

2015 -- H 5366

LC000824

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO CRIMINAL OFFENSES

Introduced By: Representatives Amore, Casey, Corvese, Giarrusso, and Melo

Date Introduced: February 11, 2015

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-36-10 and 11-36-12 of the General Laws in Chapter 11-36
2 entitled "Railroads and Carriers" are hereby amended to read as follows:

3 **11-36-10. Evasion of payment of fare. --** Every person who shall fraudulently evade or
4 attempt to evade the payment of any fare, rate or toll lawfully established by any railroad
5 company, or a street railway company, or a toll bridge company, or by the owners or charterers of
6 any steamboat or ferryboat, or by any steamship company, or by any owner or operator of a
7 motor bus holding a certificate from the public utility commission, or by the Rhode Island public
8 transit authority, either by giving a false answer to the collector of the fare, rate, or toll, ~~or by~~
9 ~~presenting for his or her fare, rate, or toll a ticket good only for the transportation of another~~
10 ~~person,~~ or by traveling beyond the point to which he or she may have paid his or her fare, rate, or
11 toll, or by leaving the train, car, bridge, steamboat, ferryboat, or steamship without having paid
12 the fair, rate, or toll established for the distance traveled, or otherwise, shall be fined ~~twenty~~
13 ~~dollars (\$20.00)~~ one hundred dollars (\$100) for each offense.

14 **11-36-12. ~~Profiteering on tickets. --~~ Profiteering on tickets or passes. --** (a) No person
15 shall resell or offer for resale a ticket, ~~or tickets,~~ or passes for passage of a person on a common
16 carrier at an increase in price in excess of one dollar (\$1.00) over the established rate for the
17 passage and, whenever the resale is completed, the seller shall give to the purchaser a receipt
18 indicating the amount paid for the ticket or tickets.

19 (b) No person who received a ticket or pass for transportation upon a common carrier for

1 free or at a reduced price due to their participation in a state or federal program shall sell or
2 otherwise transfer, with or without consideration, to another the ticket or pass intended for their
3 use.

4 (c) Any person found guilty of violating the provisions of this section shall be fined not
5 more than five hundred dollars (\$500) or imprisoned for more than six (6) months, or both.

6 SECTION 2. Section 11-41-4 of the General Laws in Chapter 11-41 entitled "Theft,
7 Embezzlement, False Pretenses, and Misappropriation" is hereby amended to read as follows:

8 **11-41-4. Obtaining property by false pretenses or personation.** -- Every person who
9 shall obtain from another designedly, by any false pretense or pretenses, any money, services,
10 goods, wares, or other property, with intent to cheat or defraud, and every person who shall
11 personate another or who shall falsely represent himself or herself to be the agent or servant of
12 another and shall receive any money or other property intended to be delivered to the person so
13 personated, or to the alleged principal or master of that agent or servant, shall be deemed guilty of
14 larceny.

15 SECTION 3. Chapter 11-36 of the General Laws entitled "Railroads and Carriers" is
16 hereby amended by adding thereto the following sections:

17 **11-36-10.1. Evasion of payment of fare by fraud or deceit.** -- (a) Every person who
18 shall fraudulently evade or attempt to evade the payment of any fare, rate or toll lawfully
19 established by any railroad company, or a street railway company, or a toll bridge company, or by
20 the owners or charterers of any steamboat or ferryboat, or by any steamship company, or by any
21 owner or operator of a motor bus holding a certificate from the public utility commission, or by
22 the Rhode Island public transit authority, by presenting for his or her fare, rate, or toll a ticket
23 good only for the transportation of another person, or by utilizing a transponder or other device
24 intended to be used for payment for which they have no right to possess shall be fined not more
25 than five hundred dollars (\$500) or imprisoned for more than six (6) months, or both.

26 (b) A person convicted of and/or pleading nolo contendere to three (3) or more instances
27 of evading payment to the Rhode Island public transit authority or another carrier pursuant to the
28 provisions of §§ 11-36-10 and/or 11-36-10.1 may have their privilege to use the services of the
29 Rhode Island public transit authority or other carrier revoked.

30 **11-36-10.2. Possession, sale, distribution, and advertising of transit passes.** -- Any
31 person who willfully and knowingly possesses, sells, distributes, or places in any publication any
32 advertisement of a transit pass not intended for resale or transfer to another person, shall be fined
33 not more than five hundred dollars (\$500) or imprisoned for not more than six (6) months, or
34 both.

1 SECTION 4. Chapter 11-44 of the General Laws entitled "Trespass and Vandalism" is
2 hereby amended by adding thereto the following section:

3 **11-44-33. Trespass upon premises of a public carrier. --** (a) Every person who
4 willfully trespasses and remains upon the land, premises or other property owned or operated by a
5 public carrier who has had their privilege to ride upon that carrier revoked by the court pursuant
6 to the provisions of § 11-36-10.1(b) or by the person having control over the property, shall be
7 punished by a fine not exceeding five hundred dollars (\$500).

8 (b) "Property" as used in this section includes any vehicle used, operated or licensed
9 under agreement with another party for the purpose of transporting persons within the state.

10 SECTION 5. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would strengthen the criminal laws addressing persons who seek to avoid the
- 2 proper payment of fares for mass transit.
- 3 This act would take effect upon passage.

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