

1 AN ACT

2 relating to the enforcement of fares imposed for the use of certain  
3 public transportation systems; providing penalties.

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

5 SECTION 1. Subchapter B, Chapter 452, Transportation Code,  
6 is amended by adding Sections 452.0611 and 452.0612 to read as  
7 follows:

8 Sec. 452.0611. ENFORCEMENT OF FARES AND OTHER CHARGES;  
9 PENALTIES. (a) An executive committee by resolution may prohibit  
10 the use of the public transportation system by a person who fails to  
11 possess evidence showing that the appropriate fare for the use of  
12 the system has been paid and may establish reasonable and  
13 appropriate methods, using transit police officers or fare  
14 enforcement officers under Section 452.0612, to ensure that persons  
15 using the public transportation system pay the appropriate fare for  
16 that use.

17 (b) An executive committee by resolution may provide that a  
18 fare for or charge for the use of the public transportation system  
19 that is not paid incurs a penalty, not to exceed \$100.

20 (c) The authority shall post signs designating each area in  
21 which a person is prohibited from using the transportation system  
22 without possession of evidence showing that the appropriate fare  
23 has been paid.

24 (d) A person commits an offense if:

1           (1) the person or another for whom the person is  
2 criminally responsible under Section 7.02, Penal Code, uses the  
3 public transportation system and does not possess evidence showing  
4 that the appropriate fare has been paid; and

5           (2) the person fails to pay the appropriate fare or  
6 other charge for the use of the public transportation system and any  
7 penalty on the fare on or before the 30th day after the date the  
8 authority notifies the person that the person is required to pay the  
9 amount of the fare or charge and the penalty.

10          (e) The notice required by Subsection (d)(2) may be included  
11 in a citation issued to the person by a peace officer under Article  
12 14.06, Code of Criminal Procedure, or by a fare enforcement officer  
13 under Section 452.0612, in connection with an offense relating to  
14 the nonpayment of the appropriate fare or charge for the use of the  
15 public transportation system.

16          (f) An offense under Subsection (d) is a Class C  
17 misdemeanor.

18          (g) An offense under Subsection (d) is not a crime of moral  
19 turpitude.

20          Sec. 452.0612. FARE ENFORCEMENT OFFICERS. (a) The  
21 authority may employ persons to serve as fare enforcement officers  
22 to enforce the payment of fares for use of the public transportation  
23 system by:

24           (1) requesting and inspecting evidence showing  
25 payment of the appropriate fare from a person using the public  
26 transportation system; and

27           (2) issuing a citation to a person described by

1 Section 452.0611(d)(1).

2 (b) Before commencing duties as a fare enforcement officer a  
3 person must complete a 40-hour training course approved by the  
4 authority that is appropriate to the duties required of a fare  
5 enforcement officer.

6 (c) While performing duties, a fare enforcement officer  
7 shall:

8 (1) wear a distinctive uniform that identifies the  
9 officer as a fare enforcement officer; and

10 (2) work under the direction of the chief of police of  
11 the authority.

12 (d) A fare enforcement officer may:

13 (1) request evidence showing payment of the  
14 appropriate fare from passengers of the public transportation  
15 system;

16 (2) request personal identification from a passenger  
17 who does not produce evidence showing payment of the appropriate  
18 fare on request by the officer;

19 (3) request that a passenger leave the public  
20 transportation system if the passenger does not possess evidence of  
21 payment of the appropriate fare; and

22 (4) file a complaint in the appropriate court that  
23 charges the person with an offense under Section 452.0611(d).

24 (e) A fare enforcement officer may not carry a weapon while  
25 performing duties under this section.

26 (f) A fare enforcement officer is not a peace officer and  
27 has no authority to enforce a criminal law, other than the authority

1 possessed by any other person who is not a peace officer.

2 SECTION 2. Subchapter B, Chapter 451, Transportation Code,  
3 is amended by adding Section 451.0611 to read as follows:

4 Sec. 451.0611. ENFORCEMENT OF FARES AND OTHER CHARGES;  
5 PENALTIES. (a) A board by resolution may prohibit the use of the  
6 public transportation system by a person who fails to possess  
7 evidence showing that the appropriate fare for the use of the system  
8 has been paid and may establish reasonable and appropriate methods  
9 to ensure that persons using the public transportation system pay  
10 the appropriate fare for that use.

11 (b) A board by resolution may provide that a fare for or  
12 charge for the use of the public transportation system that is not  
13 paid incurs a penalty, not to exceed \$100.

14 (c) The authority shall post signs designating each area in  
15 which a person is prohibited from using the transportation system  
16 without possession of evidence showing that the appropriate fare  
17 has been paid.

18 (d) A person commits an offense if:

19 (1) the person or another for whom the person is  
20 criminally responsible under Section 7.02, Penal Code, uses the  
21 public transportation system and does not possess evidence showing  
22 that the appropriate fare has been paid; and

23 (2) the person fails to pay the appropriate fare or  
24 other charge for the use of the public transportation system and any  
25 penalty on the fare on or before the 30th day after the date the  
26 authority notifies the person that the person is required to pay the  
27 amount of the fare or charge and the penalty.

1       (e) The notice required by Subsection (d)(2) may be included  
2 in a citation issued to the person under Article 14.06, Code of  
3 Criminal Procedure, in connection with an offense relating to the  
4 nonpayment of the appropriate fare or charge for the use of the  
5 public transportation system.

6       (f) An offense under Subsection (d) is a Class C  
7 misdemeanor.

8       SECTION 3. This Act takes effect September 1, 2003.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2500 was passed by the House on May 6, 2003, by the following vote: Yeas 143, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2500 on May 30, 2003, by the following vote: Yeas 139, Nays 1, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2500 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor