

HB 4097 A STAFF MEASURE SUMMARY

Carrier: Rep. Hernandez

House Committee On Judiciary

Action Date: 02/12/20

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 6-5-0-0

Yeas: 6 - Bynum, Greenlick, Lawrence Spence, Piluso, Power, Sanchez

Nays: 5 - Barker, Lewis, Moore-Green, Noble, Sprenger

Fiscal: No fiscal impact

Revenue: No revenue impact

Prepared By: Michael Lantz, Counsel

Meeting Dates: 2/5, 2/12

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:

- Concerns about disparities in fare enforcement
- Overview of TriMet's use of police officers
- Clarification on duties and responsibilities of police officers on mass transit vehicles

EFFECT OF AMENDMENT:

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.

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.

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.