

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1394

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 8, 1997

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1394 of 1996 with committee amendments.

Senate Bill No. 1394, 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 Assembly Bill No. 2231 ACS of 1996 (DeCroce/Doria) as amended and reported by this committee on May 8, 1997.

COMMITTEE AMENDMENTS

The committee amended the bill to: change the application of the bill to rail passenger services rather than public transportation services; change fare inspectors to fare enforcement officers; clarify that the failure to cooperate with the issuance of a summons and complaint for a violation would make the violator subject to the provisions or remedies provided by any other law; define a fare enforcement officer's ability to detain a person who the officer has probable cause to believe committed a violation; define the fare enforcement officers' status; define the procedure for filing a complaint and summons; clarify that court costs could be imposed in addition to the penalty; clarify that the penalty for a violation is a civil penalty and can be enforced in a summary proceeding under the "penalty enforcement law; define how the penalty once collected is to be distributed; clarify the territorial jurisdiction of municipal courts in relation to this bill; reduce the maximum fine to \$100; and delay the effective date until 180 days after enactment.

FISCAL IMPACT

In a fiscal estimate on this bill, the Office of Legislative Services (OLS) on the original version of this bill states that the fiscal impact 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. (These amendments change 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.