

27:25-5.6 to 27:25-5.17

LEGISLATIVE HISTORY CHECKLIST
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(Rail passenger service)

NJSA: 27:25-5.6 tp 27:25-5.17

LAWS OF: 1997 CHAPTER: 357

BILL NO: A2231

SPONSOR(S): DeCrose and others

DATE INTRODUCED: June 27, 1996

COMMITTEE: ASSEMBLY: Transportation & Communications
SENATE: Budget

AMENDED DURING PASSAGE: Yes Assembly Committee substitute (1R)

DATE OF PASSAGE: ASSEMBLY: December 11, 1997
SENATE: January 8, 1998

DATE OF APPROVAL: January 15, 1998

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

§§1-12
C. 27:25-5.6
To
27:25-5.17
§14
Note To §§1-13

P.L. 1997, CHAPTER 357, *approved January 15, 1998*
Assembly Committee Substitute (*First Reprint*) for
Assembly, No. 2231

1 AN ACT concerning use of rail passenger service and supplementing
2 P.L.1979, c.150 (C.27:25-1 et seq.) and amending N.J.S.2B:12-16.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. (New section) As used in this act:

8 "Authorized employee" means an employee of a provider of rail
9 passenger service authorized by the provider of rail passenger service
10 to request and inspect proof of payment of the prescribed fare from
11 persons using rail passenger service.

12 "Fare enforcement officer" means an employee of the corporation,
13 appointed pursuant to section 7 of this act, authorized to enforce the
14 provisions of this act by requesting and inspecting proof of payment
15 of the prescribed fare from persons using rail passenger services where
16 proof of payment is required, and by signing and issuing a complaint
17 and summons to any person for a violation of the provisions of this act
18 or the regulations adopted pursuant thereto, regardless of whether the
19 rail passenger service is operated by the corporation or by a public or
20 private entity under contract to the corporation. A fare enforcement
21 officer shall include a transit or other police officer, or a conductor or
22 trainman so authorized.

23 "Pre-paid fare area" means an area designated by a provider of rail
24 passenger service where payment of the prescribed fare is required
25 before entering the area.

26 "Proof of payment" means a ticket, pass, receipt or other article

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SBA committee amendments adopted May 8, 1997.

1 designated by a provider of rail passenger service to indicate that a
2 passenger has paid for the use of rail passenger service.

3 "Provider of rail passenger service" means the corporation or a
4 public or private entity under contract to the corporation to provide
5 rail passenger service.

6 "Use of rail passenger service" means the boarding, occupying,
7 riding in, or otherwise utilizing rail passenger service for conveyance.

8

9 2. (New section) The use of a rail passenger service by a person
10 shall constitute an agreement by the person to pay the prescribed fare
11 for the service. A person who has paid the prescribed fare for a rail
12 passenger service and who has been issued proof of payment therefor
13 shall retain that proof of payment while in a pre-paid fare area or on
14 designated rail passenger facilities or vehicles.

15

16 3. (New section) It shall be a violation of this act for any person
17 to use or attempt to use a rail passenger service or enter a pre-paid
18 fare area and to: fail or refuse to pay the prescribed fare; evade or
19 attempt to evade payment of the prescribed fare; or fail to display
20 proof of fare payment immediately upon request of an authorized
21 employee or fare enforcement officer.

22

23 4. (New section) Notwithstanding any other provision of law or
24 regulation to the contrary, this act shall apply to users of rail passenger
25 services who are juveniles as defined in subsection a. of section 3 of
26 P.L.1982, c.77 (C.2A:4A-22a).

27

28 5. (New section) A person subject to the issuance of a complaint
29 and summons under this act shall cooperate in the issuance of the
30 complaint and summons by providing the person's name and address.
31 It shall be a violation of this act for a person to fail to cooperate in the
32 issuance of a summons including failure to provide the person's name
33 and address, or by providing a false name or address and shall subject
34 the person to all other provisions and remedies provided by law or
35 regulation, in addition to the penalties provided in this act.

