

Proposed Substitute House Bill 1301 (H-0832.3/21)

By Representative Hackney

Original bill:

- Allows a regional transit authority (RTA) to establish an alternative fare enforcement system, which allows for the issuance of a notice of violation, rather than a civil infraction.
- Allows RTAs to establish a system to adjudicate civil infractions.

Substitute bill compared to original bill:

- Removes the ability of an RTA to establish a system to adjudicate civil infractions.
- Indicates that an alternative fare enforcement system may include the resolution of notices of violation and appeals.
- Limits the fines associated with a notice of violation to the same maximum amount allowed for civil infractions.

Committee: House Transportation Committee

Staff: David Munnecke (786-7315)
Office of Program Research

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-0832.3/21 3rd draft

ATTY/TYPIST: AI:lcl

BRIEF DESCRIPTION: Providing expanded options for fare enforcement
by regional transit authorities.

1 AN ACT Relating to providing expanded options for fare
2 enforcement by regional transit authorities; and amending RCW
3 81.112.210 and 81.112.220.

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

5 **Sec. 1.** RCW 81.112.210 and 2015 3rd sp.s. c 44 s 330 are each
6 amended to read as follows:

7 (1) (a) An authority is authorized to establish, by resolution, a
8 schedule of fines and penalties for civil infractions established in
9 RCW 81.112.220. Fines established by an authority shall not exceed
10 those imposed for class 1 infractions under RCW 7.80.120.

11 (b) An authority is further authorized to establish, by
12 resolution, an alternative fare enforcement system, which may
13 include: (i) The issuance of notices of violation subject to fines
14 not exceeding the amounts authorized in (a) of this subsection or
15 nonmonetary sanctions or both, and (ii) resolve notices of violations
16 and appeals, in addition to or as a replacement for the schedule of
17 fines and penalties authorized by (a) of this subsection.

18 (2) (a) An authority may designate persons to monitor fare payment
19 who are equivalent to and are authorized to exercise all the powers
20 of an enforcement officer, defined in RCW 7.80.040. An authority is

1 authorized to employ personnel to either monitor fare payment, or to
2 contract for such services, or both.

3 (b) In addition to the specific powers granted to enforcement
4 officers under RCW 7.80.050 and 7.80.060, persons designated to
5 monitor fare payment also have the authority to take the following
6 actions:

7 (i) Request proof of payment from passengers;

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

10 (iii)(A) Issue a notice of infraction for a civil infraction
11 established in RCW 81.112.220.

12 (B) The notice of infraction form to be used for violations under
13 this subsection must be approved by the administrative office of the
14 courts and must not include vehicle information; ~~((and))~~

15 (iv) Issue a notice of violation of the alternative fare
16 enforcement system authorized in subsection (1)(b) of this section;
17 and

18 (v) Request that a passenger leave the authority facility when
19 the passenger has not produced proof of payment after being asked to
20 do so by a person designated to monitor fare payment.

21 (3) Authorities shall keep records of citations in the manner
22 prescribed by RCW 7.80.150. All civil infractions established by
23 chapter 20, Laws of 1999 shall be heard ~~((and determined by a~~
24 ~~district or municipal court))~~ as provided in RCW 7.80.010 (1), (2),
25 and (4).

26 **Sec. 2.** RCW 81.112.220 and 2012 c 68 s 3 are each amended to
27 read as follows:

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

1 (2) The following constitute civil infractions punishable
2 according to the schedule of fines and penalties established by the
3 authority under RCW 81.112.210(1)(a) or violations punishable
4 according to an alternative fare enforcement system established by
5 the authority under RCW 81.112.210(1)(b):

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

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

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

15 (3) If fare payment is required before entering a transit
16 vehicle, as defined in RCW 9.91.025(2)(b), or before entering a fare
17 paid area in a transit facility, as defined in RCW 9.91.025(2)(a),
18 signage must be conspicuously posted at the place of boarding or
19 within (~~ten~~) 10 feet of the nearest entrance to a transit facility
20 that clearly indicates: (a) The locations where tickets or fare media
21 may be purchased; and (b) that a person using an electronic fare
22 payment card must present the card to an electronic card reader
23 before entering a transit vehicle or before entering a restricted
24 fare paid area.

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