

1-1 By: Harper-Brown (Senate Sponsor - Harris) H.B. No. 2500  
1-2 (In the Senate - Received from the House May 7, 2003;  
1-3 May 9, 2003, read first time and referred to Committee on  
1-4 Infrastructure Development and Security; May 23, 2003, reported  
1-5 adversely, with favorable Committee Substitute by the following  
1-6 vote: Yeas 7, Nays 0; May 23, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2500 By: Ogden

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the enforcement of fares imposed for the use of certain  
1-11 public transportation systems; providing penalties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter B, Chapter 452, Transportation Code,  
1-14 is amended by adding Sections 452.0611 and 452.0612 to read as  
1-15 follows:

1-16 Sec. 452.0611. ENFORCEMENT OF FARES AND OTHER CHARGES;  
1-17 PENALTIES. (a) An executive committee by resolution may prohibit  
1-18 the use of the public transportation system by a person who fails to  
1-19 possess evidence showing that the appropriate fare for the use of  
1-20 the system has been paid and may establish reasonable and  
1-21 appropriate methods, using transit police officers or fare  
1-22 enforcement officers under Section 452.0612, to ensure that persons  
1-23 using the public transportation system pay the appropriate fare for  
1-24 that use.

1-25 (b) An executive committee by resolution may provide that a  
1-26 fare for or charge for the use of the public transportation system  
1-27 that is not paid incurs a penalty, not to exceed \$100.

1-28 (c) The authority shall post signs designating each area in  
1-29 which a person is prohibited from using the transportation system  
1-30 without possession of evidence showing that the appropriate fare  
1-31 has been paid.

1-32 (d) A person commits an offense if:

1-33 (1) the person or another for whom the person is  
1-34 criminally responsible under Section 7.02, Penal Code, uses the  
1-35 public transportation system and does not possess evidence showing  
1-36 that the appropriate fare has been paid; and

1-37 (2) the person fails to pay the appropriate fare or  
1-38 other charge for the use of the public transportation system and any  
1-39 penalty on the fare on or before the 30th day after the date the  
1-40 authority notifies the person that the person is required to pay the  
1-41 amount of the fare or charge and the penalty.

1-42 (e) The notice required by Subsection (d)(2) may be included  
1-43 in a citation issued to the person by a peace officer under Article  
1-44 14.06, Code of Criminal Procedure, or by a fare enforcement officer  
1-45 under Section 452.0612, in connection with an offense relating to  
1-46 the nonpayment of the appropriate fare or charge for the use of the  
1-47 public transportation system.

1-48 (f) An offense under Subsection (d) is a Class C  
1-49 misdemeanor.

1-50 (g) An offense under Subsection (d) is not a crime of moral  
1-51 turpitude.

1-52 Sec. 452.0612. FARE ENFORCEMENT OFFICERS. (a) The  
1-53 authority may employ persons to serve as fare enforcement officers  
1-54 to enforce the payment of fares for use of the public transportation  
1-55 system by:

1-56 (1) requesting and inspecting evidence showing  
1-57 payment of the appropriate fare from a person using the public  
1-58 transportation system; and

1-59 (2) issuing a citation to a person described by  
1-60 Section 452.0611(d)(1).

1-61 (b) Before commencing duties as a fare enforcement officer a  
1-62 person must complete a 40-hour training course approved by the  
1-63 authority that is appropriate to the duties required of a fare

2-1 enforcement officer.

2-2 (c) While performing duties, a fare enforcement officer  
2-3 shall:

2-4 (1) wear a distinctive uniform that identifies the  
2-5 officer as a fare enforcement officer; and

2-6 (2) work under the direction of the chief of police of  
2-7 the authority.

2-8 (d) A fare enforcement officer may:

2-9 (1) request evidence showing payment of the  
2-10 appropriate fare from passengers of the public transportation  
2-11 system;

2-12 (2) request personal identification from a passenger  
2-13 who does not produce evidence showing payment of the appropriate  
2-14 fare on request by the officer;

2-15 (3) request that a passenger leave the public  
2-16 transportation system if the passenger does not possess evidence of  
2-17 payment of the appropriate fare; and

2-18 (4) file a complaint in the appropriate court that  
2-19 charges the person with an offense under Section 452.0611(d).

2-20 (e) A fare enforcement officer may not carry a weapon while  
2-21 performing duties under this section.

2-22 (f) A fare enforcement officer is not a peace officer and  
2-23 has no authority to enforce a criminal law, other than the authority  
2-24 possessed by any other person who is not a peace officer.

2-25 SECTION 2. Subchapter B, Chapter 451, Transportation Code,  
2-26 is amended by adding Section 451.0611 to read as follows:

2-27 Sec. 451.0611. ENFORCEMENT OF FARES AND OTHER CHARGES;  
2-28 PENALTIES. (a) A board by resolution may prohibit the use of the  
2-29 public transportation system by a person who fails to possess  
2-30 evidence showing that the appropriate fare for the use of the system  
2-31 has been paid and may establish reasonable and appropriate methods  
2-32 to ensure that persons using the public transportation system pay  
2-33 the appropriate fare for that use.

2-34 (b) A board by resolution may provide that a fare for or  
2-35 charge for the use of the public transportation system that is not  
2-36 paid incurs a penalty, not to exceed \$100.

2-37 (c) The authority shall post signs designating each area in  
2-38 which a person is prohibited from using the transportation system  
2-39 without possession of evidence showing that the appropriate fare  
2-40 has been paid.

2-41 (d) A person commits an offense if:

2-42 (1) the person or another for whom the person is  
2-43 criminally responsible under Section 7.02, Penal Code, uses the  
2-44 public transportation system and does not possess evidence showing  
2-45 that the appropriate fare has been paid; and

2-46 (2) the person fails to pay the appropriate fare or  
2-47 other charge for the use of the public transportation system and any  
2-48 penalty on the fare on or before the 30th day after the date the  
2-49 authority notifies the person that the person is required to pay the  
2-50 amount of the fare or charge and the penalty.

2-51 (e) The notice required by Subsection (d)(2) may be included  
2-52 in a citation issued to the person under Article 14.06, Code of  
2-53 Criminal Procedure, in connection with an offense relating to the  
2-54 nonpayment of the appropriate fare or charge for the use of the  
2-55 public transportation system.

2-56 (f) An offense under Subsection (d) is a Class C  
2-57 misdemeanor.

2-58 SECTION 3. This Act takes effect September 1, 2003.

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