

FIRST REGULAR SESSION

# HOUSE BILL NO. 857

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE STREAM.

2000L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 70.441, RSMo, and to enact in lieu thereof one new section relating to reimbursing bi-state development agency for the reasonable costs attributable to investigating and prosecuting fare evasion offenses, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 70.441, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 70.441, to read as follows:

70.441. 1. As used in this section, the following terms have the following meanings:

(1) "Agency", the bi-state development agency created by compact under section 70.370;

(2) "Conveyance" includes bus, paratransit vehicle, rapid transit car or train, locomotive, or other vehicle used or held for use by the agency as a means of transportation of passengers;

(3) "Facilities" includes all property and equipment, including, without limitation, rights-of-way and related trackage, rails, signals, power, fuel, communication and ventilation systems, power plants, stations, terminals, signage, storage yards, depots, repair and maintenance shops, yards, offices, parking lots and other real estate or personal property used or held for or incidental to the operation, rehabilitation or improvement of any public mass transportation system of the agency;

(4) "Person", any individual, firm, copartnership, corporation, association or company;

and

(5) "Sound production device" includes, but is not limited to, any radio receiver, phonograph, television receiver, musical instrument, tape recorder, cassette player, speaker device and any sound amplifier.

2. In interpreting or applying this section, the following provisions shall apply:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (1) Any act otherwise prohibited by this section is lawful if specifically authorized by  
18 agreement, permit, license or other writing duly signed by an authorized officer of the agency or  
19 if performed by an officer, employee or designated agent of the agency acting within the scope  
20 of his or her employment or agency;

21 (2) Rules shall apply with equal force to any person assisting, aiding or abetting another,  
22 including a minor, in any of the acts prohibited by the rules or assisting, aiding or abetting  
23 another in the avoidance of any of the requirements of the rules; and

24 (3) The singular shall mean and include the plural; the masculine gender shall mean the  
25 feminine and the neuter genders; and vice versa.

26 3. (1) No person shall use or enter upon the light rail conveyances of the agency without  
27 payment of the fare or other lawful charges established by the agency. Any person on any such  
28 conveyance must have properly validated fare media in his possession. This ticket must be valid  
29 to or from the station the passenger is using, and must have been used for entry for the trip then  
30 being taken;

31 (2) No person shall use any token, pass, badge, ticket, document, transfer, card or fare  
32 media to gain entry to the facilities or conveyances of, or make use of the services of, the agency,  
33 except as provided, authorized or sold by the agency and in accordance with any restriction on  
34 the use thereof imposed by the agency;

35 (3) No person shall enter upon parking lots designated by the agency as requiring  
36 payment to enter, either by electronic gate or parking meters, where the cost of such parking fee  
37 is visibly displayed at each location, without payment of such fees or other lawful charges  
38 established by the agency;

39 (4) Except for employees of the agency acting within the scope of their employment, no  
40 person shall sell, provide, copy, reproduce or produce, or create any version of any token, pass,  
41 badge, ticket, document, transfer, card or any other fare media or otherwise authorize access to  
42 or use of the facilities, conveyances or services of the agency without the written permission of  
43 an authorized representative of the agency;

44 (5) No person shall put or attempt to put any paper, article, instrument or item, other than  
45 a token, ticket, badge, coin, fare card, pass, transfer or other access authorization or other fare  
46 media issued by the agency and valid for the place, time and manner in which used, into any fare  
47 box, pass reader, ticket vending machine, parking meter, parking gate or other fare collection  
48 instrument, receptacle, device, machine or location;

49 (6) Tokens, tickets, fare cards, badges, passes, transfers or other fare media that have  
50 been forged, counterfeited, imitated, altered or improperly transferred or that have been used in  
51 a manner inconsistent with this section shall be confiscated;

52 (7) No person may perform any act which would interfere with the provision of transit  
53 service or obstruct the flow of traffic on facilities or conveyances or which would in any way  
54 interfere or tend to interfere with the safe and efficient operation of the facilities or conveyances  
55 of the agency;

56 (8) All persons on or in any facility or conveyance of the agency shall:

57 (a) Comply with all lawful orders and directives of any agency employee acting within  
58 the scope of his employment;

59 (b) Obey any instructions on notices or signs duly posted on any agency facility or  
60 conveyance; and

61 (c) Provide accurate, complete and true information or documents requested by agency  
62 personnel acting within the scope of their employment and otherwise in accordance with law;

63 (9) No person shall falsely represent himself or herself as an agent, employee or  
64 representative of the agency;

65 (10) No person on or in any facility or conveyance shall:

66 (a) Litter, dump garbage, liquids or other matter, or create a nuisance, hazard or  
67 unsanitary condition, including, but not limited to, spitting and urinating, except in facilities  
68 provided;

69 (b) Drink any alcoholic beverage or possess any opened or unsealed container of  
70 alcoholic beverage, except on premises duly licensed for the sale of alcoholic beverages, such  
71 as bars and restaurants;

72 (c) Enter or remain in any facility or conveyance while his ability to function safely in  
73 the environment of the agency transit system is impaired by the consumption of alcohol or by the  
74 taking of any drug;

75 (d) Loiter or stay on any facility of the agency;

76 (e) Consume foods or liquids of any kind, except in those areas specifically authorized  
77 by the agency;

