice of
12 infraction to be assessed in the same manner as traffic infractions.
13 The provisions contained in chapter 46.63 RCW for the disposition of
14 traffic infractions apply to the disposition of infractions for
15 violation of this subsection except as follows:

16 (a) The provisions in chapter 46.63 RCW relating to the provision
17 of records to the department of licensing in accordance with RCW
18 46.20.270 are not applicable to this chapter; and

19 (b) The provisions in chapter 46.63 RCW relating to the imposition
20 of sanctions against a person's driver's license or vehicle license are
21 not applicable to this chapter.

22 The form for the notice of infraction for a violation of this
23 subsection shall be prescribed by rule of the supreme court.

24 (2) (~~When violations of RCW 70.160.040 or 70.160.050 occur, a~~
25 ~~warning shall first be given to the owner or other person in charge.~~
26 ~~Any subsequent violation is subject to a civil fine of up to one~~
27 ~~hundred dollars. Each day upon which a violation occurs or is~~
28 ~~permitted to continue constitutes a separate violation.)) A person who
29 violates RCW 70.160.050 is guilty of an infraction punishable by:~~

30 (a) A warning to the owner or person in charge for the first
31 violation that occurs within a calendar year;

32 (b) A fine not exceeding one hundred dollars for a second violation
33 that occurs within a calendar year; and

34 (c) A fine not exceeding five hundred dollars for each additional
35 violation that occurs within a calendar year.

36 (3) Local fire departments or fire districts shall enforce RCW
37 (~~70.160.040 or~~) 70.160.050 regarding the duties of owners or persons

1 in control of public places, and local health departments shall enforce
2 RCW ((~~70.160.040~~ or)) 70.160.050 regarding the duties of owners of
3 restaurants by either of the following actions:

- 4 (a) Serving notice requiring the correction of any violation; or
- 5 (b) Calling upon the city or town attorney or county prosecutor to
6 maintain an action for an injunction to enforce RCW ((~~70.160.040~~ and))
7 70.160.050, to correct a violation, and to assess and recover a civil
8 penalty for the violation.

9 NEW SECTION. **Sec. 6.** RCW 70.160.040 (Designation of smoking
10 areas in public places--Exceptions--Restaurant smoking areas--Entire
11 facility or area may be designated as nonsmoking) and 1985 c 236 s 4
12 are each repealed.

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