

[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:

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

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

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

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

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

11

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

18

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

25

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

30

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

39

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

45

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.

40
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
2 assistant secretary shall be evidence in like manner and equal effect as
3 the original.

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

19
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 ¹[\$500]~~\$100~~¹, 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.

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

40
41 13. N.J.S.2B:12-16 is amended to read as follows:

42 2B:12-16. Territorial jurisdiction. a. A municipal court of a
43 single municipality shall have jurisdiction over cases arising within the
44 territory of that municipality except as provided in section 10 of
45 P.L. , c. (C.)(now before the Legislature as this bill. A joint

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)

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

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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.