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## SENATE BILL NO. 1066

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice  
on February 9, 2009)

(Patron Prior to Substitute—Senator Puller)

A BILL to amend and reenact § 18.2-160.1 of the Code of Virginia, relating to the illegal boarding or riding of transportation district train; fine.

**Be it enacted by the General Assembly of Virginia:****1. That § 18.2-160.1 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-160.1. Boarding transportation district train without payment of fare.

A. It shall be unlawful for any person to board or ride a train operated by or under contract with a transportation district created pursuant to Chapter 45 (§ 15.2-4500 et seq.) of Title 15.2 when such person has failed or refused to pay the posted fare published by the transportation district or to properly validate a train ticket of such transportation district. A violation of this section subsection shall be punishable by a fine of not less than \$150 nor more than \$250. A violation of this section subsection shall be deemed to continue from the point of boarding through termination of the train's scheduled trip.

B. It shall be unlawful for any person to board or ride a train operated by or under contract with a transportation district created pursuant to Chapter 45 (§ 15.2-4500 et seq.) of Title 15.2 when such person boards a train and uses a fraudulent or counterfeit ticket as a means to evade payment of the posted fare published by the transportation district. A violation of this subsection shall be punishable by a fine of not less than \$500 nor more than \$1,000. A violation of this subsection shall be deemed to continue from the point of boarding through termination of the train's scheduled trip.

C. It shall be unlawful for any person to board or ride a train operated by or under contract with a transportation district created pursuant to Chapter 45 (§ 15.2-4500 et seq.) of Title 15.2 with a validated ticket and willfully use that ticket outside the designated zone of the paid ride with the intent to defraud. A violation of this subsection shall be punishable by a fine of not more than \$250 plus the cost of the ticket. A second or subsequent violation of this subsection shall be punishable by a fine of not less than \$500 nor more than \$1,000. A violation of this subsection shall be deemed to continue throughout the time that such ticket is used outside the designated zone of the paid ride.

D. Any person who has been convicted of violating the provisions a provision of § 18.2-160.1 this section shall be civilly liable to the Commonwealth and the transportation district for all costs incurred in prosecuting such person under the provisions of § 18.2-160.1 this section. The costs shall be limited to actual expenses, including the base wage of one employee acting as a witness for the Commonwealth and suit costs, but the total costs recovered shall not exceed \$250 the maximum fine authorized by the subsection under which the person has been convicted.