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SENATE BILL NO. 25

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 26, 2010)

(Patron Prior to Substitute—Senator Puller)

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.

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 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 misdemeanor. A violation of this section shall be deemed to continue from the point of boarding through termination of the train's scheduled trip. Any person who violates the provisions of this subsection is subject to a civil penalty of \$100.

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. Any person who violates the provisions of this subsection is subject to a civil penalty of \$100.

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.