

HB 4097 B STAFF MEASURE SUMMARY**Carrier:** Sen. Dembrow**Senate Committee On Judiciary****Action Date:** 02/25/20**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 4-0-0-3**Yeas:** 4 - Dembrow, Gelser, Manning Jr, Prozanski**Abs:** 3 - Linthicum, Olsen, Thatcher**Fiscal:** No fiscal impact**Revenue:** No revenue impact**Prepared By:** Michael Lantz, Counsel**Meeting Dates:** 2/24, 2/25**WHAT THE MEASURE DOES:**

Prohibits police officers from requesting proof of fare payment or checking for an arrest warrant for person suspected of failing to pay or failing to provide proof of payment of fare imposed by mass transit district. Authorizes police officer to assist in the identification of a person or issuance of a citation, if non-police officer mass transit district employee reasonably suspects that a person has violated a district fare ordinance. Clarifies that police officer may be present on district property or vehicle, may enforce any law not related to the payment of fares, and may intervene in any situation in which the safety of any person is at risk. Provides mass transit district with immunity from liability for claims arising from a police officer's nonenforcement of fare ordinances.

ISSUES DISCUSSED:

- Concerns about disparities in fare enforcement
- Overview of TriMet's use of police officers
- Potential effects on current fare enforcement efforts

EFFECT OF AMENDMENT:

Replaces measure.

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-B prohibits police officers from participating in certain fare enforcement duties, clarifies what support police officers can provide on mass transit district vehicles and property, and provides districts with immunity from civil liability for claims arising from a police officer's nonenforcement of fare ordinances.