

## **BILL ANALYSIS**

Senate Research Center  
81R4233 JTS-D

S.B. 1263  
By: Watson  
Transportation & Homeland Security  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

First, mass transit agencies are not able to participate in the state's contract travel services. The state's contract travel services program includes state credit cards, travel agencies, airlines, vehicles, Internet-based reservation and ticketing, lodging, and other modes and necessities of state business-related travel. Because the comptroller of public accounts negotiates better prices for these services based on a volume basis, officers and employees are usually able to travel for the lowest overall cost. However, mass transit agencies are not able to participate in this cost-effective program.

Second, under current circumstances, certain mass transit authorities would need to call upon commissioned peace officers to conduct fare inspections and issue citations to individuals who do not show proof of payment for boarding a bus or train. The activities of these peace officers would be better utilized in the enforcement of more serious criminal behavior against persons or the property of these mass transit authorities. It would be more efficient for these mass transit authorities to utilize noncommissioned personnel in the enforcement of fares, but there is no statutory mechanism that would permit the engagement of fare enforcement officers that would give them proper jurisdiction to enforce fares. Additionally, this offense is a theft of service, which is considered a crime of moral turpitude.

Third, the Transportation Code provides that commissioned peace officers employed by certain mass transit authorities have enforcement jurisdiction anywhere in the service area of these authorities. However, there is some doubt that the Transportation Code is clear enough to provide that contract commissioned peace officers engaged by certain mass transit authorities have enforcement jurisdiction in a part of the service area that is not their usual jurisdiction.

As proposed, S.B. 1263 amends current law relating to certain mass transit entities.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 2171.055, Government Code, by adding Subsection (i), as follows:

(i) Authorizes an officer or employee of a transportation or transit authority or department established under Chapter 451 (Metropolitan Rapid Transit Authorities), 452 (Regional Transit Authorities), or 453 (Municipal Transit Departments), Transportation Code, who is engaged in official business of the authority or department to participate in the comptroller of public account's (comptroller) contracts for travel services. Authorizes the comptroller to charge a participating authority or department a fee not to exceed the costs incurred by the comptroller in providing services under this subsection. Requires the comptroller to periodically review fees and adjust them as needed to ensure recovery of costs incurred in providing services to authorities and departments under this subsection.

SECTION 2. Amends Sections 451.0611(e) and (f), Transportation Code, as follows:

(e) Authorizes the notice required by Subsection (d)(2) (relating to failure to pay the appropriate charge for use of public transportation system) to be included in a citation issued to the person under Article 14.06 (Must Take Offender Before Magistrate), Code of Criminal Procedure, or under Section 451.0612, in connection with an offense relating to the nonpayment of the appropriate fare or charge for the use of the public transportation system.

(f) Provides that an offense under Subsection (d) is a Class C misdemeanor and is not a crime of moral turpitude.

SECTION 3. Amends Subchapter B, Chapter 451, Transportation Code, by adding Section 451.0612, as follows:

Sec. 451.0612. FARE ENFORCEMENT OFFICERS IN CERTAIN AUTHORITIES.

(a) Authorizes an authority confirmed before July 1, 1985, in which the principal municipality has a population of less than 750,000 to employ persons to reserve as fare enforcement officers to enforce the payment of fares for use of the public transportation system by requesting and inspecting evidence showing payment of the appropriate fare from a person using the public transportation system and issuing a citation to a person described by Section 451.0611(d)(1) (relating to using public transportation system without having evidence of paying the fee being an offense).

(b) Requires a person , before commencing duties as a fare enforcement officer, to complete a 40-hour training course approved by the authority that is appropriate to the duties required of a fare enforcement officer.

(c) Requires a fare enforcement officer, while performing duties, to wear a distinctive uniform that identifies the officer as a fare enforcement officer and work under the direction of the authority's manager of safety and security.

(d) Authorizes a fare enforcement officer to request evidence showing payment of the appropriate fare from passengers of the public transportation system, request personal identification from a passenger who does not produce evidence showing payment of the appropriate fare on request by the officer, request that a passenger leave the public transportation system if the passenger does not possess evidence of payment of the appropriate fare, and file a complaint in the appropriate court that charges the person with an offense under Section 451.0611(d).

(e) Prohibits a fare enforcement officer from carrying a weapon while performing duties under this section.

(f) Provides that a fare enforcement officer is not a peace officer and has no authority to enforce a criminal law, other than the authority possessed by any other person who is not a peace officer.

SECTION 4. Amends Section 451.108(c), Transportation Code, to authorize a peace officer commissioned under this section, except as provided by Subsections (d) and (e), or a peace officer contracted for employment by an authority confirmed before July 1, 1985, in which the principal municipality has a population of less than 750,000 to make certain arrests, enforce certain laws, and provide certain services.

SECTION 5. Effective date: September 1, 2009.