

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.).

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

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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.

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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.

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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.

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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.

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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).

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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.

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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.

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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.

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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.

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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.

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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.

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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.