78 (f) Smoke or carry an open flame or lighted match, cigar, cigarette, pipe or torch, except  
79 in those areas or locations specifically authorized by the agency; or

80 (g) Throw or cause to be propelled any stone, projectile or other article at, from, upon  
81 or in a facility or conveyance;

82 (11) No weapon or other instrument intended for use as a weapon may be carried in or  
83 on any facility or conveyance, except for law enforcement personnel. For the purposes hereof,  
84 a weapon shall include, but not be limited to, a firearm, switchblade knife, sword, or any  
85 instrument of any kind known as blackjack, billy club, club, sandbag, metal knuckles, leather  
86 bands studded with metal, wood impregnated with metal filings or razor blades; except that this  
87 subdivision shall not apply to a rifle or shotgun which is unloaded and carried in any enclosed

88 case, box or other container which completely conceals the item from view and identification as  
89 a weapon;

90 (12) No explosives, flammable liquids, acids, fireworks or other highly combustible  
91 materials or radioactive materials may be carried on or in any facility or conveyance, except as  
92 authorized by the agency;

93 (13) No person, except as specifically authorized by the agency, shall enter or attempt  
94 to enter into any area not open to the public, including, but not limited to, motorman's cabs,  
95 conductor's cabs, bus operator's seat location, closed-off areas, mechanical or equipment rooms,  
96 concession stands, storage areas, interior rooms, tracks, roadbeds, tunnels, plants, shops, barns,  
97 train yards, garages, depots or any area marked with a sign restricting access or indicating a  
98 dangerous environment;

99 (14) No person may ride on the roof, the platform between rapid transit cars, or on any  
100 other area outside any rapid transit car or bus or other conveyance operated by the agency;

101 (15) No person shall extend his hand, arm, leg, head or other part of his or her person  
102 or extend any item, article or other substance outside of the window or door of a moving rapid  
103 transit car, bus or other conveyance operated by the agency;

104 (16) No person shall enter or leave a rapid transit car, bus or other conveyance operated  
105 by the agency except through the entrances and exits provided for that purpose;

106 (17) No animals may be taken on or into any conveyance or facility except the following:

107 (a) An animal enclosed in a container, accompanied by the passenger and carried in a  
108 manner which does not annoy other passengers; and

109 (b) Working dogs for law enforcement agencies, agency dogs on duty, dogs properly  
110 harnessed and accompanying blind or hearing-impaired persons to aid such persons, or dogs  
111 accompanying trainers carrying a certificate of identification issued by a dog school;

112 (18) No vehicle shall be operated carelessly, or negligently, or in disregard of the rights  
113 or safety of others or without due caution and circumspection, or at a speed in such a manner as  
114 to be likely to endanger persons or property on facilities of the agency. The speed limit on  
115 parking lots and access roads shall be posted as fifteen miles per hour unless otherwise  
116 designated.

117 4. (1) Unless a greater penalty is otherwise provided by the laws of the state, any  
118 violation of this section shall constitute a misdemeanor, and any person committing a violation  
119 thereof shall be subject to arrest and, upon conviction in a court of competent jurisdiction, shall  
120 pay a fine in an amount not less than twenty-five dollars and no greater than two hundred fifty  
121 dollars per violation, in addition to court costs. Any default in the payment of a fine imposed  
122 pursuant to this section without good cause shall result in imprisonment for not more than thirty  
123 days;

124 (2) Unless a greater penalty is provided by the laws of the state, any person convicted  
125 a second or subsequent time for the same offense under this section shall be guilty of a  
126 misdemeanor and sentenced to pay a fine of not less than fifty dollars nor more than five hundred  
127 dollars in addition to court costs, or to undergo imprisonment for up to sixty days, or both such  
128 fine and imprisonment;

129 (3) Any person failing to pay the proper fare, fee or other charge for use of the facilities  
130 and conveyances of the agency shall be subject to payment of such charge as part of the judgment  
131 against the violator. All proceeds from judgments for unpaid fares or charges shall be directed  
132 to the appropriate agency official;

133 (4) All juvenile offenders violating the provisions of this section shall be subject to the  
134 jurisdiction of the juvenile court as provided in chapter 211;

135 (5) As used in this section, the term "conviction" shall include all pleas of guilty and  
136 findings of guilt.

137 **5. Any person who is convicted, pleads guilty, or pleads nolo contendere for failing**  
138 **to pay the proper fare, fee, or other charge for the use of the facilities and conveyances of**  
139 **the bi-state development agency, as described in subdivision (3) of subsection 4 of this**  
140 **section, shall, in addition to the unpaid fares or charges and any fines, penalties, or**  
141 **sentences imposed by law, shall be required to reimburse the reasonable costs attributable**  
142 **to the enforcement, investigation, and prosecution of such offense by the bi-state**  
143 **development agency. The court shall direct the reimbursement proceeds to the appropriate**  
144 **agency official.**

145 **6. (1) Stalled or disabled vehicles may be removed from the roadways of the agency**  
146 **property by the agency and parked or stored elsewhere at the risk and expense of the owner;**

147 (2) Motor vehicles which are left unattended or abandoned on the property of the agency  
148 for a period of over seventy-two hours may be removed as provided for in section 304.155,  
149 except that the removal may be authorized by personnel designated by the agency under section  
150 70.378.