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State of Minnesota

HOUSE OF REPRESENTATIVES

SPECIAL SESSION

H. F. No. 40

06/12/2020 Authored by Tabke
The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division

1.1 A bill for an act
1.2 relating to transportation; authorizing administrative citations for certain violations
1.3 related to transit; amending Minnesota Statutes 2018, section 609.855, subdivisions
1.4 1, 7, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 609.855, subdivision 1, is amended to read:

1.7 Subdivision 1. Unlawfully obtaining services; misdemeanor. (a) A person is guilty
1.8 of a misdemeanor who intentionally obtains or attempts to obtain service for himself, herself,
1.9 or another person from a provider of public transit or from a public conveyance by doing
1.10 any of the following:

1.11 (1) occupies or rides in any public transit vehicle without paying the applicable fare or
1.12 otherwise obtaining the consent of the transit provider including:

1.13 (i) the use of a reduced fare when a person is not eligible for the fare; or

1.14 (ii) the use of a fare medium issued solely for the use of a particular individual by another
1.15 individual;

1.16 (2) presents a falsified, counterfeit, photocopied, or other deceptively manipulated fare
1.17 medium as fare payment or proof of fare payment;

1.18 (3) sells, provides, copies, reproduces, or creates any version of any fare medium without
1.19 the consent of the transit provider; or

1.20 (4) puts or attempts to put any of the following into any fare box, pass reader, ticket
1.21 vending machine, or other fare collection equipment of a transit provider:

- 2.1 (i) papers, articles, instruments, or items other than fare media or currency; or  
2.2 (ii) a fare medium that is not valid for the place or time at, or the manner in, which it is  
2.3 used.

2.4 (b) Where self-service barrier-free fare collection is utilized by a public transit provider,  
2.5 it is a violation of this subdivision to intentionally fail to exhibit proof of fare payment upon  
2.6 the request of an authorized transit representative when entering, riding upon, or leaving a  
2.7 transit vehicle or when present in a designated paid fare zone located in a transit facility.

2.8 Sec. 2. Minnesota Statutes 2018, section 609.855, subdivision 7, is amended to read:

2.9 Subd. 7. **Definitions.** (a) The definitions in this subdivision apply in this section.

2.10 (b) "Public transit" or "transit" has the meaning given in section 174.22, subdivision 7.

2.11 (c) "Public transit vehicle" or "transit vehicle" means any vehicle used for the purpose  
2.12 of providing public transit, whether or not the vehicle is owned or operated by a public  
2.13 entity.

2.14 (d) "Public transit facilities" or "transit facilities" means any vehicles, equipment,  
2.15 property, structures, stations, improvements, plants, parking or other facilities, or rights that  
2.16 are owned, leased, held, or used for the purpose of providing public transit, whether or not  
2.17 the facility is owned or operated by a public entity.

2.18 (e) "Fare medium" means a ticket, smart card, pass, coupon, token, transfer, or other  
2.19 medium sold or distributed by a public transit provider, or its authorized agents, for use in  
2.20 gaining entry to or use of the public transit facilities or vehicles of the provider.

2.21 (f) "Proof of fare payment" means a fare medium valid for the place or time at, or the  
2.22 manner in, which it is used. If using a reduced-fare medium, proof of fare payment also  
2.23 includes proper identification demonstrating a person's eligibility for the reduced fare. If  
2.24 using a fare medium issued solely for the use of a particular individual, proof of fare payment  
2.25 also includes an identification document bearing a photographic likeness of the individual  
2.26 and demonstrating that the individual is the person to whom the fare medium is issued.

2.27 (g) "Authorized transit representative" means the person authorized by the transit provider  
2.28 to operate the transit vehicle, a peace officer, a transit agent, or any other person designated  
2.29 by the transit provider as an authorized transit ~~provider~~ representative under this section.

2.30 (h) "Transit agent" means a peace officer, a community service officer, or a person who  
2.31 is authorized by the transit provider to issue administrative citations as provided in this  
2.32 section.

3.1 Sec. 3. Minnesota Statutes 2018, section 609.855, is amended by adding a subdivision to  
3.2 read:

3.3 Subd. 8. **Administrative citations.** (a) Subject to requirements established by the transit  
3.4 provider, a transit agent may issue an administrative citation to a person who commits a  
3.5 violation under subdivision 1, paragraph (a), clause (1), or paragraph (b), or under subdivision  
3.6 3, if:

3.7 (1) the violation occurs in a transit vehicle or transit facility;

3.8 (2) the transit vehicle or transit facility utilizes self-service barrier-free fare collection;

3.9 and

3.10 (3) the public transit service is operated, whether in whole or in part, in the metropolitan  
3.11 area, as defined in section 473.121, subdivision 2.

3.12 (b) A transit agent has the exclusive authority to issue an administrative citation under  
3.13 this subdivision.

3.14 (c) Issuance of an administrative citation prevents imposition of a citation under  
3.15 subdivision 1, paragraph (a), clause (1), or paragraph (b), or under subdivision 3, as  
3.16 appropriate, and any criminal citation arising from the same conduct.

3.17 (d) A person who is issued an administrative citation under this subdivision must, within  
3.18 90 days of issuance, pay a fine of \$35 or contest the citation. A person who fails to either  
3.19 pay the fine or contest the citation within the specified period is considered to have waived  
3.20 the contested citation process and is subject to collections, including collection costs.

3.21 (e) The transit provider must provide a civil process that allows a person to contest an  
3.22 administrative citation before a neutral third party. The transit provider may employ a person  
3.23 not associated with its transit operations, or enter into an agreement with another unit of  
3.24 government, to hear and rule on challenges to administrative citations.

3.25 (f) Fines under this subdivision must be collected by the transit provider and maintained  
3.26 in a separate account that is only used to cover the costs of enforcement activities under  
3.27 this section.

3.28 (g) An administrative citation must include notification that the person has the right to  
3.29 contest the citation, basic procedures for contesting the citation, and information on the  
3.30 timeline and consequences related to the citation.

3.31 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to violations  
3.32 committed on or after that date.