

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2252

62nd Legislature
2012 Regular Session

Passed by the House March 3, 2012
Yeas 95 Nays 0

Speaker of the House of Representatives

Passed by the Senate February 28, 2012
Yeas 46 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2252** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2252

AS AMENDED BY THE SENATE

Passed Legislature - 2012 Regular Session

State of Washington 62nd Legislature 2012 Regular Session

By House Transportation (originally sponsored by Representative Fitzgibbon)

READ FIRST TIME 02/03/12.

1 AN ACT Relating to proof of payment for certain transportation
2 fares; amending RCW 35.58.580, 36.57A.230, 81.112.220, and 42.56.330;
3 and prescribing penalties.

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

5 **Sec. 1.** RCW 35.58.580 and 2008 c 123 s 1 are each amended to read
6 as follows:

7 (1) Persons traveling on public transportation operated by a
8 metropolitan municipal corporation or a city-owned transit system shall
9 pay the fare established by the metropolitan municipal corporation or
10 the city-owned transit system and shall produce proof of payment in
11 accordance with the terms of use established by the metropolitan
12 municipal corporation or the city-owned transit system. Such persons
13 shall produce proof of payment when requested by a person designated to
14 monitor fare payment. The required manner of producing proof of
15 payment specified in the terms of use established by the metropolitan
16 municipal corporation or the city-owned transit system may include, but
17 is not limited to, requiring a person using an electronic fare payment
18 card to validate the card by presenting the card to an electronic card

1 reader before or upon entering a public transportation vehicle or a
2 restricted fare paid area.

3 (2) The following constitute civil infractions punishable according
4 to the schedule of fines and penalties established by a metropolitan
5 municipal corporation or a city-owned transit system under RCW
6 35.58.585:

7 (a) Failure to pay the required fare, except when a metropolitan
8 municipal corporation or a city-owned transit system under RCW
9 35.58.585 fails to meet the requirements of subsection (3) of this
10 section;

11 (b) Failure to ((display)) produce proof of payment in the manner
12 required by the terms of use established by the metropolitan municipal
13 corporation or the city-owned transit system including, but not limited
14 to, the failure to produce a validated fare payment card when requested
15 to do so by a person designated to monitor fare payment; and

16 (c) Failure to depart the bus or other mode of public
17 transportation when requested to do so by a person designated to
18 monitor fare payment.

19 (3) If fare payment is required before entering a transit vehicle,
20 as defined in RCW 9.91.025(2)(b), or before entering a fare paid area
21 in a transit facility, as defined in RCW 9.91.025(2)(a), signage must
22 be conspicuously posted at the place of boarding or within ten feet of
23 the nearest entrance to a transit facility that clearly indicates: (a)
24 The locations where tickets or fare media may be purchased; and (b)
25 that a person using an electronic fare payment card must present the
26 card to an electronic card reader before entering a transit vehicle or
27 before entering a restricted fare paid area.

28 **Sec. 2.** RCW 36.57A.230 and 2008 c 123 s 6 are each amended to read
29 as follows:

30 (1) Persons traveling on public transportation operated by a public
31 transportation benefit area shall pay the fare established by the
32 public transportation benefit area and shall produce proof of payment
33 in accordance with the terms of use established by the public
34 transportation benefit area. Such persons shall produce proof of
35 payment when requested by a person designated to monitor fare payment.
36 The required manner of producing proof of payment specified in the
37 terms of use established by the public transportation benefit area may

1 include, but is not limited to, requiring a person using an electronic
2 fare payment card to validate the card by presenting the card to an
3 electronic card reader before or upon entering a public transportation
4 vehicle or a restricted fare paid area.

5 (2) The following constitute civil infractions punishable according
6 to the schedule of fines and penalties established by a public
7 transportation benefit area under RCW 36.57A.235:

8 (a) Failure to pay the required fare, except when a public
9 transportation benefit area fails to meet the requirements of
10 subsection (3) of this section;

11 (b) Failure to ((display)) produce proof of payment in the manner
12 required by the terms of use established by the public transportation
13 benefit area including, but not limited to, the failure to produce a
14 validated fare payment card when requested to do so by a person
15 designated to monitor fare payment; and

16 (c) Failure to depart the bus or other mode of public
17 transportation when requested to do so by a person designated to
18 monitor fare payment.

19 (3) If fare payment is required before entering a transit vehicle,
20 as defined in RCW 9.91.025(2)(b), or before entering a fare paid area
21 in a transit facility, as defined in RCW 9.91.025(2)(a), signage must
22 be conspicuously posted at the place of boarding or within ten feet of
23 the nearest entrance to a transit facility that clearly indicates: (a)
24 The locations where tickets or fare media may be purchased; and (b)
25 that a person using an electronic fare payment card must present the
26 card to an electronic card reader before entering a transit vehicle or
27 before entering a restricted fare paid area.

