

Requested by SENATE COMMITTEE ON JUDICIARY

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

1 In line 2 of the printed A-engrossed bill, after “districts” insert “; creating
2 new provisions; and amending ORS 267.150”.

3 Delete lines 4 through 14 and insert:

4 **“SECTION 1.** ORS 267.150 is amended to read:

5 “267.150. (1) The legislative authority of a district board shall be exercised
6 by ordinance.

7 “(2) The board may enact police ordinances relating to the protection, use
8 and enjoyment of district property and facilities. A district may appoint
9 peace officers who shall have the same authority as other peace officers,
10 except that such authority shall be limited to the enforcement of police or-
11 dinances of the district and the enforcement, for purposes relating to the
12 protection, use and enjoyment of district property and facilities, of state and
13 local laws.

14 **“(3) The general manager of a district may appoint enforcement**
15 **officers who are authorized to enforce the police ordinances of the**
16 **district but not state or other local law. Enforcement officers are**
17 **authorized to issue citations for violations of ordinances that the dis-**
18 **trict has elected to treat as Class A, B, C or D violations under ORS**
19 **153.025, but enforcement officers may not be peace officers.**

20 “[3] (4) The board may, by ordinance, provide a procedure for the con-
21 duct of public hearings on proposed changes in transit routes and schedules.

1 The board may delegate to the general manager or other administrative of-
2 ficer the authority to conduct such hearings.

3 “[~~4~~] (5) An ordinance shall not be required for a mass transit district
4 to adopt temporary or experimental changes in routes and schedules.

5 **“SECTION 2. Section 3 of this 2020 Act is added to and made a part
6 of ORS 267.010 to 267.394.**

7 **“SECTION 3. (1) A request for proof of payment, to determine
8 whether a person has paid user charges, fees or tolls imposed by the
9 district under ORS 267.320, may only be made by an enforcement offi-
10 cer appointed under ORS 267.150 or another authorized district em-
11 ployee who is not a peace officer.**

12 **“(2) A peace officer present during a fare enforcement mission may
13 not check for an arrest warrant for a person who has only committed,
14 or who is only suspected of committing, the offense of:**

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

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

19 **“(3) Nothing in this section prohibits a peace officer from conduct-
20 ing other law enforcement activities, including but not limited to:**

21 **“(a) Assisting in identifying a person, or conducting any authorized
22 activities reasonably related to the investigation, once an enforcement
23 officer or other authorized district employee has reasonable suspicion
24 that the person has violated an ordinance of the district related to
25 payment of user charges, fees or tolls.**

26 **“(b) Investigating the fraudulent use or sale of an instrument used
27 for the payment of user charges, fees or tolls imposed by the district
28 under ORS 267.320.**

29 **“(c) Investigating whether a person is presently excluded from ac-
30 cessing the property or vehicles of a district under the ordinances of**

1 the district, or enforcing the exclusion.

2 “(d) Being physically present when an enforcement officer or other
3 authorized district employee requests proof of payment.

4 “(e) Responding to a request for assistance from an enforcement
5 officer or any other agent of the district.

6 “(f) Investigating or enforcing the violation of any laws or ordi-
7 nances that do not require the peace officer to determine whether a
8 person has paid user charges, fees or tolls imposed by the district un-
9 der ORS 267.320.

10 “(4) A district is immune from liability for any claim for injury to
11 or death of any person, or injury to property, resulting from a peace
12 officer’s nonparticipation in requesting proof of payment as required
13 by this section. The state shall defend, indemnify and hold harmless
14 a district with respect to any claim for injury to or death of any per-
15 son, or injury to property, resulting from a peace officer’s nonpartic-
16 ipation in requesting proof of payment as required by this section.

17 “(5) As used in this section:

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

21 “(b) ‘Peace officer’ has the meaning given that term in ORS
22 133.005.”.

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