36

37 6. (New section) A complaint and summons issued for a violation
38 of the provisions of this act or any of the rules or regulations adopted
39 by the corporation shall be in a form prescribed and approved by the
40 Administrative Director of the Courts and served pursuant to the Rules
41 Governing the Courts of the State of New Jersey.

42

43 7. (New section) a. The executive director of the corporation
44 shall have the power and authority to appoint such number of fare
45 enforcement officers as the director deems necessary and to administer

1 to the fare enforcement officers an oath or affirmation faithfully to
2 perform the duties of their offices.

3 b. Fare enforcement officers are authorized to request and inspect
4 proof of payment of the prescribed fare from persons using rail
5 passenger services where proof of payment is required, to sign and
6 issue a complaint and summons to any person for a violation of the
7 provisions of this act or the regulations adopted by the corporation
8 pursuant to this act, regardless of whether the rail passenger service
9 is operated by the corporation or by a public or private entity under
10 contract to the corporation and to perform such other duties as the
11 corporation may deem appropriate. A fare enforcement officer who
12 has probable cause to believe that a person has willfully evaded paying
13 the required fare, may, for the purpose of obtaining and verifying
14 identification, issuing a summons and complaint or otherwise detaining
15 an individual for further action by any law enforcement officer, take
16 the individual into custody and detain that person in a reasonable
17 manner for not more than a reasonable time. The taking into custody
18 by a fare enforcement officer shall not render the fare enforcement
19 officer criminally or civilly liable unless such action is unreasonable
20 under all of the circumstances.

21 c. Fare enforcement officers appointed pursuant to this section
22 shall complete a course of training approved by the executive director
23 appropriate to the duties required by this act.

24 d. Fare enforcement officers shall work under the direction of the
25 chief of the transit police, but shall not be police officers.

26 e. Nothing in this section shall be construed as derogating any of
27 the powers provided by law or regulation for police officers,
28 conductors, trainmen and other employees of a provider of rail
29 passenger services but the provisions of this act shall be in addition to
30 any such powers.

31

32 8. (New section) An authorized employee or fare enforcement
33 officer carrying out his duties pursuant to this act shall not be
34 criminally or civilly liable for false arrest, false imprisonment, slander
35 or unlawful detention unless such action is unreasonable under all of
36 the circumstances.

37

38 9. (New section) The corporation shall adopt rules and
39 regulations, in accordance with the "Administrative Procedure Act,"
40 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the
41 purposes of this act. In any prosecution for violating any rule or
42 regulation adopted by the corporation, copies of that regulation when
43 authenticated under the seal of the corporation by its secretary or
44 assistant secretary shall be evidence in like manner and equal effect as
45 the original.

1 10. (New section) A complaint for a violation of any of the
2 provisions of this act may be filed with a court having jurisdiction, at
3 any time within one year after the commission of the violation. When
4 a person has been charged with a violation of this act and summoned
5 to appear, upon failure to appear, in addition to any other provisions
6 of law or the Rules Governing the Courts of the State of New Jersey,
7 a warrant for the arrest of the person may issue. All proceedings shall
8 be brought before a municipal or central municipal court having
9 jurisdiction in the municipality in which it is alleged that the violation
10 occurred, but when a violation occurs on a moving conveyance
11 operated by the corporation through two or more municipalities, then
12 the proceeding may be brought before the court having jurisdiction in
13 any one of the municipalities through which the conveyance has
14 traversed.

15

16 11. (New section) A violation of the provisions of this act or any
17 rules or regulations adopted pursuant to this act by the corporation
18 shall be punishable by a civil penalty not exceeding ¹[\$500]~~\$100~~¹, in
19 addition to court costs, enforced in a summary proceeding pursuant to
20 "the penalty enforcement law," N.J.S.2A:58- 1 et seq. The Rules
21 Governing the Courts of the State of New Jersey shall govern the
22 practice and procedure in such proceedings. Notwithstanding any
23 other law to the contrary, the court shall remit 50% of any civil
24 penalty imposed to the corporation for use in furtherance of any of the
25 purposes of this act and 50% shall be forwarded to the proper financial
26 officer of the local government entity in which the municipal or central
27 municipal court has been established to be used for the local
28 government entity to defray the cost of operating the court and for
29 general government use.

