

Requested by Representative HERNANDEZ

**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 request for proof of payment, to determine**  
3 **whether a person has paid user charges, fees or tolls imposed by a**  
4 **mass transit district under ORS 267.320, may be made only by an**  
5 **enforcement officer as defined in ORS 153.005, or another authorized**  
6 **district employee, who is not a peace officer.**

7 **“(b) A peace officer may not check for an arrest warrant for a**  
8 **person who has committed, or who is suspected of committing, only**  
9 **the offense of:**

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

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

14 **“(2) Nothing in this section prohibits a peace officer from:**

15 **“(a) Assisting in identifying a person, or conducting any authorized**  
16 **activities reasonably related to the issuance of a citation, once an**  
17 **enforcement officer or another authorized district employee has rea-**  
18 **sonable suspicion that the person has violated an ordinance of a mass**  
19 **transit district related to payment of user charges, fees or tolls;**

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

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

3       **“(d) Intervening in any situation in which the safety of any person**  
4 **is at risk.**

5       **“(3) A mass transit district is immune from liability for any claim**  
6 **for injury to or death of any person, or injury to property, resulting**  
7 **from a peace officer’s nonparticipation in a fare enforcement mission**  
8 **as required by this section.**

9       **“(4) As used in this section:**

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

13       **“(b) ‘Peace officer’ has the meaning given that term in ORS**  
14 **133.005.”.**

15

---