

By: Harper-Brown

H.B. No. 2500

Substitute the following for H.B. No. 2500:

By: Hamric

C.S.H.B. No. 2500

A BILL TO BE ENTITLED

AN ACT

1  
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 Section 452.0611 to read as follows:

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

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

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

21 (d) A person commits an offense if:

22 (1) the person or another for whom the person is  
23 criminally responsible under Section 7.02, Penal Code, uses the  
24 public transportation system and does not possess evidence showing

1 that the appropriate fare has been paid; and

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

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

12 (f) An offense under Subsection (d) is a Class C  
13 misdemeanor.

14 SECTION 2. Article 55.01, Code of Criminal Procedure, is  
15 amended by adding Subsection (e) to read as follows:

16 (e) Notwithstanding Subsection (a), a district court may  
17 order the expunction of records and files relating to an arrest,  
18 regardless of whether the person was subsequently acquitted or  
19 convicted of the offense, if the arrest was for:

20 (1) an offense under Section 452.0611, Transportation  
21 Code; or

22 (2) a Class C misdemeanor under Section 31.04, Penal  
23 Code, arising out of the nonpayment of the appropriate fare for the  
24 use of a public transportation system.

25 SECTION 3. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2003.