

FIRST REGULAR SESSION

SENATE BILL NO. 347

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WRIGHT-JONES.

Read 1st time February 24, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

0837S.011

AN ACT

To repeal section 70.441, RSMo, and to enact in lieu thereof one new section relating to reimbursing bi-state development agency for the reasonable costs attributable to investigating and prosecuting fare evasion offenses, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 70.441, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 70.441, to read as follows:

70.441. 1. As used in this section, the following terms have the following meanings:

(1) "Agency", the bi-state development agency created by compact under section 70.370;

(2) "Conveyance" includes bus, paratransit vehicle, rapid transit car or train, locomotive, or other vehicle used or held for use by the agency as a means of transportation of passengers;

(3) "Facilities" includes all property and equipment, including, without limitation, rights-of-way and related trackage, rails, signals, power, fuel, communication and ventilation systems, power plants, stations, terminals, signage, storage yards, depots, repair and maintenance shops, yards, offices, parking lots and other real estate or personal property used or held for or incidental to the operation, rehabilitation or improvement of any public mass transportation system of the agency;

(4) "Person", any individual, firm, copartnership, corporation, association or company; and

(5) "Sound production device" includes, but is not limited to, any radio receiver, phonograph, television receiver, musical instrument, tape recorder,

19 cassette player, speaker device and any sound amplifier.

20 2. In interpreting or applying this section, the following provisions shall
21 apply:

22 (1) Any act otherwise prohibited by this section is lawful if specifically
23 authorized by agreement, permit, license or other writing duly signed by an
24 authorized officer of the agency or if performed by an officer, employee or
25 designated agent of the agency acting within the scope of his or her employment
26 or agency;

27 (2) Rules shall apply with equal force to any person assisting, aiding or
28 abetting another, including a minor, in any of the acts prohibited by the rules or
29 assisting, aiding or abetting another in the avoidance of any of the requirements
30 of the rules; and

31 (3) The singular shall mean and include the plural; the masculine gender
32 shall mean the feminine and the neuter genders; and vice versa.

33 3. (1) No person shall use or enter upon the light rail conveyances of the
34 agency without payment of the fare or other lawful charges established by the
35 agency. Any person on any such conveyance must have properly validated fare
36 media in his possession. This ticket must be valid to or from the station the
37 passenger is using, and must have been used for entry for the trip then being
38 taken;

39 (2) No person shall use any token, pass, badge, ticket, document, transfer,
40 card or fare media to gain entry to the facilities or conveyances of, or make use
41 of the services of, the agency, except as provided, authorized or sold by the agency
42 and in accordance with any restriction on the use thereof imposed by the agency;

43 (3) No person shall enter upon parking lots designated by the agency as
44 requiring payment to enter, either by electronic gate or parking meters, where the
45 cost of such parking fee is visibly displayed at each location, without payment of
46 such fees or other lawful charges established by the agency;

47 (4) Except for employees of the agency acting within the scope of their
48 employment, no person shall sell, provide, copy, reproduce or produce, or create
49 any version of any token, pass, badge, ticket, document, transfer, card or any
50 other fare media or otherwise authorize access to or use of the facilities,
51 conveyances or services of the agency without the written permission of an
52 authorized representative of the agency;

53 (5) No person shall put or attempt to put any paper, article, instrument
54 or item, other than a token, ticket, badge, coin, fare card, pass, transfer or other

55 access authorization or other fare media issued by the agency and valid for the
56 place, time and manner in which used, into any fare box, pass reader, ticket
57 vending machine, parking meter, parking gate or other fare collection instrument,
58 receptacle, device, machine or location;

59 (6) Tokens, tickets, fare cards, badges, passes, transfers or other fare
60 media that have been forged, counterfeited, imitated, altered or improperly
61 transferred or that have been used in a manner inconsistent with this section
62 shall be confiscated;

63 (7) No person may perform any act which would interfere with the
64 provision of transit service or obstruct the flow of traffic on facilities or
65 conveyances or which would in any way interfere or tend to interfere with the
66 safe and efficient operation of the facilities or conveyances of the agency;

67 (8) All persons on or in any facility or conveyance of the agency shall:

68 (a) Comply with all lawful orders and directives of any agency employee
69 acting within the scope of his employment;

70 (b) Obey any instructions on notices or signs duly posted on any agency
71 facility or conveyance; and

72 (c) Provide accurate, complete and true information or documents
73 requested by agency personnel acting within the scope of their employment and
74 otherwise in accordance with law;

75 (9) No person shall falsely represent himself or herself as an agent,
76 employee or representative of the agency;

77 (10) No person on or in any facility or conveyance shall:

78 (a) Litter, dump garbage, liquids or other matter, or create a nuisance,
79 hazard or unsanitary condition, including, but not limited to, spitting and
80 urinating, except in facilities provided;

81 (b) Drink any alcoholic beverage or possess any opened or unsealed
82 container of alcoholic beverage, except on premises duly licensed for the sale of
83 alcoholic beverages, such as bars and restaurants;

84 (c) Enter or remain in any facility or conveyance while his ability to
85 function safely in the environment of the agency transit system is impaired by the
86 consumption of alcohol or by the taking of any drug;

87 (d) Loiter or stay on any facility of the agency;

88 (e) Consume foods or liquids of any kind, except in those areas specifically
89 authorized by the agency;

