

**TRANSIT DISTRICT AMENDMENTS**

1998 GENERAL SESSION

STATE OF UTAH

**Sponsor: Afton B. Bradshaw**

AN ACT RELATING TO SPECIAL DISTRICTS; MODIFYING DEFINITIONS RELATING TO PUBLIC TRANSIT DISTRICT PROVISIONS; IMPOSING A PENALTY FOR FAILURE TO PAY THE TRANSIT DISTRICT FARE; AUTHORIZING MULTICOUNTY TRANSIT DISTRICTS TO ADOPT A PARKING ORDINANCE; AUTHORIZING MULTICOUNTY TRANSIT DISTRICTS TO EMPLOY OR CONTRACT FOR THE SERVICES OF SECURITY OFFICERS; PROVIDING FOR SECURITY OFFICER STATUS AND POWERS; LIMITING DAMAGES IN A CLAIM BASED ON SECURITY OFFICER'S ~~h~~ [DETENTION OF A PERSON] CONDUCT ~~h~~ ; EXPANDING THE APPLICATION OF BUS PASSENGER SAFETY ACT;

AND MAKING TECHNICAL CHANGES.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**17A-2-1004**, as last amended by Chapter 79, Laws of Utah 1996

**76-10-1503**, as enacted by Chapter 72, Laws of Utah 1979

ENACTS:

**17A-2-1061**, Utah Code Annotated 1953

**17A-2-1062**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **17A-2-1004** is amended to read:

**17A-2-1004. Definitions.**

As used in this part:

(1) "District" means a public transit district organized under this part.

(2) "Multicounty district" means a district whose area is located within more than one county.

1           ~~[(4)]~~ (3) "Municipality" means any incorporated city or town.

2           ~~[(3)]~~ (4) "Public agency" includes the state of Utah and any county, city, town, district, or  
3 other public agency or entity created under the laws of this state, the federal government, and any  
4 agency thereof.

5           ~~[(2)]~~ (5) "Public transit" means the transportation of passengers only, and their incidental  
6 baggage by means other than chartered bus, sightseeing bus, taxi, or other vehicle not on an  
7 individual passenger fare paying basis. Nothing in this section shall be construed to prohibit the  
8 district from leasing its buses to private certified public carriers, or operating transit services  
9 requested by a recreational, tourist, or convention bureau provided for under Section 17-31-2 by  
10 a governmental entity when the recreational, tourist, or convention bureau certifies that privately  
11 owned carriers furnishing like services or operating like equipment within the area served by the  
12 bureau have declined to provide the service or do not have the equipment necessary to provide the  
13 service. Nothing in this section shall be construed to prohibit the district from providing school  
14 bus services for transportation of pupils and supervisory personnel between homes and school and  
15 other related school activities within the area served by the district, or to prohibit the transportation  
16 of passengers covered by an elderly or handicapped program within the district where all or part  
17 of the transportation services are paid for by public funds.

18           (6) "Transit facility" means a transit vehicle, transit station, depot, passenger loading or  
19 unloading zone, parking lot, or other facility leased by or operated by or on behalf of a district and  
20 related to the public transit services provided by the district, including railway or other right of  
21 way, railway line, and a reasonable area immediately adjacent to a designated stop on the route  
22 traveled by a transit vehicle.

23           (7) "Transit vehicle" means a passenger bus, coach, railcar, van, or other vehicle operated  
24 as public transportation by a district.

25           Section 2. Section **17A-2-1061** is enacted to read:

26           **17A-2-1061. Failure to pay fare -- Infraction -- Multicounty district may establish**  
27 **and enforce parking ordinance.**

28           (1) A person may not ride a transit vehicle without payment of the applicable fare  
29 established by the district.

30           (2) ~~h~~ **[Each]** ~~A~~ ~~h~~ person who violates Subsection (1) is guilty of an infraction.

31           (3) The governing body of a multicounty district may adopt an ordinance governing

1 parking of vehicles at a transit facility, including the imposition of a fine or civil penalty for a  
2 violation of the ordinance.

3 Section 3. Section **17A-2-1062** is enacted to read:

4 **17A-2-1062. Multicounty district may employ or contract for security officers --**  
5 **Security officer status and powers -- Limitation on damages.**

6 (1) The governing body of a multicounty district may employ security officers or contract  
7 with a private firm to supply security officers for the district.

8 (2) Each security officer **EMPLOYED OR SUPPLIED** under Subsection (1) is a special  
8a function officer under Section  
9 77-1a-4 and shall be subject to the provisions of that section.

10 (3) **THE DUTIES OF A** security officer under this section **INCLUDE** :

11 (a) **ISSUING** a citation for a violation of Subsection **[17A-2-1061(2)]**  
11a **17A-2-1061(1)** :

12 (b) **ENFORCING** the district's parking ordinance under Subsection  
12a **17A-2-1061(3)**;

13 (c) **DETAINING** a person committing a **FELONY OR MISDEMEANOR**  
13a at a transit facility until law enforcement authorities  
14 arrive, if the security officer has probable cause to believe that the person committed a **FELONY OR MISDEMEANOR** ; and

15 (d) **SECURITY FUNCTIONS RESPECTING** transit facilities and **to**  
15a **PRESERVING** the security, peace, and safety of  
16 persons using transit facilities.

17 (4) A person may not recover damages in an action based on a claim related to a security  
18 officer's **CONDUCT** if:

19 (a) the security officer had probable cause to believe that the person had committed a  
20 **FELONY OR MISDEMEANOR** at a transit facility; and

21 (b) the security officer acted reasonably under the circumstances.

22 Section 4. Section **76-10-1503** is amended to read:

23 **76-10-1503. Definitions.**

24 As used in this act:

25 (1) "Bus" means any passenger bus or coach or other motor vehicle having a seating  
26 capacity of 15 or more passengers operated by a bus company for the purpose of carrying  
27 passengers or cargo for hire and includes a transit vehicle, as defined in ~~h~~ [Subsection 17A-2-1004(7)]

27a SECTION 17A-2-1004 h ,  
28 of a public transit district under Title 17A, Chapter 2, Part 10, Utah Public Transit District Act.

29 (2) "Bus company" or "company" means any person, group of persons or corporation  
30 providing for-hire transportation to passengers or cargo by bus upon the highways in the state,  
31 including passengers and cargo in interstate or intrastate travel. These terms also include local

1 public bodies, public transit districts, municipalities, public corporations, boards and commissions  
2 established under the laws of the state providing transportation to passengers or cargo by bus upon  
3 the highways in the state, whether or not for hire.

4 (3) "Charter" means a group of persons, pursuant to a common purpose and under a single  
5 contract, and at a fixed charge in accordance with a bus company's tariff, which has acquired the  
6 exclusive use of a bus to travel together to a specified destination or destinations.

7 (4) "Passenger" means any person transported or served by a bus company, including  
8 persons accompanying or meeting another being transported, any person shipping or receiving  
9 cargo and any person purchasing a ticket or receiving a pass.

10 (5) "Terminal" means a bus station or depot or any other facility operated or leased by or  
11 operated on behalf of a bus company and includes a transit facility, as defined in **h** [Subsection  
12 17A-2-1004(6)] SECTION 17A-2-1004 h , of a public transit district under Title 17A, Chapter 2, Part 10,  
12a Utah Public Transit  
13 District Act. This term includes a reasonable area immediately adjacent to any designated stop  
14 along the route traveled by any bus operated by a bus company and parking lots or areas adjacent  
15 to terminals.

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**Legislative Review Note**  
**as of 2-19-98 10:06 AM**

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**