

**BUS PASSENGER SAFETY ACT AMENDMENTS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mark W. Walker**

Senate Sponsor: Michael G. Waddoups

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**LONG TITLE**

**General Description:**

This bill modifies provisions of the Bus Passenger Safety Act related to the carrying of concealed dangerous weapons or hazardous materials or devices into a bus terminal or aboard a bus.

**Highlighted Provisions:**

This bill:

- ▶ provides uniformity in the exceptions provisions of the Bus Passenger Safety Act regarding individuals who may carry a weapon or firearm into a bus terminal or onto a bus;
- ▶ modifies contradictory felony penalty provisions for a violation of boarding a bus with a concealed dangerous weapon or firearm; and
- ▶ makes certain technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-10-1504**, as last amended by Chapters 13 and 282, Laws of Utah 1998

**76-10-1507**, as last amended by Chapter 282, Laws of Utah 1998

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

30 Section 1. Section **76-10-1504** is amended to read:

31 **76-10-1504. Bus hijacking -- Assault with intent to commit hijacking -- Use of a**  
32 **dangerous weapon or firearm -- Penalties.**

33 (1) (a) A person is guilty of bus hijacking if ~~he~~ the person seizes or exercises control,  
34 by force or violence or threat of force or violence, of ~~any~~ a bus within the state.

35 (b) Bus hijacking is a first degree felony.

36 (2) (a) A person is guilty of assault with the intent to commit bus hijacking if ~~he~~ the  
37 person intimidates, threatens, or commits assault or battery toward ~~any~~ a driver, attendant,  
38 guard, or any other person in control of a bus so as to interfere with the performance of duties  
39 by ~~such~~ the person.

40 (b) Assault with the intent to commit bus hijacking is a second degree felony.

41 (3) ~~Any~~ A person who, in the commission of assault with intent to commit bus  
42 hijacking, uses a dangerous weapon, as defined in Section 76-1-601, is guilty of a first degree  
43 felony.

44 (4) (a) ~~Any~~ A person who boards a bus with a concealed dangerous weapon or  
45 firearm upon his person or effects is guilty of a ~~second~~ third degree felony.

46 (b) The prohibition of Subsection (4)(a) does not apply to:

47 (i) ~~electe~~ a ~~d or appointed peace officers or commercial security personnel who are in~~  
48 ~~possession of weapons or firearms used in the course and scope of their employment, or]~~  
49 individuals listed in Subsections 76-10-523(1)(a), (b), (c), (d), and (e);

50 (ii) a person licensed to carry a concealed weapon; ~~nor shall the prohibition apply to]~~  
51 or

52 (iii) persons in possession of weapons or firearms with the consent of the owner of the  
53 bus or [his] the owner's agent, or the lessee or bailee of the bus.

54 Section 2. Section **76-10-1507** is amended to read:

55 **76-10-1507. Exclusion of persons without bona fide business from terminal --**  
56 **Firearms and dangerous materials -- Surveillance devices and seizure of offending**  
57 **materials -- Detention of violators -- Private security personnel.**

58 (1) (a) In order to provide for the safety, welfare and comfort of passengers, a bus  
59 company may refuse admission to terminals to [~~any~~] a person not having bona fide business  
60 within the terminal. [~~Any such~~]

61 (b) The refusal [~~shall~~] may not be inconsistent or contrary to state or federal laws or  
62 regulations, or to [~~any~~] an ordinance of the political subdivision in which the terminal is  
63 located.

64 (c) An authorized bus company representative may require [~~any~~] a person in a terminal  
65 to identify himself and state his business.

66 (d) Failure to comply with [~~such~~] a request under Subsection (1)(c) or to state an  
67 acceptable business purpose [~~shall be~~] is grounds for the representative to request that the  
68 person depart the terminal. [~~Any~~]

69 (e) A person who refuses to comply with [~~such~~] a request [~~shall be~~] made under  
70 Subsection (1)(d) is guilty of a class C misdemeanor.

71 (2) [~~Any~~] (a) A person who carries a concealed dangerous weapon, firearm, or any  
72 [~~explosive,~~] highly inflammable or hazardous materials or devices into a terminal or aboard a  
73 bus [~~shall be~~] is guilty of a third degree felony.

74 (b) The prohibition of Subsection (2)(a) does not apply to individuals listed in  
75 Subsection 76-10-1504(4).

76 (c) The bus company may employ reasonable means, including mechanical, electronic  
77 or x-ray devices to detect [~~such~~] the items concealed in baggage or upon the person of [~~any~~] a  
78 passenger.

79 (d) Upon the discovery of [~~any such~~] an item referred to in Subsection (2)(a), the  
80 company may obtain possession and retain custody [~~thereof~~] of the item until it is transferred to  
81 a peace officer.

82 (3) (a) An authorized bus company representative may detain within a terminal or bus  
83 any person violating the provisions of this [~~act~~] section for a reasonable time until law  
84 enforcement authorities arrive. [~~Such~~]

85 (b) The detention [~~shall~~] does not constitute unlawful imprisonment and neither the bus

86 company nor the representative [~~shall be~~] is civilly or criminally liable upon grounds of  
87 unlawful imprisonment or assault, provided that only reasonable and necessary force is  
88 exercised against [~~any~~] the detained person [~~so detained~~].

89 (4) (a) A bus company may employ or contract for private security personnel. [~~Such~~]

90 (b) The personnel may:

91 (i) detain within a terminal or bus [~~any~~] a person violating [~~the provisions of this act~~]  
92 this section for a reasonable time until law enforcement authorities arrive[~~;~~]; and [~~may~~]

93 (ii) use reasonable and necessary force in subduing or detaining [~~any~~] the person  
94 [~~violating this act~~].