

May and June 2008 JIS Law Table Update Bulletin

2008 Legislation

The JIS Law Table has been updated for these changes. Pending codification, which should be done mid-summer, session laws have been used where necessary.

Law Number	Description	Class	Infraction Penalty	Action in JIS	Effective Date	Bill #
N/A	Transportation fare violations – see discussion below.			No statewide law table impact. Must go in local law tables.	6/12/08	2480
08C225S2	FEED/ILLEGALLY APPROACH ORCA	IN	1,025	Add	6/12/08	2514
82.24.110.1E	POSSESS STAMPS NOT AFFIXED	GM		Add	6/12/08	2542
82.24.110.1O	POSSESS/RECVE UND10K UNSTMPD CIGS	GM		Add	6/12/08	2542
82.24.110.1H	USE CIG TAX STAMP MORE THAN ONCE			Renumber 82.24.110.1G	6/12/08	2542
82.24.110.1I	REFUSE TO ALLOW INSPECTION			Renumber 82.24.110.1H	6/12/08	2542
82.24.110.1J	POSS CIGARETTES W/OUT TAX STAMP			Renumber 82.24.110.1I	6/12/08	2542
82.24.110.1K	PRESENT FALSE INFO ON CIG INVOIC			Renumber 82.24.110.1J	6/12/08	2542
82.24.110.1L	REFUSE TO PRODUCE CIG INVOICE			Renumber 82.24.110.1K	6/12/08	2542
82.24.110.1M	REC CIG SHIPMENT W/OUT TAX STAMP			Renumber 82.24.110.1L	6/12/08	2542
82.24.110.1N	POSS/TRANS UND 10000 CIG NO TAX			Renumber 82.24.110.1M & update description	6/12/08	2542
82.24.110.1P	CIG TAX STAMP/COMPLY WITH RULES			Renumber 82.24.110.1N	6/12/08	2542
82.24.110.2	POSS/TRANS OVR 60000 CIG NO TAX			End-date	6/12/08	2542
82.24.110.2A	POSS/TRANS OVR 10000 CIG NO TAX	Felony C		Add	6/12/08	2542
82.24.110.2B	POSS/RECVE OVR 10000 CIG NO TAX	Felony C		Add	6/12/08	2542
08C275S1	FAIL NOTIFY SKELETAL HUMAN REMNS	M		Add	6/12/08	2624
08C275S2	FAIL NOTFY SKEL HUMAN REMNS IND GR (Indian graves)	M		Add	6/12/08	2624
08C275S3	FAIL NOTFY SKEL HUMAN REMNS AB CM (abandoned cemeteries and historic graves)	M		Add	6/12/08	2624
08C276S306	CRIM STREET GANG TAG/GRAFFITI	GM		Add	6/12/08	2712
08C191S1	SELL HUCKLEBERRIES W/O PERMIT	GM		Add	6/12/08	2779
08C201S2	SELL CONTMNATD MOTOR VEH OR VESSEL	GM		Add	6/12/08	2817
46.20.410	New: RESTRICTED DRIVERS LICENSE VIOL (occupational, temporary restricted, ignition interlock drivers licenses violations) Old: VIOL OF OCCP LIC RESTRICT			Change description	1/1/09	3254
08C119S14	HOME INSPECTION VIOLATION	IN	513	Add	6/12/08	6606

Note: Session laws are entered in the following format: Two-digit year, chapter #, section #. For example: 2008 Chapter 225 Section 2 is entered as 08C225S2.

WAC Chapter 232-13 - Public Conduct in Wildlife areas and Access Sites Owned or Controlled by the Department of Fish and Wildlife

Effective January 17, 2008 the Department of Fish and Wildlife (DFW) adopted new [WAC Chapter 232-13](#) concerning public conduct in wildlife areas and access sites owned or controlled by the department. The following table shows the law changes made to implement the offenses in this chapter:

Law Number	Description	Class	Infraction Penalty	JIS Law Table Update
232.12.184	AIRCRAFT USE OF DEPT. LANDS			remove - repealed
232.12.187	ACCESS AREA USE			remove - repealed
232.13.040	AIRCRAFT – LAND ON DEPT LANDS	IN	87	add
232.13.050.1A	DISORDERLY CONDUCT ON DEPT LANDS	misdemeanor		add
232.13.050.2A	POSSESS/DSPNSE KEG BEER W/O PERMIT	misdemeanor		add
232.13.050.2B	HOLD EVENT W/O BANQUET PERMIT	misdemeanor		add
232.13.050.3	USE DEPT LAND CONTRARY TO SIGNS	misdemeanor		add
232.13.060.1	CAMPING IN EXCESS OF 21 DAYS	IN	87	add
232.13.060.2	ESTABLISH/OCCUPY RESIDENCE CAMP	IN	87	add
232.13.070	FIRE/CAMPFIRE VIOLATION	IN	87	add
232.13.080	USE FOR COMMRL PURPOSE W/O PERMIT	IN	87	add
232.13.090	SPONSOR/HOLD EVENT W/O PERMIT	IN	87	add
232.13.100.1	DUMPING VIOLATION - LITTERING			none; should be charged under RCW 70.93.060
232.13.100.2	DRAIN/DUMP REFUSE/HUMAN WASTE	IN	87	add
232.13.100.3	WASH VEHICLE/VESSEL VIOLATION	IN	87	add
232.13.110.2	FAIL/NEGLECT/REFUSE TO OBEY OFFICER	misdemeanor		add
232.13.120	CAMP/BLIND/TREE STAND VIOLATION	IN	87	add
232.13.130.1A	DISCHARGE TRACER/INCEND AMMO	IN	87	add
232.13.130.1B	DISCHARGE FIREARMS WHERE PROHIBITED	gross misdemeanor		add
232.13.130.1C	FAIL TO REMOVE DEBRIS			none; should be charged under RCW 70.93.060
232.13.140	DISCHARGE/POSSESS FIREWORKS	IN	87	add
232.13.170.1A	PARK VEHICLE MORE THAN 21 DAYS	parking		none; must go in local law tables
232.13.170.1B	PARK/STOP VEHICLE BLOCK ACCESS	parking		none; must go in local law tables
232.13.170.3	MOOR HOUSEBOAT/DOCK W/O PERMIT	IN	87	add
232.13.180.2	ALLOW PET TO ROAM UNATTENDED	IN	87	add
232.13.180.3	ALLOW PET TO ROAM UNLEASED	IN	87	add