30

31 12. (New section) The provisions of this act shall not affect
32 certificates issued pursuant to R.S.48:12-109 through R.S.48:12-116,
33 inclusive, or any certificate or pass issued by the corporation providing
34 for transportation of current or retired employees, notwithstanding
35 that payment for such certificate or pass may not have been tendered.

36

37 13. N.J.S.2B:12-16 is amended to read as follows:

38 2B:12-16. Territorial jurisdiction. a. A municipal court of a
39 single municipality shall have jurisdiction over cases arising within the
40 territory of that municipality except as provided in section 10 of
41 P.L. _____, c. (C. _____)(now before the Legislature as this bill. A joint
42 municipal court shall have jurisdiction over cases arising within the
43 territory of any of the municipalities which the court serves. The
44 territory of a municipality includes any premises or property located
45 partly in and partly outside of the municipality. A central municipal

1 court shall have jurisdiction over cases arising within the territorial
2 boundaries of the county.

3 b. A municipal court judge, serving as an acting judge in any other
4 municipal court in the county, may also hear matters arising out of that
5 other court, while sitting in the court where the acting judge holds a
6 regular appointment.

7 (cf: P.L.1996, c.95, s.11)

8

9 14. This act shall take effect 180 days after its enactment, except
10 that section 9 shall take effect immediately.

11

12

13

14

15 Provides statutory framework for dealing with NJT rail passenger
16 service fare evasion and proof of fare payment; provides penalties not
17 exceeding \$100 for violation of act.

ASSEMBLY, No. 2231

STATE OF NEW JERSEY

INTRODUCED JUNE 27, 1996

By Assemblymen DeCROCE, DORIA and Assemblywoman Heck

1 AN ACT concerning use of public transportation service and
2 supplementing P.L.1979, c.150 (C.27:25-1 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. As used in this act:

8 "Authorized employee" means an employee of a provider of public
9 transportation service authorized by the provider of public
10 transportation service to request and inspect proof of payment of the
11 prescribed fare from persons using public transportation service.

12 "Fare inspector" means an employee of the corporation, appointed
13 pursuant to section 9 of this act, authorized to request and inspect
14 proof of payment of the prescribed fare from persons using public
15 transportation services where proof of payment is required, and to sign
16 and issue a complaint and summons to any person for a violating the
17 provisions of this act or the regulations adopted pursuant thereto,
18 regardless of whether the public transportation service is operated by
19 the corporation or by a public or private entity under contract to the
20 corporation and shall include a transit or other police officer, or a
21 conductor or trainman so authorized.

22 "Pre-paid fare area" means an area designated by a provider of
23 public transportation service where payment of the prescribed fare is
24 required before entering the area.

25 "Proof of payment" means a ticket, pass, receipt or other article
26 designated by a provider of public transportation service to indicate
27 that a passenger has paid for the use of public transportation service.

28 "Provider of public transportation service" means the corporation
29 or a public or private entity under contract to the corporation to
30 provide public transportation service.

31 "Use of public transportation" means the boarding, occupying,
32 riding in, or otherwise utilizing public transportation service for
33 conveyance.

34

35 2. The use of a public transportation service by a person shall
36 constitute an agreement by the person to pay the prescribed fare for

1 the service. A person who has paid the prescribed fare for a public
2 transportation service and who has been issued proof of payment
3 therefor shall retain that proof of payment while in a pre-paid fare area
4 or on designated public transportation facilities or vehicles.

5
6 3. It shall be a violation of this act for any person to use or attempt
7 to use a public transportation service or enter a pre-paid fare area and
8 to: fail or refuse to pay the prescribed fare; evade or attempt to evade
9 payment of the prescribed fare; or fail to display proof of fare
10 payment immediately upon request of an authorized employee or fare
11 inspector.

