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SENATE BILL NO. 264

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation
on January 15, 2014)

(Patron Prior to Substitute—Senator Ebbin)

A BILL to amend the Code of Virginia by adding in Article 15 of Chapter 1 of Title 33.1 a section numbered 33.1-223.2:30, relating to fare enforcement inspectors.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 15 of Chapter 1 of Title 33.1 a section numbered 33.1-223.2:30 as follows:

§ 33.1-223.2:30. *Fare enforcement inspectors; failure to produce proof of payment of fare; penalty.*

A. For the purposes of this section, "eligible entity" means any transit operation that is owned or operated directly or indirectly by a political subdivision of the Commonwealth or any governmental entity established by an interstate compact of which Virginia is a signatory.

B. Any eligible entity that either directly or by contract operates any form of mass transit may appoint fare enforcement inspectors and establish the qualifications required for their appointment. Fare enforcement inspectors shall have the power to (i) request patrons at transit boarding locations or on transit vehicles to show proof of payment of the applicable fare; (ii) inspect the proof of payment for validity; (iii) issue civil citations for failure to produce valid proof of payment of the fare, with such failure being deemed to constitute fare evasion; (iv) assist with crowd control while on a transit vehicle or at a transit boarding location; and (v) perform such other customer service and safety duties as may be assigned by the eligible entity. Fare enforcement inspectors shall have no police powers and shall not be required to be sworn police officers. The powers of fare enforcement inspectors appointed pursuant to this section shall be exercisable anywhere in the Commonwealth where the appointing eligible entity operates transit service. Fare enforcement inspectors shall report to the department or agency designated by the appointing eligible entity.

C. Violations of this section shall be charged on a uniform summons as provided in § 46.2-388. Failure to produce a valid proof of payment of the applicable fare is punishable as a Class 4 misdemeanor. The penalty for failure to pay the established fare on transit properties covered by another provision of law shall be governed by that provision and not by this subsection.

D. The governing bodies of counties, cities, and towns may adopt ordinances not in conflict with the provisions of this section to appoint fare enforcement inspectors and prescribe their duties in such counties, cities, and towns. They may also repeal, amend, or modify such ordinances.

E. This section shall not apply to sworn police officers.