
SUBSTITUTE SENATE BILL 6353

State of Washington **60th Legislature** **2008 Regular Session**

By Senate Transportation (originally sponsored by Senator Haugen)

READ FIRST TIME 02/06/08.

1 AN ACT Relating to public transportation fares; amending RCW
2 35.58.020 and 36.57A.010; adding new sections to chapter 35.58 RCW;
3 adding new sections to chapter 36.57A RCW; creating a new section; and
4 prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.58 RCW
7 to read as follows:

8 (1) Persons traveling on public transportation operated by a
9 metropolitan municipal corporation or a city-owned transit system shall
10 pay the fare established by the metropolitan municipal corporation or
11 the city-owned transit system. Such persons shall produce proof of
12 payment when requested by a person designated to monitor fare payment.

13 (2) The following constitute civil infractions punishable according
14 to the schedule of fines and penalties established by a metropolitan
15 municipal corporation or a city-owned transit system under section 2 of
16 this act:

17 (a) Failure to pay the required fare;

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

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

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.58 RCW
5 to read as follows:

6 (1) Both a metropolitan municipal corporation and a city-owned
7 transit system may establish, by resolution, a schedule of fines and
8 penalties for civil infractions established in section 1 of this act.
9 Fines established shall not exceed those imposed for class 1
10 infractions under RCW 7.80.120.

11 (2)(a) Both a metropolitan municipal corporation and a city-owned
12 transit system may designate persons to monitor fare payment who are
13 equivalent to, and are authorized to exercise all the powers of, an
14 enforcement officer as defined in RCW 7.80.040. Both a metropolitan
15 municipal corporation and a city-owned transit system may employ
16 personnel to either monitor fare payment or contract for such services,
17 or both.

18 (b) In addition to the specific powers granted to enforcement
19 officers under RCW 7.80.050 and 7.80.060, persons designated to monitor
20 fare payment may also take the following actions:

21 (i) Request proof of payment from passengers;

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

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

26 (iv) Request that a passenger leave the bus or other mode of public
27 transportation when the passenger has not produced proof of payment
28 after being asked to do so by a person designated to monitor fare
29 payment.

30 (3) Both a metropolitan municipal corporation and a city-owned
31 transit system shall keep records of citations in the manner prescribed
32 by RCW 7.80.150. All civil infractions established by this section and
33 sections 1 and 3 of this act shall be heard and determined by a
34 district court as provided in RCW 7.80.010 (1) and (4).

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.58 RCW
36 to read as follows:

1 Sections 1 and 2 of this act do not prevent law enforcement
2 authorities from prosecuting for theft, trespass, or other charges by
3 any individual who:

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

6 (2) Fails to timely select one of the options for responding to the
7 notice of civil infraction after receiving a statement of the options
8 for responding to the notice of infraction and the procedures necessary
9 to exercise these options; or

10 (3) Fails to depart the bus or other mode of public transportation
11 when requested to do so by a person designated to monitor fare payment.

12 **Sec. 4.** RCW 35.58.020 and 1982 c 103 s 1 are each amended to read
13 as follows:

14 The definitions set forth in this section apply throughout this
15 chapter.

16 (1) "Metropolitan municipal corporation" means a municipal
17 corporation of the state of Washington created pursuant to this
18 chapter, or a county which has by ordinance or resolution assumed the
19 rights, powers, functions, and obligations of a metropolitan municipal
20 corporation pursuant to the provisions of chapter 36.56 RCW.

21 (2) "Metropolitan area" means the area contained within the
22 boundaries of a metropolitan municipal corporation, or within the
23 boundaries of an area proposed to be organized as such a corporation.

24 (3) "City" means an incorporated city or town.

25 (4) "Component city" means an incorporated city or town within a
26 metropolitan area.

27 (5) "Component county" means a county, all or part of which is
28 included within a metropolitan area.

29 (6) "Central city" means the city with the largest population in a
30 metropolitan area.

31 (7) "Central county" means the county containing the city with the
32 largest population in a metropolitan area.

33 (8) "Special district" means any municipal corporation of the state
34 of Washington other than a city, county, or metropolitan municipal
35 corporation.

36 (9) "Metropolitan council" means the legislative body of a
37 metropolitan municipal corporation, or the legislative body of a county

1 which has by ordinance or resolution assumed the rights, powers,
2 functions, and obligations of a metropolitan municipal corporation
3 pursuant to the provisions of chapter 36.56 RCW.

4 (10) "City council" means the legislative body of any city or town.

5 (11) "Population" means the number of residents as shown by the
6 figures released for the most recent official state, federal, or county
7 census, or population determination made under the direction of the
8 office of financial management.

9 (12) "Metropolitan function" means any of the functions of
10 government named in RCW 35.58.050.

11 (13) "Authorized metropolitan function" means a metropolitan
12 function which a metropolitan municipal corporation shall have been
13 authorized to perform in the manner provided in this chapter.