12
13 4. A person who uses public transportation service for which
14 payment is required in advance or who enters a pre-paid fare area and
15 who fails to exhibit proof of payment upon request shall be in violation
16 of this act and shall be subject to the issuance of a complaint and
17 summons by a fare inspector.

18
19 5. Notwithstanding any other provision of law or regulation to the
20 contrary, this act shall apply to users of public transportation services
21 who are juveniles as defined in subsection a. of section 3 of P.L.1982,
22 c.77 (C.2A:4A-22a).

23
24 6. A person subject to the issuance of a complaint and summons
25 under this act shall cooperate in the issuance of the complaint and
26 summons by providing his name and address, and as well as written
27 verification thereof. It shall be a violation of this act for a person to
28 fail to cooperate in the issuance of a summons including failure to
29 provide his name and address and written verification thereof, or by
30 providing a false name or address.

31
32 7. The failure or refusal of a person served a complaint and
33 summons to provide his name and address, or to provide written
34 verification thereof or sign the citation shall subject the person to all
35 other provisions and remedies provided by law or regulation, in
36 addition to the penalties provided in this act.

37
38 8. A complaint and summons issued for a violation of the
39 provisions of this act or any of the rules or regulations adopted by the
40 corporation shall be in a form prescribed and approved by the
41 Administrative Director of the Courts and served pursuant to the Rules
42 of the Supreme Court Governing the Courts of the State of New
43 Jersey.

1 9. a. The executive director of the corporation shall have the
2 power and authority to appoint such number of fare inspectors as the
3 director deems necessary and to administer to the fare inspectors an
4 oath or affirmation faithfully to perform the duties of their offices.

5 b. Fare inspectors are authorized to request and inspect proof of
6 payment of the prescribed fare from persons using public
7 transportation services where proof of payment is required, to sign and
8 issue a complaint and summons to any person for a violating the
9 provisions of this act or the regulations adopted by the corporation
10 pursuant to this act, regardless of whether the public transportation
11 service is operated by the corporation or by a public or private entity
12 under contract to the corporation and to perform such other duties as
13 the corporation may deem appropriate.

14 c. Fare inspectors appointed pursuant to this section shall complete
15 a course of training approved by the executive director appropriate to
16 the duties required by this act.

17 d. Nothing in this section shall be construed as derogating any of
18 the powers provided by law or regulation for police officers,
19 conductors, trainmen and other employees of a provider of public
20 transportation services but the provisions of this act shall be in
21 addition to any such powers.

22
23 10. An authorized employee or fare inspector carrying out his
24 duties pursuant to this act shall not be criminally or civilly liable for
25 false arrest, false imprisonment, slander or unlawful detention unless
26 such action is unreasonable under all of the circumstances.

27
28 11. The corporation shall adopt rules and regulations, in
29 accordance with the "Administrative Procedure Act," P.L.1968, c.410
30 (C.52:14B-1 et seq.), necessary to effectuate the purposes of this act.
31 In any prosecution for violating any rule or regulation adopted by the
32 corporation, copies of that regulation when authenticated under the
33 seal of the corporation by its secretary or assistant secretary shall be
34 evidence in like manner and equal effect as the original.

35
36 12. A violation of the provisions of this act or any rules or
37 regulations adopted pursuant to this act by the corporation shall be
38 punishable by a fine not exceeding \$500. Such a violation shall be
39 tried in a summary manner and shall be within the jurisdiction of, and
40 may be brought in, the Superior Court or any municipal court in the
41 county where the offense was committed. The Rules of the Supreme
42 Court Governing the Courts of the State of New Jersey shall govern
43 the practice and procedure in such proceedings. Notwithstanding any
44 other law to the contrary, 50% of any fine imposed in excess of court
45 costs shall be paid directly to the corporation for use in furtherance of
46 any of the purposes of this act.

