

1-1 By: Watson S.B. No. 1263
1-2 (In the Senate - Filed March 3, 2009; March 17, 2009, read
1-3 first time and referred to Committee on Transportation and Homeland
1-4 Security; May 14, 2009, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 14, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to certain mass transit entities.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 2171.055, Government Code, is amended by
1-11 adding Subsection (i) to read as follows:

1-12 (i) An officer or employee of a transportation or transit
1-13 authority or department established under Chapter 451, 452, or 453,
1-14 Transportation Code, who is engaged in official business of the
1-15 authority or department may participate in the comptroller's
1-16 contracts for travel services. The comptroller may charge a
1-17 participating authority or department a fee not to exceed the costs
1-18 incurred by the comptroller in providing services under this
1-19 subsection. The comptroller shall periodically review fees and
1-20 shall adjust them as needed to ensure recovery of costs incurred in
1-21 providing services to authorities and departments under this
1-22 subsection.

1-23 SECTION 2. Subsections (e) and (f), Section 451.0611,
1-24 Transportation Code, are amended to read as follows:

1-25 (e) The notice required by Subsection (d)(2) may be included
1-26 in a citation issued to the person under Article 14.06, Code of
1-27 Criminal Procedure, or under Section 451.0612, in connection with
1-28 an offense relating to the nonpayment of the appropriate fare or
1-29 charge for the use of the public transportation system.

1-30 (f) An offense under Subsection (d) is:

- 1-31 (1) a Class C misdemeanor; and
1-32 (2) not a crime of moral turpitude.

1-33 SECTION 3. Subchapter B, Chapter 451, Transportation Code,
1-34 is amended by adding Section 451.0612 to read as follows:

1-35 Sec. 451.0612. FARE ENFORCEMENT OFFICERS IN CERTAIN
1-36 AUTHORITIES. (a) An authority confirmed before July 1, 1985, in
1-37 which the principal municipality has a population of less than
1-38 750,000 may employ persons to serve as fare enforcement officers to
1-39 enforce the payment of fares for use of the public transportation
1-40 system by:

1-41 (1) requesting and inspecting evidence showing
1-42 payment of the appropriate fare from a person using the public
1-43 transportation system; and

1-44 (2) issuing a citation to a person described by
1-45 Section 451.0611(d)(1).

1-46 (b) Before commencing duties as a fare enforcement officer,
1-47 a person must complete a 40-hour training course approved by the
1-48 authority that is appropriate to the duties required of a fare
1-49 enforcement officer.

1-50 (c) While performing duties, a fare enforcement officer
1-51 shall:

1-52 (1) wear a distinctive uniform that identifies the
1-53 officer as a fare enforcement officer; and

1-54 (2) work under the direction of the authority's
1-55 manager of safety and security.

1-56 (d) A fare enforcement officer may:

1-57 (1) request evidence showing payment of the
1-58 appropriate fare from passengers of the public transportation
1-59 system;

1-60 (2) request personal identification from a passenger
1-61 who does not produce evidence showing payment of the appropriate
1-62 fare on request by the officer;

1-63 (3) request that a passenger leave the public
1-64 transportation system if the passenger does not possess evidence of

2-1 payment of the appropriate fare; and
2-2 (4) file a complaint in the appropriate court that
2-3 charges the person with an offense under Section 451.0611(d).

2-4 (e) A fare enforcement officer may not carry a weapon while
2-5 performing duties under this section.

2-6 (f) A fare enforcement officer is not a peace officer and
2-7 has no authority to enforce a criminal law, other than the authority
2-8 possessed by any other person who is not a peace officer.

2-9 SECTION 4. Subsection (c), Section 451.108, Transportation
2-10 Code, is amended to read as follows:

2-11 (c) A peace officer commissioned under this section, except
2-12 as provided by Subsections (d) and (e), or a peace officer
2-13 contracted for employment by an authority confirmed before July 1,
2-14 1985, in which the principal municipality has a population of less
2-15 than 750,000, may:

2-16 (1) make an arrest in any county in which the transit
2-17 authority system is located as necessary to prevent or abate the
2-18 commission of an offense against the law of this state or a
2-19 political subdivision of this state if the offense or threatened
2-20 offense occurs on or involves the transit authority system;

2-21 (2) make an arrest for an offense involving injury or
2-22 detriment to the transit authority system;

2-23 (3) enforce traffic laws and investigate traffic
2-24 accidents that involve or occur in the transit authority system;
2-25 and

2-26 (4) provide emergency and public safety services to
2-27 the transit authority system or users of the transit authority
2-28 system.

2-29 SECTION 5. This Act takes effect September 1, 2009.

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