

**HB 4097 A -A7, -A8, -A11 STAFF MEASURE SUMMARY**

**Senate Committee On Judiciary**

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**Prepared By:** Michael Lantz, Counsel

**Meeting Dates:** 2/24, 2/25

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**WHAT THE MEASURE DOES:**

Prohibits police officers from conducting or participating in checks to determine whether an individual has paid fares imposed by a mass transit district. Clarifies that police officers can be present on mass transit vehicles, enforce law unrelated to the collection of fares, and intervene when the safety of a police officer or the public is at risk.

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

-A7 Replaces measure. Prohibits police officer from participating in fare enforcement mission on mass transit district vehicle unless accompanied and directed by non-operator district employee. Prohibits police officer engaged in fare enforcement mission from running warrant check on person who has only failed, or is suspected of failing, to pay fare. Clarifies that police officer is allowed to be present on district vehicle or property, can enforce laws unrelated to fare enforcement, and can intervene when the safety of any person is at risk. Requires state to indemnify and defend mass transit district in claims against it arising from injuries or death related to police officers non-participation in fare enforcement. Defines fare enforcement mission.

-A8 Replaces measure. Prohibits non-enforcement officers from requesting proof on payment from rider of mass transit district vehicle. Specifies activities police officers may engage in on mass transit district vehicles and properties. Prohibits police officer engaged from running warrant check on person who has only failed, or is suspected of failing, to pay fare. Requires state to indemnify and defend mass transit district in claims against it arising from injuries or death related to police officers non-participation in fare enforcement. Defines enforcement officer.

-A11 Prohibits police officers from requesting proof of fare payment for mass transit district and from conducting warrant check on a person suspected of failing to pay fare or failing to provide proof of fare payment. Clarifies that police officer may assist in identifying mass transit during issuance of citation, once other district employee has reasonable suspicion of mass transit district ordinance violation. Clarifies that police officer can be present on mass transit vehicles and property, can enforce laws unrelated to fares, and can intervene when safety of any person is at risk. Grants mass transit district immunity from liability for claims arising from police officers nonparticipation in fare enforcement. Creates definitions.

**BACKGROUND:**

Under ORS 267.320, mass transit districts are allowed to assess fares or other charges on individuals who use the transportation services provided by the districts. Failure to pay the fare may be prosecuted as a misdemeanor theft of service under ORS 164.125 or as a violation of a local ordinance. Alternatively, failure to pay fare may be resolved through an administrative process. Mass transit districts are able to commission police officers to work on transit property and vehicles. These officers may be asked to assist fare inspectors during fare checks, in addition to their other duties. Mass transit districts in Oregon include TriMet, Salem-Keizer Transit (Cherriots), and Lane Transit District.

**HB 4097 A -A7, -A8, -A11 STAFF MEASURE SUMMARY**

House Bill 4097-A prohibits a police officer from conducting or participating in any effort to determine whether an individual has paid a charge, fee, or toll imposed by a mass transit district.

PRELIMINARY