Please note that four sections were **not** added to the law table:

- 232-13-100(1) and 232-13-130(c) are littering violations that should be charged under the state's general littering statute (RCW 70.93.060). DFW is instructing its enforcement officers to use RCW 70.93.060 for these violations.
- 232-13-170(1)(a) and 232-13-170(1)(b) are parking infractions and should go into local law tables as necessary.

ESHB 2480 – Penalty Schedules for Public Transportation Agencies

[Engrossed Substitute House Bill 2480 \(Ch 123, Laws 2008\)](#) allows certain public transportation agencies (see Note below) to adopt local civil infraction schedules for three violations which it added to the RCWs:

- 1) Failure to pay the required fare.
- 2) Failure to display proof of payment.
- 3) Failure to depart the bus or other mode of public transportation.

The penalties adopted by the transit agencies cannot exceed penalties for Class 1 infractions under [RCW 7.80.120](#). Currently the maximum is \$250, not including statutory PSEA assessments of 105% of the penalty (to total \$513).

When a court becomes aware that a public transportation agency plans to adopt a penalty schedule and issue infractions, **please contact the AOC immediately**. The transportation agency will be added as a law enforcement agency. It may take one to two weeks to be processed, so please notify AOC as early as possible. A district court would then add the enforcement officers who will issue the tickets.

Tickets are filed in the district court where the violation occurred. Some transportation systems cover multiple counties. For example, Pierce Transit (which falls under this legislation because it is a public transportation benefit area) has routes that include Thurston County. Depending on where the violation occurs, the ticket may be filed in Pierce County District Court or Thurston County District Court.

Before filing the tickets, the district court must:

1. Associate the LEA code for the transportation agency with the county jurisdiction on the [Organization Association \(ORA\)](#) screen.
2. Add the relevant RCW to the court's local law table. Refer to the [Fine/Penalty Schedule Update](#) section of the JIS Online Manual for help in identifying the specific transportation system in the local law number and title. (Because each transit agency may adopt different penalty amounts, the RCW's cannot be in the statewide table and must therefore be added to local law tables.) Instead of a Court ID or local ordinance designation as a identifier, they should have a transportation agency identifier. They should be added as local "IN-Infraction Non-traffic" laws. New laws are usually codified by the Code Reviser's Office by mid-summer. If your court needs to use the laws before then, contact AOC Customer Services, option 3.

When codified, the new laws will be added to these RCW chapters:

- 35.58—for metropolitan municipal corporations or city-owned transit systems.

- 36.57A—for public transportation operated by a public transportation benefit area

The statute currently in place for regional transit authorities is RCW 81.112.220.

If you have additional questions, please contact the AOC Customer Services through the [eService](#) Ask an Expert section, Topic 3 - Case Management, or call 1-800-442-2169, option 3.

Note: The agencies affected are Metropolitan Municipal Corporations (e.g., King County's Metro system), City-owned Transit Systems (e.g., Everett Transit), and Public Transportation Benefit Areas (e.g., Intercity Transit, Pierce Transit, Spokane Transit). This gives these agencies the same ability to write citations that Regional Transportation Authorities (e.g., Sound Transit) currently have. Each of these types of agencies is defined in statute. They do not include the state ferry system, but could include a ferry system operated by one of the qualifying agencies. They do not include County Transportation Authorities (Grays Harbor and Columbia counties) or Unincorporated Transportation Benefit Areas (Garfield County). These instructions apply to penalty schedules and citations from a Regional Transportation Authority in addition to those from the agencies impacted by ESHB 2480.

2007 Legislation Effective July 1, 2008

RCW 46.61.667 – Cell Phone Use While Driving – is in the Law Table, and will be effective and available on July 1, 2008. Please note that the statute provides that:

- Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of this title or an equivalent local ordinance or some other offense.
- Violations of this section do not go on one's DOL driving record and may not be reported to insurance companies.

(These provisions also apply to RCW 46.61.668 – Text Messaging While Driving – which was effective on January 1, 2008).

Law Tables for Laws Effective in the Future

A [Bail Schedule](#) that includes laws effective June 12, 2008 is now on the inside.courts.wa.gov Web site. To request a law table for laws effective for some other date in the future, contact AOC Customer Services through the [eService](#) Ask an Expert section, Topic 3 - Case Management, or call 1-800-442-2169, option 3. Please indicate the desired future date and the printer domain to which the report should be routed.