

# HOUSE BILL REPORT

## ESSB 5513

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### As Passed House - Amended:

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: 3/24/09, 3/25/09 [DPA].

#### Floor Activity

Passed House - Amended: 4/9/09, 96-2.

### Brief Summary of Engrossed Substitute Bill (As Amended by House)

- Changes the names of the misdemeanor crime of "unlawful bus conduct" to "unlawful transit conduct."
- Expands the prohibition against unlawful transit conduct to ferry boats and passenger facilities.
- Modifies and expands the list of transit conduct that is unlawful.
- Authorizes a regional transit authority to issue civil infractions for certain prohibited conduct on all transit facilities, instead of only on trains.
- Specifically authorizes municipal courts, in addition to district courts, to hear and determine civil infractions issued by a transit agency authorized to issue civil infractions.

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## HOUSE COMMITTEE ON TRANSPORTATION

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*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.*

**Majority Report:** Do pass as amended. Signed by 26 members: Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong, Campbell, Cox, Driscoll, Eddy, Ericksen, Finn, Flannigan, Herrera, Johnson, Klippert, Kristiansen, Moeller, Rolfes, Shea, Simpson, Springer, Takko, Upthegrove, Wallace, Williams and Wood.

**Staff:** Kathryn Leathers (786-7114)

**Background:**

Unlawful bus conduct is a misdemeanor crime, and includes various prohibited activities conducted while in a municipal transit vehicle or at a municipal transit station. A "municipal transit vehicle" is defined to include every motor vehicle, streetcar, train, trolley vehicle, and any other device owned by a local government or transit authority for the purpose of carrying passengers on a regular basis. A "transit station" is defined to include all facilities, structures, lands, including interest in lands and rights-of-way, that are held or used by a municipality or a regional transit authority for the purpose of providing public transportation.

Unlawful bus conduct includes knowingly littering, spitting, intentionally disturbing others by engaging in loud or harassing behavior, destroying or defacing property of a municipality or regional transit authority, and obstructing the flow of transit vehicles or passenger traffic. A misdemeanor is punishable by up to 90 days in jail or a fine of up to \$1,000, or both.

Regional transit authorities (RTAs) are authorized to set fines and penalties for civil infractions established under the RTA statute. Fines established by a RTA may not exceed the amount established in statute for a Class 1 civil infraction, which is currently \$250 except in certain circumstances. A RTA may issue a civil infraction only for those prohibited activities included in the RTA statutes, which include: failure to pay the required fare, failure to display proof of payment when requested to do so by an authorized RTA employee, and failure to leave a train when requested to do so by an authorized RTA employee.

**Summary of Amended Bill:**

The name of the misdemeanor crime "unlawful bus conduct" is changed to "unlawful transit conduct," and certain conduct is prohibited on transit vehicles and in transit stations. A "transit vehicle" is defined to all vehicles included in the definition of "municipal transit vehicle" under existing law and is also expanded to apply to ferry boats and a vessel or vehicle that is owned or operated on behalf of a transit authority for the purpose of carrying passengers on a regular schedule. The definition of a "transit station" is modified to include all passenger facilities, including stops, shelters, and bus zones. A "transit authority" is defined to mean a city or county public transportation system, a metropolitan municipal corporation, public transportation benefit area, regional transit authority, or any special purpose district formed to operate a public transportation system.

The list of transit conduct that is unlawful is expanded to include, among other conduct, consuming alcohol or possessing an open container of alcohol without permission from the transit authority and without any required permits; possessing or tendering an unissued fare media; falsely claiming to be a transit employee; gambling; skating or riding on a skateboard

or other 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. A RTA's authority to issue civil infractions is expanded to apply to prohibited conduct on all transit facilities, not just on trains.

The statute pertaining to hearings for civil infractions is modified to expressly authorize an attorney who represents a transit agency that has the authority to issue civil infractions to appear in civil infraction proceedings. Municipal courts are specifically authorized to hear and determine civil infractions issued by a RTA or other transit agency authorized to issue civil infractions.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) When the bus conduct laws were originally written, public transportation was provided primarily on busses, but today there are various types of public transportation vehicles, including trains. This bill updates the bus conduct statutes to apply to all public transportation vehicles, and it tries to find ways to improve the efficient and effective policing of transit systems.

Mass transit has experienced a large increase in ridership in recent years, which creates additional challenges. There is a statewide need for local law enforcement to address appropriate behavior on mass transit, and to provide consistency from one transit system to another. This law provides a valuable tool for law enforcement to address quality of life and also smaller issues before they become larger issues. For example, this bill will help law enforcement address problems related to gangs and other groups of people that take over a bus stop or bus area. It also updates the transit conduct laws to be consistent with other laws, including the prohibition against smoking in public places. This is an important tool that helps keep the system, passengers, and transit employees safe.

(Opposed) None.

**Persons Testifying:** Senator Jarrett, prime sponsor; Dave Jutilla, Metro Transit; Rod Baker, Pierce Transit; Ron Griffith, Sound Transit; and Rick Sepolen, Amalgamated Transit Union 587.

**Persons Signed In To Testify But Not Testifying:** None.