1 13. The provisions of this act shall not affect certificates issued
2 pursuant to R.S.48:12-109 through R.S.48:12-116, inclusive, or any
3 certificate or pass issued by the corporation providing for
4 transportation of current or retired employees, notwithstanding that
5 payment for such certificate or pass may not have been tendered.

6
7 14. This act shall take effect immediately.
8
9

10 STATEMENT
11

12 This bill would establish a specific statutory framework for dealing
13 with the matter of fare evasion on public transportation services
14 operated by, or under contract with, the New Jersey Transit
15 Corporation (the corporation). Currently, the corporation relies upon
16 the general theft of services provisions of Title 2C, the New Jersey
17 Criminal Code.

18 This bill would make it unlawful for any person using these public
19 transportation services to fail or refuse to pay the prescribed fare, or
20 to evade or attempt to evade payment of the prescribed fare. A
21 passenger who has paid the prescribed fare is also required to retain
22 proof of payment. If payment of the prescribed fare is required in
23 advance of using a public transportation service, the bill makes it a
24 violation for a person to enter a prepaid area or to use such a public
25 transportation service without having previously paid the prescribed
26 fare.

27 Further, the bill makes it a violation if a person who enters a pre-
28 paid area or travels on a public transportation service for which
29 advance payment is required does not immediately exhibit proof of
30 payment upon request.

31 A person who violates the provisions of the bill or the regulations
32 adopted pursuant to its provisions would be issued a complaint and
33 summons by a fare inspector and would be subject to a penalty not
34 exceeding \$500.

35 The bill authorizes the executive director of the corporation to
36 appoint fare inspectors who would be employees of the corporation
37 and would receive appropriate training pertaining to their duties.

38 An employee, a fare inspector or a transit police officer carrying out
39 his duty under this bill would not be civilly or criminally liable for false
40 arrest, false imprisonment, slander or unlawful detention unless such
41 action is unreasonable under all the circumstances.

42 This bill will enable the corporation to better handle fare evasion on
43 its current transportation systems, as well as on the proposed light rail
44 line system where the payment of fares may be required in advance of
45 entering or using the line.

1



2

3 Provides statutory framework for dealing with NJT fare evasion and
4 proof of fare payment; provides penalties not exceeding \$500 for
5 violation of act.

[Passed Both Houses]

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2231

STATE OF NEW JERSEY

ADOPTED JANUARY 9, 1997

Sponsored by Assemblymen DeCROCE, DORIA,
Assemblywoman Heck, Senator Bark and Assemblywoman
Allen

1 AN ACT concerning use of rail passenger service and supplementing
2 P.L.1979, c.150 (C.27:25-1 et seq.) and amending N.J.S.2B:12-16.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. (New section) As used in this act:

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9 passenger service authorized by the provider of rail passenger service
10 to request and inspect proof of payment of the prescribed fare from
11 persons using rail passenger service.

12 "Fare enforcement officer" means an employee of the corporation,
13 appointed pursuant to section 7 of this act, authorized to enforce the
14 provisions of this act by requesting and inspecting proof of payment
15 of the prescribed fare from persons using rail passenger services where
16 proof of payment is required, and by signing and issuing a complaint
17 and summons to any person for a violation of the provisions of this act
18 or the regulations adopted pursuant thereto, regardless of whether the
19 rail passenger service is operated by the corporation or by a public or
20 private entity under contract to the corporation. A fare enforcement
21 officer shall include a transit or other police officer, or a conductor or
22 trainman so authorized.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SBA committee amendments adopted May 8, 1997.

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2 passenger service where payment of the prescribed fare is required
3 before entering the area.

4 "Proof of payment" means a ticket, pass, receipt or other article
5 designated by a provider of rail passenger service to indicate that a
6 passenger has paid for the use of rail passenger service.

7 "Provider of rail passenger service" means the corporation or a
8 public or private entity under contract to the corporation to provide
9 rail passenger service.

