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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1306

02/18/2021 Authored by Elkins and Koznick
The bill was read for the first time and referred to the Committee on Transportation Finance and Policy

1.1 A bill for an act
1.2 relating to metropolitan government; public transit; authorizing the Metropolitan
1.3 Council to issue administrative citations for transit fare evasion and impose civil
1.4 fines; making a technical and clarifying change; amending Minnesota Statutes
1.5 2020, section 609.855, subdivisions 1, 7, by adding a subdivision.

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

1.7 Section 1. Minnesota Statutes 2020, section 609.855, subdivision 1, is amended to read:

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

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

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

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

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

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

1.21 (4) puts or attempts to put any of the following into any fare box, pass reader, ticket
1.22 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 2020, 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, or any other person designated by the transit
2.29 provider as an authorized transit ~~provider~~ representative under this section.

3.1 Sec. 3. Minnesota Statutes 2020, 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
3.4 Metropolitan Council, the council may issue an administrative citation to a person who
3.5 commits a violation under subdivision 1, paragraph (a), clause (1), if the violation occurs
3.6 in a council transit vehicle or transit facility in the metropolitan area, as defined in section
3.7 473.121, subdivision 2, or, in the case of commuter rail service, the violation occurs in a
3.8 council commuter vehicle or commuter facility in any corridor that is located in whole or
3.9 in part in the metropolitan area.

3.10 (b) Transit fare compliance may be enforced and administrative citations may be issued
3.11 by peace officers of the council's Metropolitan Transit Police, and by community service
3.12 officers or other nonsworn personnel as authorized by the council.

3.13 (c) Issuance of an administrative citation prevents imposition of a misdemeanor citation
3.14 under subdivision 1, paragraph (a), clause (1).

3.15 (d) A person who is issued an administrative citation under this subdivision must, within
3.16 90 days of issuance, pay a fine as determined by the council. The council must set the amount
3.17 of the fine at no less than \$35. The council may establish an escalating fine structure for
3.18 persons who fail to pay administrative fines or repeatedly violate subdivision 1, paragraph
3.19 (a), clause (1).

3.20 (e) The council may adopt an alternative resolution procedure under which a person
3.21 may resolve an administrative citation in lieu of paying a fine by complying with terms
3.22 established by the council for community service, prepayment of future transit fares, or
3.23 both. The alternative resolution procedure must be available only to a person who has
3.24 committed a violation under subdivision 1, paragraph (a), clause (1), for the first time, unless
3.25 the person demonstrates financial hardship under criteria established by the council.

3.26 (f) A person who fails to either pay the fine or contest the citation within the specified
3.27 period is considered to have waived the contested citation process and is subject to
3.28 collections, including collection costs.

3.29 (g) The council must provide a civil process that allows a person to contest an
3.30 administrative citation before a neutral third party. The council may employ a person not
3.31 associated with its transit operations, or enter into an agreement with another unit of
3.32 government, to hear and rule on challenges to administrative citations.

4.1 (h) The council must collect and maintain fines under this subdivision in a separate
4.2 account that is only used to cover costs under this section.

4.3 (i) An administrative citation must include notification that the person has the right to
4.4 contest the citation, basic procedures for contesting the citation, and information on the
4.5 timeline and consequences related to the citation.

4.6 (j) The council must not mandate or suggest a quota for the issuance of administrative
4.7 citations under this section.

4.8 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
4.9 final enactment and applies to violations committed on or after that date. This act applies
4.10 in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Sherburne, and
4.11 Washington.