90 (f) Smoke or carry an open flame or lighted match, cigar, cigarette, pipe

91 or torch, except in those areas or locations specifically authorized by the agency;
92 or

93 (g) Throw or cause to be propelled any stone, projectile or other article at,
94 from, upon or in a facility or conveyance;

95 (11) No weapon or other instrument intended for use as a weapon may be
96 carried in or on any facility or conveyance, except for law enforcement
97 personnel. For the purposes hereof, a weapon shall include, but not be limited
98 to, a firearm, switchblade knife, sword, or any instrument of any kind known as
99 blackjack, billy club, club, sandbag, metal knuckles, leather bands studded with
100 metal, wood impregnated with metal filings or razor blades; except that this
101 subdivision shall not apply to a rifle or shotgun which is unloaded and carried in
102 any enclosed case, box or other container which completely conceals the item from
103 view and identification as a weapon;

104 (12) No explosives, flammable liquids, acids, fireworks or other highly
105 combustible materials or radioactive materials may be carried on or in any
106 facility or conveyance, except as authorized by the agency;

107 (13) No person, except as specifically authorized by the agency, shall enter
108 or attempt to enter into any area not open to the public, including, but not
109 limited to, motorman's cabs, conductor's cabs, bus operator's seat location,
110 closed-off areas, mechanical or equipment rooms, concession stands, storage
111 areas, interior rooms, tracks, roadbeds, tunnels, plants, shops, barns, train yards,
112 garages, depots or any area marked with a sign restricting access or indicating
113 a dangerous environment;

114 (14) No person may ride on the roof, the platform between rapid transit
115 cars, or on any other area outside any rapid transit car or bus or other
116 conveyance operated by the agency;

117 (15) No person shall extend his hand, arm, leg, head or other part of his
118 or her person or extend any item, article or other substance outside of the window
119 or door of a moving rapid transit car, bus or other conveyance operated by the
120 agency;

121 (16) No person shall enter or leave a rapid transit car, bus or other
122 conveyance operated by the agency except through the entrances and exits
123 provided for that purpose;

124 (17) No animals may be taken on or into any conveyance or facility except
125 the following:

126 (a) An animal enclosed in a container, accompanied by the passenger and

127 carried in a manner which does not annoy other passengers; and

128 (b) Working dogs for law enforcement agencies, agency dogs on duty, dogs
129 properly harnessed and accompanying blind or hearing-impaired persons to aid
130 such persons, or dogs accompanying trainers carrying a certificate of
131 identification issued by a dog school;

132 (18) No vehicle shall be operated carelessly, or negligently, or in disregard
133 of the rights or safety of others or without due caution and circumspection, or at
134 a speed in such a manner as to be likely to endanger persons or property on
135 facilities of the agency. The speed limit on parking lots and access roads shall
136 be posted as fifteen miles per hour unless otherwise designated.

137 4. (1) Unless a greater penalty is otherwise provided by the laws of the
138 state, any violation of this section shall constitute a misdemeanor, and any
139 person committing a violation thereof shall be subject to arrest and, upon
140 conviction in a court of competent jurisdiction, shall pay a fine in an amount not
141 less than twenty-five dollars and no greater than two hundred fifty dollars per
142 violation, in addition to court costs. Any default in the payment of a fine imposed
143 pursuant to this section without good cause shall result in imprisonment for not
144 more than thirty days;

145 (2) Unless a greater penalty is provided by the laws of the state, any
146 person convicted a second or subsequent time for the same offense under this
147 section shall be guilty of a misdemeanor and sentenced to pay a fine of not less
148 than fifty dollars nor more than five hundred dollars in addition to court costs,
149 or to undergo imprisonment for up to sixty days, or both such fine and
150 imprisonment;

151 (3) Any person failing to pay the proper fare, fee or other charge for use
152 of the facilities and conveyances of the agency shall be subject to payment of such
153 charge as part of the judgment against the violator. All proceeds from judgments
154 for unpaid fares or charges shall be directed to the appropriate agency official;

155 (4) All juvenile offenders violating the provisions of this section shall be
156 subject to the jurisdiction of the juvenile court as provided in chapter 211;

157 (5) As used in this section, the term "conviction" shall include all pleas of
158 guilty and findings of guilt.

159 5. **Any person who is convicted, pleads guilty, or pleads nolo**
160 **contendere for failing to pay the proper fare, fee, or other charge for**
161 **the use of the facilities and conveyances of the bi-state development**
162 **agency, as described in subdivision (3) of subsection 4 of this section,**

163 shall, in addition to the unpaid fares or charges and any fines,
164 penalties, or sentences imposed by law, shall be required to reimburse
165 the reasonable costs attributable to the enforcement, investigation, and
166 prosecution of such offense by the bi-state development agency. The
167 court shall direct the reimbursement proceeds to the appropriate
168 agency official.

169 6. (1) Stalled or disabled vehicles may be removed from the roadways of
170 the agency property by the agency and parked or stored elsewhere at the risk and
171 expense of the owner;

172 (2) Motor vehicles which are left unattended or abandoned on the property
173 of the agency for a period of over seventy-two hours may be removed as provided
174 for in section 304.155, except that the removal may be authorized by personnel
175 designated by the agency under section 70.378.

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