10 "Use of rail passenger service" means the boarding, occupying,
11 riding in, or otherwise utilizing rail passenger service for conveyance.
12

13 2. (New section) The use of a rail passenger service by a person
14 shall constitute an agreement by the person to pay the prescribed fare
15 for the service. A person who has paid the prescribed fare for a rail
16 passenger service and who has been issued proof of payment therefor
17 shall retain that proof of payment while in a pre-paid fare area or on
18 designated rail passenger facilities or vehicles.
19

20 3. (New section) It shall be a violation of this act for any person
21 to use or attempt to use a rail passenger service or enter a pre-paid
22 fare area and to: fail or refuse to pay the prescribed fare; evade or
23 attempt to evade payment of the prescribed fare; or fail to display
24 proof of fare payment immediately upon request of an authorized
25 employee or fare enforcement officer.
26

27 4. (New section) Notwithstanding any other provision of law or
28 regulation to the contrary, this act shall apply to users of rail passenger
29 services who are juveniles as defined in subsection a. of section 3 of
30 P.L.1982, c.77 (C.2A:4A-22a).
31

32 5. (New section) A person subject to the issuance of a complaint
33 and summons under this act shall cooperate in the issuance of the
34 complaint and summons by providing the person's name and address.
35 It shall be a violation of this act for a person to fail to cooperate in the
36 issuance of a summons including failure to provide the person's name
37 and address, or by providing a false name or address and shall subject
38 the person to all other provisions and remedies provided by law or
39 regulation, in addition to the penalties provided in this act.
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41 6. (New section) A complaint and summons issued for a violation
42 of the provisions of this act or any of the rules or regulations adopted
43 by the corporation shall be in a form prescribed and approved by the
44 Administrative Director of the Courts and served pursuant to the Rules
45 Governing the Courts of the State of New Jersey.

1 7. (New section) a. The executive director of the corporation
2 shall have the power and authority to appoint such number of fare
3 enforcement officers as the director deems necessary and to administer
4 to the fare enforcement officers an oath or affirmation faithfully to
5 perform the duties of their offices.

6 b. Fare enforcement officers are authorized to request and inspect
7 proof of payment of the prescribed fare from persons using rail
8 passenger services where proof of payment is required, to sign and
9 issue a complaint and summons to any person for a violation of the
10 provisions of this act or the regulations adopted by the corporation
11 pursuant to this act, regardless of whether the rail passenger service
12 is operated by the corporation or by a public or private entity under
13 contract to the corporation and to perform such other duties as the
14 corporation may deem appropriate. A fare enforcement officer who
15 has probable cause to believe that a person has willfully evaded paying
16 the required fare, may, for the purpose of obtaining and verifying
17 identification, issuing a summons and complaint or otherwise detaining
18 an individual for further action by any law enforcement officer, take
19 the individual into custody and detain that person in a reasonable
20 manner for not more than a reasonable time. The taking into custody
21 by a fare enforcement officer shall not render the fare enforcement
22 officer criminally or civilly liable unless such action is unreasonable
23 under all of the circumstances.

24 c. Fare enforcement officers appointed pursuant to this section
25 shall complete a course of training approved by the executive director
26 appropriate to the duties required by this act.

27 d. Fare enforcement officers shall work under the direction of the
28 chief of the transit police, but shall not be police officers.

29 e. Nothing in this section shall be construed as derogating any of
30 the powers provided by law or regulation for police officers,
31 conductors, trainmen and other employees of a provider of rail
32 passenger services but the provisions of this act shall be in addition to
33 any such powers.

34
35 8. (New section) An authorized employee or fare enforcement
36 officer carrying out his duties pursuant to this act shall not be
37 criminally or civilly liable for false arrest, false imprisonment, slander
38 or unlawful detention unless such action is unreasonable under all of
39 the circumstances.

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41 9. (New section) The corporation shall adopt rules and
42 regulations, in accordance with the "Administrative Procedure Act,"
43 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the
44 purposes of this act. In any prosecution for violating any rule or
45 regulation adopted by the corporation, copies of that regulation when

1 authenticated under the seal of the corporation by its secretary or
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3 the original.

