

By: Rodriguez

H.B. No. 2469

A BILL TO BE ENTITLED

AN ACT

relating to certain mass transit entities.

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

SECTION 1. Section 2171.055, Government Code, is amended by adding Subsection (i) to read as follows:

(i) An officer or employee of a transportation or transit authority or department established under Chapter 451, 452, or 453, Transportation Code, who is engaged in official business of the authority or department may participate in the comptroller's contracts for travel services. The comptroller may charge a participating authority or department a fee not to exceed the costs incurred by the comptroller in providing services under this subsection. The comptroller shall periodically review fees and shall adjust them as needed to ensure recovery of costs incurred in providing services to authorities and departments under this subsection.

SECTION 2. Sections 451.0611(e) and (f), Transportation Code, are amended to read as follows:

(e) The notice required by Subsection (d)(2) may be included in a citation issued to the person under Article 14.06, Code of Criminal Procedure, or under Section 451.0612, in connection with an offense relating to the nonpayment of the appropriate fare or charge for the use of the public transportation system.

(f) An offense under Subsection (d) is:

- 1 (1) a Class C misdemeanor; and
- 2 (2) not a crime of moral turpitude.

3 SECTION 3. Subchapter B, Chapter 451, Transportation Code,
4 is amended by adding Section 451.0612 to read as follows:

5 Sec. 451.0612. FARE ENFORCEMENT OFFICERS IN CERTAIN
6 AUTHORITIES. (a) An authority confirmed before July 1, 1985, in
7 which the principal municipality has a population of less than
8 750,000 may employ persons to serve as fare enforcement officers to
9 enforce the payment of fares for use of the public transportation
10 system by:

11 (1) requesting and inspecting evidence showing
12 payment of the appropriate fare from a person using the public
13 transportation system; and

14 (2) issuing a citation to a person described by
15 Section 451.0611(d)(1).

16 (b) Before commencing duties as a fare enforcement officer a
17 person must complete a 40-hour training course approved by the
18 authority that is appropriate to the duties required of a fare
19 enforcement officer.

20 (c) While performing duties, a fare enforcement officer
21 shall:

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

24 (2) work under the direction of the authority's
25 manager of safety and security.

26 (d) A fare enforcement officer may:

- 27 (1) request evidence showing payment of the

1 appropriate fare from passengers of the public transportation
2 system;

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

6 (3) request that a passenger leave the public
7 transportation system if the passenger does not possess evidence of
8 payment of the appropriate fare; and

9 (4) file a complaint in the appropriate court that
10 charges the person with an offense under Section 451.0611(d).

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

13 (f) A fare enforcement officer is not a peace officer and
14 has no authority to enforce a criminal law, other than the authority
15 possessed by any other person who is not a peace officer.

16 SECTION 4. Section 451.108(c), Transportation Code, is
17 amended to read as follows:

18 (c) A peace officer commissioned under this section, except
19 as provided by Subsections (d) and (e), or a peace officer
20 contracted for employment by an authority confirmed before July 1,
21 1985, in which the principal municipality has a population of less
22 than 750,000, may:

23 (1) make an arrest in any county in which the transit
24 authority system is located as necessary to prevent or abate the
25 commission of an offense against the law of this state or a
26 political subdivision of this state if the offense or threatened
27 offense occurs on or involves the transit authority system;

1 (2) make an arrest for an offense involving injury or
2 detriment to the transit authority system;

3 (3) enforce traffic laws and investigate traffic
4 accidents that involve or occur in the transit authority system;
5 and

6 (4) provide emergency and public safety services to
7 the transit authority system or users of the transit authority
8 system.

9 SECTION 5. This Act takes effect September 1, 2009.