

A BILL

22-408

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA



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To amend the Omnibus Public Safety and Justice Amendment Act of 2009 to provide that fare evasion does not constitute unlawful entry of a motor vehicle; to amend the District of Columbia Theft and White Collar Crimes Act of 1982 to provide that fare evasion does not constitute theft; to amend the Act to Regulate Public Conduct on Public Passenger Vehicles to clarify unlawful conduct on passenger vehicles, and to decriminalize and modify the penalties for fare evasion and other unlawful conduct on passenger vehicles.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fare Evasion Decriminalization Amendment Act of 2018".

Sec. 2. Section 102 of the Omnibus Public Safety and Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88; D.C. Official Code § 22-1341), is amended by adding a new subsection (d) to read as follows:

“(d) A violation of section 3 of the Act to Regulate Public Conduct on Public Passenger Vehicles, effective February 22, 1978 (D.C. Law 2-40; D.C. Official Code § 35-252), shall not constitute a violation of this section.”.

Sec. 3. Section 111 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3211), is amended by adding a new subsection (d) to read as follows:

29 “(d) A violation of section 3 of the Act to Regulate Public Conduct on Public Passenger
30 Vehicles, effective February 22, 1978 (D.C. Law 2-40; D.C. Official Code § 35-252), shall not
31 constitute a violation of this section.”.

32 Sec. 4. The Act to Regulate Public Conduct on Public Passenger Vehicles, effective
33 September 23, 1975 (D.C. Law 1-18; codified in scattered cites of the D.C. Official Code), is
34 amended as follows:

35 (a) Section 2 (D.C. Official Code § 35-251) is amended as follows:

36 (1) Subsection (a) is amended by striking the phrase “Authority;” and inserting
37 the phrase “Authority (“WMATA”);” in its place.

38 (2) Subsection (b) is amended to read as follows:

39 “(b) It is unlawful for any person, either while aboard a public passenger vehicle for hire
40 with a capacity for seating 12 or more passengers, including vehicles owned or operated by
41 WMATA; or while aboard a rail transit car owned or operated by WMATA; or while within a
42 rail transit station owned or operated by WMATA, to:

43 “(1) Smoke or carry a lighted or smoldering pipe, cigar, or cigarette;

44 “(2) Consume food or beverages;

45 “(3) Spit;

46 “(4) Discard litter;

47 “(5) Play any radio, musical instrument, or similar device, unless it is connected
48 to an earphone that limits the sound to the individual user;

49 “(6) Carry any flammable or combustible liquids, explosives, acids, or similar
50 item inherently dangerous or offensive to others;

51 “(7) Carry any animals, except for guide dogs properly harnessed and small
52 animals properly contained;

53 “(8) Stand in front of the line marked on the forward end of the floor of any bus or
54 otherwise conduct themselves in such a manner as to obstruct the vision of the operator;

55 “(9) Operate or chain to any fence, tree, railing, or other structure not specifically
56 designated for such use, skateboards, rollerblades, roller skates, non-motorized scooters,
57 bicycles, tricycles, or unicycles; or

58 “(10) Park, operate, carry, wheel, or chain to any fence, tree, railing, or other
59 structure not specifically designated for such use, mopeds, motorbikes, or any similar vehicle.”.

60 (3) Subsection (c) is amended by striking the phrase “car which is transporting
61 passengers within the District of Columbia,” and inserting the phrase “car,” in its place.

62 (b) Section 3 (D.C. Official Code § 35-252) is amended to read as follows:

63 “Sec. 3. Failure to pay fare or to present valid transfer; entry by rear door prohibited.

64 “Except in emergency circumstances, no person shall knowingly:

65 “(1) Take the following actions without paying the established fare or presenting a
66 valid transfer:

67 “(A) Board a public or private passenger vehicle for hire, including
68 vehicles owned or operated by the Washington Metropolitan Area Transit Authority
69 (“WMATA”);

70 “(B) Board a rail transit car owned or operated by WMATA; or

71 “(C) Enter or leave the fare-paid area of a rail transit station owned or
72 operated by WMATA; or

73 “(2) Board a public or private passenger vehicle for hire, including vehicles
74 owned or operated by WMATA, through the rear exit door, unless so directed by an employee or
75 agent of the carrier.”.

76 (c) Section 5 (D.C. Official Code § 35-253) is amended to read as follows:

77 “Sec. 5. Penalties.

78 “(a) Except as provided in subsection (b)(1) of this section, a violation of section 2(b) or
79 section 3 shall be punishable by a civil fine of not more than \$50.

80 “(b)(1) A violation of section 2(b)(6), (c) or (d) shall be punishable by a fine of not more
81 than \$300, imprisonment of not more than 90 days, not fewer than 30 hours of community
82 service, or a combination of any 2 penalties, except that imprisonment and community service
83 shall not be imposed together.

84 “(2) The fine set forth in this subsection shall not be limited by section 101 of the
85 Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-
86 317; D.C. Official Code § 2-3571.01 *et seq.*).

87 “(3) All prosecutions under this subsection shall be brought by the Attorney
88 General for the District of Columbia.”.

89 Sec. 5. Fiscal impact statement.

90 The Council adopts the fiscal impact statement in the committee report as the fiscal
91 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
92 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

93 Sec. 6. Effective date.

94 This act shall take effect following approval by the Mayor (or in the event of veto by the
95 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
96 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
97 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
98 Columbia Register.