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6 provisions of this act may be filed with a court having jurisdiction, at
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9 to appear, upon failure to appear, in addition to any other provisions
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11 a warrant for the arrest of the person may issue. All proceedings shall
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17 any one of the municipalities through which the conveyance has
18 traversed.

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20 11. (New section) A violation of the provisions of this act or any
21 rules or regulations adopted pursuant to this act by the corporation
22 shall be punishable by a civil penalty not exceeding ~~'[\$500]~~^{'\$100'}, in
23 addition to court costs, enforced in a summary proceeding pursuant to
24 "the penalty enforcement law," N.J.S.2A:58- 1 et seq. The Rules
25 Governing the Courts of the State of New Jersey shall govern the
26 practice and procedure in such proceedings. Notwithstanding any
27 other law to the contrary, the court shall remit 50% of any civil
28 penalty imposed to the corporation for use in furtherance of any of the
29 purposes of this act and 50% shall be forwarded to the proper financial
30 officer of the local government entity in which the municipal or central
31 municipal court has been established to be used for the local
32 government entity to defray the cost of operating the court and for
33 general government use.

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36 certificates issued pursuant to R.S.48:12-109 through R.S.48:12-116,
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44 territory of that municipality except as provided in section 10 of
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1 municipal court shall have jurisdiction over cases arising within the
2 territory of any of the municipalities which the court serves. The
3 territory of a municipality includes any premises or property located
4 partly in and partly outside of the municipality. A central municipal
5 court shall have jurisdiction over cases arising within the territorial
6 boundaries of the county.

7 b. A municipal court judge, serving as an acting judge in any other
8 municipal court in the county, may also hear matters arising out of that
9 other court, while sitting in the court where the acting judge holds a
10 regular appointment.

11 (cf: P.L.1996, c.95, s.11)

12

13 14. This act shall take effect 180 days after its enactment, except
14 that section 9 shall take effect immediately.

15

16

17

18

19 Provides statutory framework for dealing with NJT rail passenger
20 service fare evasion and proof of fare payment; provides penalties not
21 exceeding \$100 for violation of act.

ASSEMBLY TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2231

STATE OF NEW JERSEY

DATED: JANUARY 9, 1997

The Assembly Transportation and Communications Committee favorably reports an Assembly Committee Substitute for Assembly Bill No. 2231.

This bill would establish a specific statutory framework for dealing with the matter of fare evasion on rail passenger services operated by, or under contract with, the New Jersey Transit Corporation (the corporation). Currently, the corporation relies upon the general theft of services provisions of Title 2C, the New Jersey Criminal Code.

This bill would make it unlawful for any person using these rail passenger services to fail or refuse to pay the prescribed fare, or to evade or attempt to evade payment of the prescribed fare. A passenger who has paid the prescribed fare is also required to retain proof of payment. If payment of the prescribed fare is required in advance of using a rail passenger service, the bill makes it a violation for a person to enter a prepaid area or to use such a rail passenger service without having previously paid the prescribed fare.

Further, the bill makes it a violation if a person who enters a prepaid area or travels on a rail passenger service for which advance payment is required does not immediately exhibit proof of payment upon request.

A person who violates the provisions of the bill or the regulations adopted pursuant to its provisions would be issued a complaint and summons by a fare enforcement officer and would be subject to a civil penalty not exceeding \$500.

The bill authorizes the executive director of the corporation to appoint fare enforcement officers who would be employees of the corporation and would receive appropriate training pertaining to their duties.

An employee, a fare enforcement officer or a transit police officer carrying out his duty under this bill would not be civilly or criminally liable for false arrest, false imprisonment, slander or unlawful detention unless such action is unreasonable under all the circumstances.

This bill will enable the corporation to better handle fare evasion on its current rail transportation systems, as well as on the proposed light rail line system where the payment of fares may be required in advance of entering or using the line.

The substitute bill narrows the scope of the bill to deal with fare evasion only for rail passenger service. The amendments also make language changes suggested by the Department of Law and Public Safety, including referring to fare enforcement officers rather than fare inspectors.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 2231**

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 8, 1997

The Senate Budget and Appropriation Committee reports favorably Assembly Bill No. 2231 ACS with amendments.

