

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE BILL 1787*

Short Title: Charlotte Area Transit System. (Local)

Sponsors: Senators Clodfelter; Dannelly, Goodall, Graham, and Pittenger.

Referred to: State and Local Government.

May 24, 2006

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH PUBLIC SAFETY AND PROOF OF FARE PAYMENT
3 OFFENSES FOR RAPID TRANSIT SERVICES WITHIN THE CITY OF
4 CHARLOTTE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Chapter 7 of the Charter of the City of Charlotte, being S.L.
7 2000-26, as amended, is amended by adding the following new Article to read:

8 "ARTICLE VIII. RAPID TRANSIT SERVICES.

9 "Section 7.110. **Public Safety Offenses.** In addition to any other applicable laws or
10 ordinances, G.S. 14-278, 14-279, 14-279.1, 14-280, 14-280.1, and 14-281 shall apply to
11 rapid transit services within the City of Charlotte, including busways, commuter rail
12 systems, light rail systems, and streetcar systems.

13 "Section 7.111. **Proof of Fare Payment.** In addition to any other applicable laws or
14 ordinances, it shall be unlawful for any person to fail to provide proof of fare payment
15 while upon rapid transit services within the City of Charlotte, including busways,
16 commuter rail systems, light rail systems, and streetcar systems, when proof is
17 requested by an authorized employee of the City, an authorized agent of the City, or a
18 peace officer. Any person convicted of violating this section shall be guilty of a Class 3
19 misdemeanor. An authorized employee of the City, authorized agent of the City, or
20 peace officer who detains or causes the arrest of a person who fails to provide proof of
21 fare payment upon request shall not be held civilly liable for the detention, malicious
22 prosecution, false imprisonment, or false arrest of the person detained or arrested if the
23 detention or arrest is: (i) upon a rapid transit vehicle or in reasonable proximity of a
24 rapid transit station; (ii) conducted in a reasonable manner for a reasonable length of
25 time; and (iii) based upon probable cause that the person committed the offense alleged.
26 If the person being detained or arrested is a minor under the age of 18, the authorized
27 employee, authorized agent, or peace officer shall call or notify, or make a reasonable
28 effort to call or notify, the parent or guardian of the minor during the period of detention
29 or arrest. An authorized employee of the City, authorized agent of the City, or peace

1 officer who makes a reasonable effort to call or notify the parent or guardian of a minor
2 child under this section shall not be held civilly liable for the failure to call or notify the
3 parent or guardian."

4 **SECTION 2.** This act is effective when it becomes law.