

CHAPTER 55

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 98-1026

BY REPRESENTATIVES June, Hagedorn, Nichol, and Udall;
also SENATOR Powers.

AN ACT

CONCERNING THE THEFT OF PUBLIC TRANSPORTATION SERVICES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 4 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 8
THEFT OF PUBLIC TRANSPORTATION SERVICES**

18-4-801. Definitions. AS USED IN THIS PART 8, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "PROOF OF PRIOR FARE PAYMENT" MEANS:

(a) A TRANSIT PASS VALID FOR THE DAY AND TIME OF USE;

(b) A RECEIPT SHOWING PAYMENT OF THE APPLICABLE FARE FOR USE OF A PUBLIC TRANSPORTATION VEHICLE DURING THE DAY AND TIME SPECIFIED IN THE RECEIPT; OR

(c) A PREPAID TICKET OR SERIES OF TICKETS SHOWING CANCELLATION BY A PUBLIC TRANSPORTATION ENTITY USED WITHIN THE DAY AND TIME SPECIFIED IN THE TICKET.

(2) "PUBLIC TRANSPORTATION ENTITY" MEANS A MASS TRANSIT DISTRICT, MASS TRANSIT AUTHORITY, OR ANY OTHER PUBLIC ENTITY AUTHORIZED UNDER THE LAWS OF THIS STATE TO PROVIDE MASS TRANSPORTATION SERVICES TO THE GENERAL PUBLIC.

(3) "PUBLIC TRANSPORTATION VEHICLE" MEANS A BUS, TRAIN, LIGHT RAIL

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

VEHICLE, OR ANY OTHER MODE OF TRANSPORTATION USED BY A PUBLIC TRANSPORTATION ENTITY TO PROVIDE TRANSPORTATION SERVICES TO THE GENERAL PUBLIC.

(4) "TRANSIT PASS" MEANS ANY PASS, COUPON, TRANSFER, CARD, IDENTIFICATION, TOKEN, TICKET, OR OTHER DOCUMENT, WHETHER ISSUED BY A PUBLIC TRANSPORTATION ENTITY OR ISSUED BY AN EMPLOYER TO EMPLOYEES PURSUANT TO AN AGREEMENT WITH A PUBLIC TRANSPORTATION ENTITY, USED TO OBTAIN PUBLIC TRANSPORTATION SERVICES.

18-4-802. Theft of public transportation services by fare evasion. (1) A PERSON COMMITS THEFT OF PUBLIC TRANSPORTATION SERVICES BY FARE EVASION IF SUCH PERSON EITHER OCCUPIES, RIDES IN, OR USES A PUBLIC TRANSPORTATION VEHICLE WITHOUT PAYING THE APPLICABLE FARE.

(2) NO PERSON SHALL OCCUPY, RIDE IN, OR USE A PUBLIC TRANSPORTATION VEHICLE WITHOUT POSSESSION OF PROOF OF PRIOR FARE PAYMENT. SUCH PROOF OF PRIOR FARE PAYMENT SHALL BE PRESENTED UPON DEMAND OF A PEACE OFFICER OR AN EMPLOYEE OR AGENT OF A PUBLIC TRANSPORTATION ENTITY.

(3) ANY VIOLATION OF THIS SECTION IS A CLASS 2 PETTY OFFENSE AND SHALL BE PUNISHABLE BY A FINE NOT TO EXCEED ONE HUNDRED DOLLARS.

SECTION 2. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to all offenses committed on or after the applicable effective date of this act.

Approved: April 2, 1998