

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 CONDUCT; 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.

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

~~[(3)]~~ (4) "Public agency" includes the state of Utah and any county, city, town, district, or

other public agency or entity created under the laws of this state, the federal government, and any agency thereof.

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

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

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

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

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

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

(2) A person who violates Subsection (1) is guilty of an infraction.

(3) The governing body of a multicounty district may adopt an ordinance governing parking of vehicles at a transit facility, including the imposition of a fine or civil penalty for a violation of the ordinance.

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

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

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

(2) Each security officer employed or supplied under Subsection (1) is a special function officer under Section 77-1a-4 and shall be subject to the provisions of that section.

(3) The duties of a security officer under this section include:

(a) issuing a citation for a violation of Subsection 17A-2-1061(1);

(b) enforcing the district's parking ordinance under Subsection 17A-2-1061(3);

(c) detaining a person committing a felony or misdemeanor at a transit facility until law enforcement authorities arrive, if the security officer has probable cause to believe that the person committed a felony or misdemeanor; and

(d) security functions respecting transit facilities and preserving the security, peace, and safety of persons using transit facilities.

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

(a) the security officer had probable cause to believe that the person had committed a felony or misdemeanor at a transit facility; and

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

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

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 17A-2-1004, of a public transit district under Title 17A, Chapter 2, Part 10, Utah 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 17A-2-1004, of a public transit district under Title 17A, Chapter 2, Part 10, Utah 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.