

HOUSE**AMENDMENT NO. _____****Offered by _____****of _____**

1 AMEND House Committee Substitute for Senate Substitute for Senate
 2 Committee Substitute for Senate Bill No. 58, Page 1, Section A,
 3 Line 5, by inserting after all of said line the following:

4 "70.441. 1. As used in this section, the following terms
 5 have the following meanings:

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

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

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

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

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

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

28 (1) Any act otherwise prohibited by this section is lawful
 29 if specifically authorized by agreement, permit, license or other

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1 writing duly signed by an authorized officer of the agency or if
2 performed by an officer, employee or designated agent of the
3 agency acting within the scope of his or her employment or
4 agency;

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

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

13 3. (1) No person shall use or enter upon the light rail
14 conveyances of the agency without payment of the fare or other
15 lawful charges established by the agency. Any person on any such
16 conveyance must have properly validated fare media in his
17 possession. This ticket must be valid to or from the station the
18 passenger is using, and must have been used for entry for the
19 trip then being taken;

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

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

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

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

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

13 (7) No person may perform any act which would interfere
14 with the provision of transit service or obstruct the flow of
15 traffic on facilities or conveyances or which would in any way
16 interfere or tend to interfere with the safe and efficient
17 operation of the facilities or conveyances of the agency;

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (11) No weapon or other instrument intended for use as a
14 weapon may be carried in or on any facility or conveyance, except
15 for law enforcement personnel. For the purposes hereof, a weapon
16 shall include, but not be limited to, a firearm, switchblade
17 knife, sword, or any instrument of any kind known as blackjack,
18 billy club, club, sandbag, metal knuckles, leather bands studded
19 with metal, wood impregnated with metal filings or razor blades;
20 except that this subdivision shall not apply to a rifle or
21 shotgun which is unloaded and carried in any enclosed case, box
22 or other container which completely conceals the item from view
23 and identification as a weapon;

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

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

36 (14) No person may ride on the roof, the platform between
37 rapid transit cars, or on any other area outside any rapid

1 transit car or bus or other conveyance operated by the agency;

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

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

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

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

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

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

26 4. (1) Unless a greater penalty is otherwise provided by
27 the laws of the state, any violation of this section shall
28 constitute a misdemeanor, and any person committing a violation
29 thereof shall be subject to arrest and, upon conviction in a
30 court of competent jurisdiction, shall pay a fine in an amount
31 not less than twenty-five dollars and no greater than two hundred
32 fifty dollars per violation, in addition to court costs. Any
33 default in the payment of a fine imposed pursuant to this section
34 without good cause shall result in imprisonment for not more than
35 thirty days;

36 (2) Unless a greater penalty is provided by the laws of the
37 state, any person convicted a second or subsequent time for the

1 same offense under this section shall be guilty of a misdemeanor
2 and sentenced to pay a fine of not less than fifty dollars nor
3 more than five hundred dollars in addition to court costs, or to
4 undergo imprisonment for up to sixty days, or both such fine and
5 imprisonment;

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

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

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

17 5. Any person who is convicted, pleads guilty, or pleads
18 nolo contendere for failing to pay the proper fare, fee, or other
19 charge for the use of the facilities and conveyances of the bi-
20 state development agency, as described in subdivision (3) of
21 subsection 4 of this section, shall, in addition to the unpaid
22 fares or charges and any fines, penalties, or sentences imposed
23 by law, shall be required to reimburse the reasonable costs
24 attributable to the enforcement, investigation, and prosecution
25 of such offense by the bi-state development agency. The court
26 shall direct the reimbursement proceeds to the appropriate agency
27 official.

28 6. (1) Stalled or disabled vehicles may be removed from
29 the roadways of the agency property by the agency and parked or
30 stored elsewhere at the risk and expense of the owner;

31 (2) Motor vehicles which are left unattended or abandoned
32 on the property of the agency for a period of over seventy-two
33 hours may be removed as provided for in section 304.155, except
34 that the removal may be authorized by personnel designated by the
35 agency under section 70.378."; and

36 Further amend said title, enacting clause and intersectional
37 references accordingly.