

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 4097**

1 Delete lines 4 through 14 of the printed A-engrossed bill and insert:

2 **“SECTION 1. (1)(a) A police officer may not participate in a fare**
3 **enforcement mission unless a fare inspector or other mass transit**
4 **district employee, other than a mass transit vehicle operator, is pres-**
5 **ent and directing the fare enforcement mission.**

6 **“(b) A police officer participating in a fare enforcement mission**
7 **may not check for an arrest warrant for a person who has only com-**
8 **mitted, or who is only suspected of committing, the offense of:**

9 **“(A) Failing to pay a user charge, fee or toll imposed by a mass**
10 **transit district under ORS 267.320; or**

11 **“(B) Failing to provide proof of payment of a user charge, fee or toll**
12 **imposed by a mass transit district under ORS 267.320.**

13 **“(2) Nothing in this section prohibits a police officer from:**

14 **“(a) Being present on the property of, or in a motor or light rail**
15 **vehicle of, a mass transit district;**

16 **“(b) Enforcing laws that are not related to payment of user charges,**
17 **fees or tolls imposed by a mass transit district under ORS 267.320; or**

18 **“(c) Intervening in any situation in which the safety of any person**
19 **is at risk.**

20 **“(3) A mass transit district is immune from liability for any claim**
21 **for injury to or death of any person, or injury to property, resulting**

1 from a police officer's nonparticipation in a fare enforcement mission
2 as required by this section. The state shall defend, indemnify and hold
3 harmless a mass transit district with respect to any claim for injury
4 to or death of any person, or injury to property, resulting from a po-
5 lice officer's nonparticipation in a fare enforcement mission as re-
6 quired by this section.

7 “(4) As used in this section:

8 “(a) ‘Fare enforcement mission’ means activities intended to de-
9 termine whether a person has paid user charges, fees or tolls imposed
10 by a mass transit district under ORS 267.320.

11 “(b) ‘Police officer’ has the meaning given that term in ORS
12 181A.355.”

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