14 (14) "Metropolitan public transportation" or "metropolitan
15 transportation" for the purposes of this chapter means the
16 transportation of packages, passengers, and their incidental baggage by
17 means other than by chartered bus, sightseeing bus, or any other motor
18 vehicle not on an individual fare-paying basis, together with the
19 necessary passenger terminals and parking facilities or other
20 properties necessary for passenger and vehicular access to and from
21 such people-moving systems: PROVIDED, That nothing in this chapter
22 shall be construed to prohibit a metropolitan municipal corporation
23 from leasing its buses to private certified carriers; to prohibit a
24 metropolitan municipal corporation from providing school bus service
25 for the transportation of pupils; or to prohibit a metropolitan
26 municipal corporation from chartering an electric streetcar on rails
27 which it operates entirely within a city.

28 (15) "Pollution" has the meaning given in RCW 90.48.020.

29 (16) "Proof of payment" means evidence of fare prepayment
30 authorized by a metropolitan municipal corporation or a city-owned
31 transit system for the use of buses or other modes of public
32 transportation.

33 (17) "City-owned transit system" means a system of public
34 transportation owned or operated, including contracts for the services
35 of a publicly owned or operated system of transportation, by a city
36 that is not located within the boundaries of a metropolitan municipal
37 corporation, county transportation authority, or public transportation
38 benefit area.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.57A RCW
2 to read as follows:

3 (1) Persons traveling on public transportation operated by a public
4 transportation benefit area shall pay the fare established by the
5 public transportation benefit area. Such persons shall produce proof
6 of payment when requested by a person designated to monitor fare
7 payment.

8 (2) The following constitute civil infractions punishable according
9 to the schedule of fines and penalties established by a public
10 transportation benefit area under section 6 of this act:

11 (a) Failure to pay the required fare;

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

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

17 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.57A RCW
18 to read as follows:

19 (1) A public transportation benefit area may establish, by
20 resolution, a schedule of fines and penalties for civil infractions
21 established in section 5 of this act. Fines established shall not
22 exceed those imposed for class 1 infractions under RCW 7.80.120.

23 (2)(a) A public transportation benefit area may designate persons
24 to monitor fare payment who are equivalent to, and are authorized to
25 exercise all the powers of, an enforcement officer as defined in RCW
26 7.80.040. A public transportation benefit area may employ personnel to
27 either monitor fare payment or contract for such services, or both.

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

31 (i) Request proof of payment from passengers;

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

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

36 (iv) Request that a passenger leave the bus or other mode of public

1 transportation when the passenger has not produced proof of payment
2 after being asked to do so by a person designated to monitor fare
3 payment.

4 (3) A public transportation benefit area shall keep records of
5 citations in the manner prescribed by RCW 7.80.150. All civil
6 infractions established by this section and sections 5 and 7 of this
7 act shall be heard and determined by a district court as provided in
8 RCW 7.80.010 (1) and (4).

9 NEW SECTION. **Sec. 7.** A new section is added to chapter 36.57A RCW
10 to read as follows:

11 Sections 5 and 6 of this act do not prevent law enforcement
12 authorities from prosecuting for theft, trespass, or other charges by
13 any individual who:

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

16 (2) Fails to timely select one of the options for responding to the
17 notice of civil infraction after receiving a statement of the options
18 for responding to the notice of infraction and the procedures necessary
19 to exercise these options; or

20 (3) Fails to depart the bus or other mode of public transportation
21 when requested to do so by a person designated to monitor fare payment.

22 **Sec. 8.** RCW 36.57A.010 and 2003 c 83 s 209 are each amended to
23 read as follows:

24 The definitions set forth in this section apply throughout this
25 chapter unless the context clearly requires otherwise.

26 (1) "Public transportation benefit area" means a municipal
27 corporation of the state of Washington created pursuant to this
28 chapter.

29 (2) "Public transportation benefit area authority" or "authority"
30 means the legislative body of a public transportation benefit area.

31 (3) "City" means an incorporated city or town.

32 (4) "Component city" means an incorporated city or town within a
33 public transportation benefit area.

34 (5) "City council" means the legislative body of any city or town.

35 (6) "County legislative authority" means the board of county
36 commissioners or the county council.

1 (7) "Population" means the number of residents as shown by the
2 figures released for the most recent official state, federal, or county
3 census, or population determination made by the office of financial
4 management.

5 (8) "Proof of payment" means evidence of fare prepayment authorized
6 by a public transportation benefit area for the use of buses or other
7 modes of public transportation.

8 (9) "Public transportation service" means the transportation of
9 packages, passengers, and their incidental baggage by means other than
10 by chartered bus, sight-seeing bus, together with the necessary
11 passenger terminals and parking facilities or other properties
12 necessary for passenger and vehicular access to and from such people
13 moving systems: PROVIDED, That nothing shall prohibit an authority
14 from leasing its buses to private certified carriers or prohibit the
15 authority from providing school bus service. "Public transportation
16 service" includes passenger-only ferry service for those public
17 transportation benefit areas eligible to provide passenger-only ferry
18 service under RCW 36.57A.200.

19 (~~(9)~~) (10) "Public transportation improvement conference" or
20 "conference" means the body established pursuant to RCW 36.57A.020
21 which shall be authorized to establish, subject to the provisions of
22 RCW 36.57A.030, a public transportation benefit area pursuant to the
23 provisions of this chapter.

24 NEW SECTION. Sec. 9. The code reviser shall alphabetize and
25 renumber the definitions in RCW 35.58.020 and 36.57A.010.

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