

Part 15

Bus Passenger Safety Act

76-10-1501 Short title.

This act shall be known and may be cited as the "Bus Passenger Safety Act."

Enacted by Chapter 72, 1979 General Session

76-10-1502 Legislative findings.

The legislature finds that the continued orderly operation of bus transportation is beneficial to the commerce of the state and to the convenience of its citizens; that it is essential to the comfort, safety and well-being of bus passengers that orderly conduct be maintained; that the promotion of bus transportation is beneficial to the economy of the state and conservation of energy; and that an increasing number of citizens avail themselves of this mode of transportation.

Enacted by Chapter 72, 1979 General Session

76-10-1503 Definitions.

As used in this act:

- (1) "Bus" means any passenger bus or coach or other motor vehicle having a seating capacity of 15 or more passengers operated by a bus company for the purpose of carrying passengers or cargo for hire and includes a transit vehicle, as defined in Section 17B-2a-802, of a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District Act.
- (2) "Bus company" or "company" means any person, group of persons or corporation providing for-hire transportation to passengers or cargo by bus upon the highways in the state, including passengers and cargo in interstate or intrastate travel. These terms also include local public bodies, public transit districts, municipalities, public corporations, boards and commissions established under the laws of the state providing transportation to passengers or cargo by bus upon the highways in the state, whether or not for hire.
- (3) "Charter" means a group of persons, pursuant to a common purpose and under a single contract, and at a fixed charge in accordance with a bus company's tariff, which has acquired the exclusive use of a bus to travel together to a specified destination or destinations.
- (4) "Passenger" means any person transported or served by a bus company, including persons accompanying or meeting another being transported, any person shipping or receiving cargo and any person purchasing a ticket or receiving a pass.
- (5) "Terminal" means a bus station or depot or any other facility operated or leased by or operated on behalf of a bus company and includes a transit facility, as defined in Section 17B-2a-802, of a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District Act. This term includes a reasonable area immediately adjacent to any designated stop along the route traveled by any bus operated by a bus company and parking lots or areas adjacent to terminals.

Amended by Chapter 329, 2007 General Session

76-10-1504 Bus hijacking -- Assault with intent to commit hijacking -- Use of a dangerous weapon -- Penalties.

- (1)

- (a) A person is guilty of bus hijacking if the person seizes or exercises control, by force or violence or threat of force or violence, of a bus within the state.
 - (b) Bus hijacking is a first degree felony.
- (2)
- (a) A person is guilty of assault with the intent to commit bus hijacking if the person intimidates, threatens, or commits assault or battery toward a driver, attendant, guard, or any other person in control of a bus so as to interfere with the performance of duties by the person.
 - (b) Assault with the intent to commit bus hijacking is a second degree felony.
- (3) A person who, in the commission of assault with intent to commit bus hijacking, uses a dangerous weapon, as defined in Section 76-1-601, is guilty of a first degree felony.

Amended by Chapter 399, 2016 General Session

76-10-1505 Discharging firearms and hurling missiles into buses and terminals -- Exception.

- (1) Any person who discharges a firearm or hurls a missile at or into any bus or terminal shall be guilty of a third degree felony.
- (2) The prohibition of this section does not apply to elected or appointed peace officers or commercial security personnel who discharge firearms or hurl missiles in the course and scope of their employment.

Amended by Chapter 97, 1999 General Session

76-10-1506 Threatening breach of peace -- Disorderly conduct -- Foul language -- Refusing requests -- Use of controlled substance, liquor, or tobacco -- Ejection of passenger.

- (1) A person is guilty of a class C misdemeanor, if the person:
 - (a) threatens a breach of the peace, is disorderly, or uses obscene, profane, or vulgar language on a bus;
 - (b) is in or upon any bus while unlawfully under the influence of a controlled substance as defined in Section 58-37-2;
 - (c) fails to obey a reasonable request or order of a bus driver, bus company representative, a nondrinking designee other than the driver as provided in Subsection 32B-4-415(4)(c)(ii), or other person in charge or control of a bus or terminal;
 - (d) ingests any controlled substance, unless prescribed by a physician or medical facility, in or upon any bus, or drinks intoxicating liquor in or upon any bus, except a chartered bus as defined and provided in Sections 32B-1-102 and 41-6a-526; or
 - (e) smokes tobacco or other products in or upon any bus, except a chartered bus.
- (2) If any person violates Subsection (1), the driver of the bus or person in charge thereof may stop at the place where the offense is committed or at the next regular or convenient stopping place and remove such person, using only such force as may be necessary to accomplish the removal, and the driver or person in charge may request the assistance of passengers to assist in the removal.
- (3) The driver or person in charge may cause the person so removed to be detained and delivered to the proper authorities.

Amended by Chapter 276, 2010 General Session

76-10-1507 Exclusion of persons without bona fide business from terminal -- Dangerous materials -- Surveillance devices and seizure of offending materials -- Detention of violators -- Private security personnel.

- (1)
 - (a) In order to provide for the safety, welfare and comfort of passengers, a bus company may refuse admission to terminals to a person not having bona fide business within the terminal.
 - (b) The refusal may not be inconsistent or contrary to state or federal laws or regulations, or to an ordinance of the political subdivision in which the terminal is located.
 - (c) An authorized bus company representative may require a person in a terminal to identify himself and state his business.
 - (d) Failure to comply with a request under Subsection (1)(c) or to state an acceptable business purpose is grounds for the representative to request that the person depart the terminal.
 - (e) A person who refuses to comply with a request made under Subsection (1)(d) is guilty of a class C misdemeanor.
- (2)
 - (a) A person who carries any highly flammable or hazardous material or device into a terminal or aboard a bus is guilty of a third degree felony.
 - (b) The bus company may employ reasonable means, including mechanical, electronic or x-ray devices to detect the items concealed in baggage or upon the person of a passenger.
 - (c) Upon the discovery of an item referred to in Subsection (2)(a), the company may obtain possession and retain custody of the item until it is transferred to a peace officer.
- (3)
 - (a) An authorized bus company representative may detain within a terminal or bus any person violating the provisions of this section for a reasonable time until law enforcement authorities arrive.
 - (b) The detention does not constitute unlawful imprisonment and neither the bus company nor the representative is civilly or criminally liable upon grounds of unlawful imprisonment or assault, provided that only reasonable and necessary force is exercised against the detained person.
- (4)
 - (a) A bus company may employ or contract for private security personnel.
 - (b) The personnel may:
 - (i) detain within a terminal or bus a person violating this section for a reasonable time until law enforcement authorities arrive; and
 - (ii) use reasonable and necessary force in subduing or detaining the person.

Amended by Chapter 399, 2016 General Session

76-10-1508 Theft of baggage or cargo.

Any person who removes any baggage, cargo or other item transported upon a bus or stored in a terminal without consent of the owner of the property or the bus company, or its duly authorized representative is guilty of theft and shall be punished pursuant to section 76-6-412.

Enacted by Chapter 72, 1979 General Session

76-10-1509 Obstructing operation of bus.

Any person who unlawfully obstructs or impedes by force or violence, or any means of intimidation, the regular operation of a bus is guilty of a class C misdemeanor.

Enacted by Chapter 72, 1979 General Session

76-10-1510 Obstructing operation of bus -- Conspiracy.

Two or more persons who willfully combine or conspire to violate Section 76-10-1509 shall each be guilty of a class C misdemeanor.

Amended by Chapter 229, 2007 General Session

76-10-1511 Cumulative and supplemental nature of act.

The provisions of this act shall be cumulative and supplemental to the provisions of any other law of the state.

Enacted by Chapter 72, 1979 General Session