

BILL ANALYSIS

C.S.H.B. 2469
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Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The state's contract travel services program includes state credit cards, travel agencies, airlines, vehicles, Internet-based reservation and ticketing, lodging, and other aspects of state business-related travel. Because the comptroller of public accounts negotiates better prices for these services based on volume, officers and employees are usually able to travel for the lowest overall cost. Current law requires state agency officials and employees in the executive branch to use the state's contract travel services when those services provide the most efficient travel resulting in the total lowest cost, and permits certain other officials and employees to use the state's contract travel services. However, mass transit agencies are not included in the law that would allow them to participate in this cost-effective program.

Current law permits mass transit authorities to impose reasonable fares for the use of the transit authority system and allows these authorities to prohibit the use of the public transportation system by a person who fails to possess evidence showing that the appropriate fare for the use of the system has been paid. Furthermore, the offense is considered a theft of service, which is considered a crime of moral turpitude. Under current circumstances, certain mass transit authorities have to call upon commissioned peace officers to conduct fare inspections and to issue citations to individuals who do not show proof of payment for using the public transportation system. The activities of these peace officers would be better used in the enforcement of more serious criminal behavior against persons or the property of mass transit authorities. It would be more efficient for authorities to use noncommissioned personnel in the enforcement of fares, however, there is no legal mechanism to permit the engagement of fare enforcement officers and to give those officers proper jurisdiction to enforce fares.

State law allows certain mass transit authorities to commission and employ peace officers who may make arrests as necessary in any county in which the transit authority system is located, to prevent or abate the commission of an offense against the law of the state or a political subdivision if the offense or threatened offense occurs on or involves the transit authority system. However, some mass transit authorities contract for the services of peace officers who are commissioned by other governmental entities. Some questions thus arise over their jurisdiction in another county. Current law provides that commissioned peace officers employed by certain mass transit authorities have enforcement jurisdiction anywhere in the service area of these authorities. However, the law may not be clear enough to provide contract commissioned peace officers engaged by certain mass transit authorities enforcement jurisdiction in a part of the service area that is not their usual jurisdiction.

C.S.H.B. 2469 authorizes certain mass transit entities to participate in the state's contract travel services. The bill authorizes a metropolitan rapid transit authority that meets certain criteria related to population and date of creation to hire fare enforcement officers. The bill clarifies the enforcement jurisdiction of contract peace officers engaged by such a transit authority.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking

authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2469 amends the Government Code to authorize an officer or employee of a transportation or transit authority, department, district, or system established under the state's mass transportation laws, who is engaged in official business of the authority, department, district, or system, to participate in the comptroller of public accounts' contracts for travel services. The bill authorizes the comptroller to charge a participating authority, department, district, or system a fee not to exceed the costs incurred by the comptroller in providing the travel services. The bill requires the comptroller to periodically review fees and to adjust them as needed to ensure recovery of costs incurred in providing travel services to the authorities, departments, districts, and systems.

C.S.H.B. 2469 amends the Transportation Code to authorize a metropolitan rapid transit authority confirmed before July 1, 1985, in which the principal municipality has a population of less than 750,000, to employ persons to serve as fare enforcement officers to enforce the payment of fares for use of the public transportation system by requesting and inspecting evidence showing payment of the appropriate fare from a person using the system and issuing a citation to a person who uses the system and does not possess evidence showing that the appropriate fare has been paid. The bill requires a person, before commencing duties as a fare enforcement officer, to complete a 40-hour training course approved by the authority that is appropriate to the duties required of such an officer. The bill requires the officer, while performing duties, to wear a distinctive uniform that identifies the officer as a fare enforcement officer and to work under the direction of the authority's manager of safety and security. The bill authorizes the officer to request evidence showing payment of the appropriate fare from passengers of the public transportation system, request personal identification from a passenger who does not produce evidence showing payment of the appropriate fare on request by the officer, request that a passenger leave the public transportation system if the passenger does not possess evidence of payment, and file a complaint in the appropriate court that charges the person with an offense of nonpayment. The bill prohibits a fare enforcement officer from carrying a weapon while performing the officer's duties. The bill establishes that a fare enforcement officer is not a peace officer and has no authority to enforce a criminal law, other than the authority possessed by any other person who is not a peace officer. The bill adds a citation issued by a fare enforcement officer to provisions authorizing a notice of nonpayment to be included in a citation in connection with an offense relating to the nonpayment of the appropriate fare or charge for use of a public transportation system. The bill establishes that such an offense, though a Class C misdemeanor under existing law, is not a crime of moral turpitude.

C.S.H.B. 2469 authorizes a peace officer contracted for employment by a metropolitan rapid transit authority confirmed before July 1, 1985, in which the principal municipality has a population of less than 750,000, to have the same powers and duties as a peace officer commissioned and employed under other provisions of the law governing metropolitan rapid transit authorities.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2469 differs from the original by adding officers and employees of transportation or transit districts and systems to those who are authorized to participate in the comptroller of public accounts' contracts for travel services.