

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2231

STATE OF NEW JERSEY

ADOPTED JANUARY 9, 1997

Sponsored by Assemblymen DeCROCE, DORIA and
Assemblywoman Heck

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

29 "Provider of rail passenger service" means the corporation or a
30 public or private entity under contract to the corporation to provide
31 rail passenger service.

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.

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

3
4 2. (New section) The use of a rail passenger service by a person
5 shall constitute an agreement by the person to pay the prescribed fare
6 for the service. A person who has paid the prescribed fare for a rail
7 passenger service and who has been issued proof of payment therefor
8 shall retain that proof of payment while in a pre-paid fare area or on
9 designated rail passenger facilities or vehicles.

10
11 3. (New section) It shall be a violation of this act for any person
12 to use or attempt to use a rail passenger service or enter a pre-paid
13 fare area and to: fail or refuse to pay the prescribed fare; evade or
14 attempt to evade payment of the prescribed fare; or fail to display
15 proof of fare payment immediately upon request of an authorized
16 employee or fare enforcement officer.

17
18 4. (New section) Notwithstanding any other provision of law or
19 regulation to the contrary, this act shall apply to users of rail passenger
20 services who are juveniles as defined in subsection a. of section 3 of
21 P.L.1982, c.77 (C.2A:4A-22a).

22
23 5. (New section) A person subject to the issuance of a complaint
24 and summons under this act shall cooperate in the issuance of the
25 complaint and summons by providing the person's name and address.
26 It shall be a violation of this act for a person to fail to cooperate in the
27 issuance of a summons including failure to provide the person's name
28 and address, or by providing a false name or address and shall subject
29 the person to all other provisions and remedies provided by law or
30 regulation, in addition to the penalties provided in this act.

31
32 6. (New section) A complaint and summons issued for a violation
33 of the provisions of this act or any of the rules or regulations adopted
34 by the corporation shall be in a form prescribed and approved by the
35 Administrative Director of the Courts and served pursuant to the Rules
36 Governing the Courts of the State of New Jersey.

37
38 7. (New section) a. The executive director of the corporation
39 shall have the power and authority to appoint such number of fare
40 enforcement officers as the director deems necessary and to administer
41 to the fare enforcement officers an oath or affirmation faithfully to
42 perform the duties of their offices.

43 b. Fare enforcement officers are authorized to request and inspect
44 proof of payment of the prescribed fare from persons using rail
45 passenger services where proof of payment is required, to sign and

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

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

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

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

26
27 8. (New section) An authorized employee or fare enforcement
28 officer carrying out his duties pursuant to this act shall not be
29 criminally or civilly liable for false arrest, false imprisonment, slander
30 or unlawful detention unless such action is unreasonable under all of
31 the circumstances.

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

41
42 10. (New section) A complaint for a violation of any of the
43 provisions of this act may be filed with a court having jurisdiction, at
44 any time within one year after the commission of the violation. When
45 a person has been charged with a violation of this act and summoned

1 to appear, upon failure to appear, in addition to any other provisions
2 of law or the Rules Governing the Courts of the State of New Jersey,
3 a warrant for the arrest of the person may issue. All proceedings shall
4 be brought before a municipal or central municipal court having
5 jurisdiction in the municipality in which it is alleged that the violation
6 occurred, but when a violation occurs on a moving conveyance
7 operated by the corporation through two or more municipalities, then
8 the proceeding may be brought before the court having jurisdiction in
9 any one of the municipalities through which the conveyance has
10 traversed.

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

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

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

34 2B:12-16. Territorial jurisdiction. a. A municipal court of a
35 single municipality shall have jurisdiction over cases arising within the
36 territory of that municipality except as provided in section 10 of
37 P.L. , c. (C.)(now before the Legislature as this bill. A joint
38 municipal court shall have jurisdiction over cases arising within the
39 territory of any of the municipalities which the court serves. The
40 territory of a municipality includes any premises or property located
41 partly in and partly outside of the municipality. A central municipal
42 court shall have jurisdiction over cases arising within the territorial
43 boundaries of the county.

44 b. A municipal court judge, serving as an acting judge in any other
45 municipal court in the county, may also hear matters arising out of that

1 other court, while sitting in the court where the acting judge holds a
2 regular appointment.

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

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

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11 Provides statutory framework for dealing with NJT rail passenger
12 service fare evasion and proof of fare payment; provides penalties not
13 exceeding \$500 for violation of act.