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**SUBSTITUTE HOUSE BILL 1301**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** House Transportation (originally sponsored by Representatives Fitzgibbon, Hackney, Valdez, and Macri)

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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