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SENATE BILL NO. 657

Senate Amendments in [] - February 6, 2012

A BILL to amend and reenact § 18.2-160.1 of the Code of Virginia, relating to boarding or riding a transportation district train without lawful payment of fare; penalties.

Patron Prior to Engrossment—Senator Puller

Referred to Committee for Courts of Justice

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 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 fails or refuses to pay the posted fare published by the transportation district, or fails to properly validate a train ticket of the transportation district. A violation of this subsection continues 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 for a first violation and with a fine of not less than \$750 for a second or subsequent [~~violation when the second or subsequent violation occurs on a different day but~~ conviction when the second or subsequent conviction occurs more than 24 hours after but] within 365 days of a prior violation.

D. Any person who has been convicted of violating subsection C 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 the maximum amount of the fine that may be imposed for the offense.

ENGROSSED

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