Assembly Bill No. 2231 ACS of 1997, as amended, establishes a specific statutory framework for dealing with fare evasion on rail passenger services operated by, or under contract with, the New Jersey Transit Corporation (the corporation). Currently, the corporation relies upon the general theft of services provisions of Title 2C, the New Jersey Criminal Code.

This bill will make it unlawful for any person using rail passenger services to fail or refuse to pay the prescribed fare, or to evade or attempt to evade payment of the prescribed fare. A passenger who has paid the prescribed fare is also required to retain proof of payment. Further, the bill makes it a violation if a person who enters a pre-paid area or travels on a rail passenger service for which advance payment is required does not immediately exhibit proof of payment upon request. The bill establishes procedures for the processing of violations and collection of penalties.

A person who violates the provisions of the bill or the regulations adopted pursuant to its provisions would be issued a complaint and summons by a fare enforcement officer and would be subject to a civil penalty not exceeding \$100. The penalty collected would be distributed one half to the corporation and one half to the municipality in which the violation proceedings are handled.

The bill authorizes the executive director of the corporation to appoint fare enforcement officers who would be employees of the corporation and would receive appropriate training pertaining to their duties. An authorized employee, a fare enforcement officer or a transit police officer during the performance of duties will not be civilly or criminally liable for false arrest, false imprisonment, slander or unlawful detention unless such action is unreasonable under all the circumstances.

As amended and reported, this bill is identical to the Senate Bill No. 1394 of 1996 (Haines) as amended and reported by this committee

on May 8, 1997.

COMMITTEE AMENDMENTS

The committee amended the bill to reduce the maximum fine to \$100 from \$500.

FISCAL IMPACT

In a fiscal estimate prepared by the Office of Legislative Services (OLS) on the original version of the bill, the OLS states that the fiscal impact of the bill would be predicated essentially on the number of fare enforcement officers appointed by the corporation who would request and inspect proof of payment of the prescribed fare from passengers using the public transportation services. (The Assembly committee substitute for this bill changed the application of the bill to rail passenger services, rather than all public transportation services.) However, the corporation has not indicated when or how many fare enforcement officers would be appointed, nor provided an estimate, as a cost offset, of the amount of fines that may be collected from passengers violating the provisions of this bill.

However, OLS expects that the number of fare enforcement officers needed prior to January 2000 would be minimal. Subsequent to that date, the new Hudson-Bergen Light Rail Transit Line should be operational and new light rail cars should also be available for the Newark City Subway; these two events anticipate the use of such officers.

LEGISLATIVE FISCAL ESTIMATE TO
ASSEMBLY, No. 2231
STATE OF NEW JERSEY

DATED: NOVEMBER 22, 1996

Assembly Bill No. 2231 of 1996 provides a statutory framework for dealing with fare evasion on public transportation services provided by, or under contract with, the New Jersey Transit Corporation (NJT). The bill would make it unlawful for persons using such public transportation services to evade paying the prescribed fare or to withhold proof of payment upon request by an authorized employee or fare inspector. A person violating the provisions of the bill would be subject to a penalty not exceeding \$500.

The cost of the bill essentially would be predicated on the number of fare inspectors appointed by NJT who would request and inspect proof of payment of the prescribed fare from passengers using the public transportation services. However, NJT has not indicated when or how many fare inspectors would be appointed. Nor has NJT provided an estimate, as a cost offset, of the amount of fines that may be collected from passengers violating the provisions of this bill.

The Office of Legislative Services (OLS) is unable to estimate the number or timing of fare inspectors to be appointed by the corporation, or the amount of revenue from penalty fines. However, OLS expects that the number of fare inspectors needed prior to January 2000 would be minimal. Subsequent to that date, the new Hudson-Bergen Light Rail Transit Line should be operational and new light rail cars should also be available for the Newark City Subway; these two events anticipate the use of fare inspectors.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.