28 **Sec. 3.** RCW 81.112.220 and 2009 c 279 s 6 are each amended to read
29 as follows:

30 (1) Persons traveling on facilities operated by an authority shall
31 pay the fare established by the authority and shall produce proof of
32 payment in accordance with the terms of use established by the
33 authority. Such persons shall produce proof of payment when requested
34 by a person designated to monitor fare payment. The required manner of
35 producing proof of payment specified in the terms of use established by
36 the authority may include, but is not limited to, requiring a person
37 using an electronic fare payment card to validate the card by

1 presenting the card to an electronic card reader before or upon
2 entering a public transportation vehicle or a restricted fare paid
3 area.

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

7 (a) Failure to pay the required fare, except when the authority
8 fails to meet the requirements of subsection (3) of this section;

9 (b) Failure to ((display)) produce proof of payment in the manner
10 required by the terms of use established by the authority including,
11 but not limited to, the failure to produce a validated fare payment
12 card when requested to do so by a person designated to monitor fare
13 payment; and

14 (c) Failure to depart the facility when requested to do so by a
15 person designated to monitor fare payment.

16 (3) If fare payment is required before entering a transit vehicle,
17 as defined in RCW 9.91.025(2)(b), or before entering a fare paid area
18 in a transit facility, as defined in RCW 9.91.025(2)(a), signage must
19 be conspicuously posted at the place of boarding or within ten feet of
20 the nearest entrance to a transit facility that clearly indicates: (a)
21 The locations where tickets or fare media may be purchased; and (b)
22 that a person using an electronic fare payment card must present the
23 card to an electronic card reader before entering a transit vehicle or
24 before entering a restricted fare paid area.

25 **Sec. 4.** RCW 42.56.330 and 2010 c 128 s 8 are each amended to read
26 as follows:

27 The following information relating to public utilities and
28 transportation is exempt from disclosure under this chapter:

29 (1) Records filed with the utilities and transportation commission
30 or attorney general under RCW 80.04.095 that a court has determined are
31 confidential under RCW 80.04.095;

32 (2) The residential addresses and residential telephone numbers of
33 the customers of a public utility contained in the records or lists
34 held by the public utility of which they are customers, except that
35 this information may be released to the division of child support or
36 the agency or firm providing child support enforcement for another

1 state under Title IV-D of the federal social security act, for the
2 establishment, enforcement, or modification of a support order;

3 (3) The names, residential addresses, residential telephone
4 numbers, and other individually identifiable records held by an agency
5 in relation to a vanpool, carpool, or other ride-sharing program or
6 service; however, these records may be disclosed to other persons who
7 apply for ride-matching services and who need that information in order
8 to identify potential riders or drivers with whom to share rides;

9 (4) The personally identifying information of current or former
10 participants or applicants in a paratransit or other transit service
11 operated for the benefit of persons with disabilities or elderly
12 persons;

13 (5) The personally identifying information of persons who acquire
14 and use transit passes (~~(and)~~) or other fare payment media including,
15 but not limited to, stored value smart cards and magnetic strip cards,
16 except that an agency may disclose (~~(this)~~) personally identifying
17 information to a person, employer, educational institution, or other
18 entity that is responsible, in whole or in part, for payment of the
19 cost of acquiring or using a transit pass or other fare payment media
20 for the purpose of preventing fraud, or to the news media when
21 reporting on public transportation or public safety. As used in this
22 subsection, "personally identifying information" includes acquisition
23 or use information pertaining to a specific, individual transit pass or
24 fare payment media.

25 (a) (~~(This)~~) Information regarding the acquisition or use of
26 transit passes or fare payment media may be disclosed in aggregate form
27 if the data does not contain any personally identifying information.

28 (b) Personally identifying information may be released to law
29 enforcement agencies if the request is accompanied by a court order;

30 (6) Any information obtained by governmental agencies that is
31 collected by the use of a motor carrier intelligent transportation
32 system or any comparable information equipment attached to a truck,
33 tractor, or trailer; however, the information may be given to other
34 governmental agencies or the owners of the truck, tractor, or trailer
35 from which the information is obtained. As used in this subsection,
36 "motor carrier" has the same definition as provided in RCW 81.80.010;

37 (7) The personally identifying information of persons who acquire
38 and use transponders or other technology to facilitate payment of

1 tolls. This information may be disclosed in aggregate form as long as
2 the data does not contain any personally identifying information. For
3 these purposes aggregate data may include the census tract of the
4 account holder as long as any individual personally identifying
5 information is not released. Personally identifying information may be
6 released to law enforcement agencies only for toll enforcement
7 purposes. Personally identifying information may be released to law
8 enforcement agencies for other purposes only if the request is
9 accompanied by a court order; and

10 (8) The personally identifying information of persons who acquire
11 and use a driver's license or identicard that includes a radio
12 frequency identification chip or similar technology to facilitate
13 border crossing. This information may be disclosed in aggregate form
14 as long as the data does not contain any personally identifying
15 information. Personally identifying information may be released to law
16 enforcement agencies only for United States customs and border
17 protection enforcement purposes. Personally identifying information
18 may be released to law enforcement agencies for other purposes only if
19 the request is accompanied by a court order.

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