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SENATE BILL NO. 25

Offered January 13, 2010
Prefiled January 4, 2010

A BILL to amend and reenact § 18.2-160.1 of the Code of Virginia, relating to using an invalid, improper or fraudulent ticket on a transportation district train.

Patrons—Puller and Marsden; Delegate: Torian

Referred to Committee on Transportation

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 or riding transportation district train without lawful payment of fare; penalty.

A. It ~~shall be~~ *is* 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 willfully and with intent to defraud (i)~~ *he* fails *or refuses* to pay the posted fare published by the transportation district, ~~(ii)~~ *or* fails to properly validate a *train* ticket~~, (iii) uses a fraudulent or counterfeit ticket, or (iv) uses a validated ticket outside the designated zone of the paid ride~~ *of the transportation district. A violation of this subsection continues from the point of boarding through termination of the train's scheduled trip.* A violation of this section is punishable as a Class ~~2~~ *4* misdemeanor *with a fine of not less than $150*. ~~A violation of this section shall be deemed to continue from the point of boarding through termination of the train's scheduled trip.~~

B. It is 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 to willfully use the ticket outside the designated zone of the paid ride. A violation of this subsection continues throughout the time that such ticket is used outside the designated zone of the paid ride. A violation of this subsection is punishable as a Class 4 misdemeanor with a fine of not less than $150. A second or subsequent violation of this subsection is punishable by a fine of not less than $250.

C. It is 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 he 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 continues from the point of boarding through termination of the train's scheduled trip. A violation of this subsection is punishable as a Class 2 misdemeanor with a fine of not less than $500.

D. Any person who has been convicted of violating this section shall be civilly liable to the Commonwealth and the transportation district for all costs incurred in prosecuting such person. 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 ~~$500~~ *the maximum amount of the fine that may be imposed for the offense*.