

CHAPTER 87

PROOF OF PAYMENT

N.J.S.A. 27:25-5(e) and (n), 27:25-15.1, 15.1(a), and P.L. 1997, c.357, specifically § 9 (N.J.S.A. 27:25-5.14).

Source and Effective Date

R.1998 d.508, effective October 19, 1998.
See: 30 N.J.R. 2605(a), 30 N.J.R. 3854(b).

Executive Order No. 66(1978) Expiration Date

Chapter 87, Proof of Payment, expires on October 19, 2003.

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SUBCHAPTER 1. GENERAL PROVISIONS

16:87-1.1 Purpose

The New Jersey Transit Corporation (NJ TRANSIT) and its subsidiaries are responsible for the provision of rail and bus services in the State of New Jersey. NJ TRANSIT, pursuant to N.J.S.A. 27:25-5(n), is authorized to set and collect fares for the services it or its contractors provide to the riding public. Prior to the enactment of N.J.S.A. 27:25-5.6 et seq. and promulgation of this chapter, if a rider refused to pay the proper fare, the only recourse NJ TRANSIT has had was to eject the person from the rail car and/or file a municipal court complaint alleging theft of services in violation of Title 2C of the New Jersey Criminal Code. This process was expensive and time consuming requiring the arresting officer and/or the conductor to appear in court over a dispute involving a small amount of money. In order to provide NJ TRANSIT with a more effective and efficient way of ensuring that NJ TRANSIT fares are paid by its riders of rail services, P.L. 1997 c.357 (N.J.S.A. 27:25-5.6 et seq.) was signed into law on January 15, 1998 by Governor Whitman. P.L. 1997 c.357 establishes a specific statutory

framework for dealing with fare evasion on rail passenger services operated by or under contract with NJ TRANSIT. The purpose of this chapter is to effectuate the purposes of the Act.

16:87-1.2 Definitions

The following words and terms as used in this chapter shall have the following meanings:

“Act” means the provisions of P.L. 1997, c.357 (N.J.S.A. 27:25-5.6 et seq.).

“Authorized employee” means an employee of a provider of rail passenger service authorized by the provider of rail passenger service to request and inspect proof of payment of the prescribed fare from persons using rail passenger service.

“Fare enforcement officer” means an employee of NJ TRANSIT, appointed pursuant to section 7 of the Act (N.J.S.A. 27:25-5.12), authorized to enforce the provisions of the Act and this chapter by requesting and inspecting proof of payment of the prescribed fare from persons using rail passenger services when proof of payment is required, and by signing and issuing a complaint and summons to any person for a violation of the provisions of the Act, or this chapter, regardless of whether the rail passenger service is operated by the corporation or by a public or private entity under contract to NJ TRANSIT. A fare enforcement officer shall include a transit or other police officer, or a conductor or trainman so authorized.

“NJ TRANSIT” means the New Jersey Transit Corporation.

“Pre-paid fare area” means an area designated by a provider of rail passenger service where payment of the prescribed fare is required before entering the area.

“Proof of payment” means a ticket, pass, receipt or other article designated by a provider of rail passenger service to indicate that a passenger has paid for the use of rail passenger service.

“Provider of rail passenger service” means NJ TRANSIT or a public or private entity under contract to NJ TRANSIT to provide rail passenger service.

“Rail passenger service” means and includes the operations of a railroad, subway, street, traction or electric railway for the purpose of carrying passengers in New Jersey or between points in New Jersey and points in other states.

“Single use ticket” means the following ticket types: one-way full fare, one-way senior/disabled fare, one-way child’s fare, one-way “Downtown Fare” (\$.45 ticket which is only

valid between selected stops), individual 10-trip coupons, individual round-trip coupons, and student tickets.

“Use of rail passenger service” means the boarding, occupying, riding in, or otherwise utilizing rail passenger service for conveyance.

“Validate” means having a single use ticket electronically time-stamped by an appropriately designated machine.

SUBCHAPTER 2. PAYMENT OF FARE AND VIOLATIONS

16:87-2.1 Payment of fare

The use of a rail passenger service by a person shall constitute an agreement by the person to pay the prescribed fare for the service. A person who has paid the prescribed fare for a rail passenger service and who has been issued proof of payment therefor shall retain that proof of payment while in a prepaid fare area or on designated rail passenger facilities or vehicles. In addition, single use tickets must be properly validated in order to constitute proof of payment. Validated tickets expire two hours after validation by time-stamp. Single use tickets which have not been validated or which have time-expired do not constitute proof of payment.

16:87-2.2 Violations

(a) It shall be a violation of the Act and this chapter for any person to use or attempt to use rail passenger service or enter a pre-paid fare area and to:

1. Fail or refuse to pay the prescribed fare;
2. Fail to properly validate the proof of payment receipt by date and time-stamping any single use ticket;
3. Evade or attempt to evade payment of the prescribed fare;
4. Fail to display proof of fare payment immediately upon request of an authorized employee or fare enforcement officer; or
5. Fail to cooperate in the issuance of a complaint and summons by providing the person's name and address as well as written verification thereof. The following forms of written identification are acceptable: driver's license, student identification card, passport, military identification card, birth certificate or Medicare card.

(b) A person who uses public transportation service for which payment is required in advance or who enters a prepaid fare area and who fails to exhibit proof of fare payment upon request shall be in violation of the Act and this chapter and shall be subject to the issuance of a complaint and summons by a fare enforcement officer.

SUBCHAPTER 3. PENALTIES

16:87-3.1 Civil penalties

A violation of the provisions of the Act or this chapter shall be punishable by a civil penalty not exceeding \$100.00, in addition to court costs, enforced in a summary proceeding pursuant to “the penalty enforcement law,” N.J.S.A. 2A:58-1 et seq. The Rules Governing the Courts of the State of New Jersey shall govern the practice and procedure in such proceedings. Notwithstanding any other law to the contrary, the court shall remit 50 percent of any civil penalty imposed to NJ TRANSIT for use in furtherance of any of the purposes of the Act and 50 percent shall be forwarded to the proper financial officer of the local government entity in which the municipal or central municipal court has been established to be used by the local government entity to defray the cost of operating the court and for general government use.

16:87-3.2 Suspension of driving privileges

Any person who violates the provisions of the Act or this chapter and who fails to appear at any scheduled court proceeding after written notice has been given to said person pursuant to the Rules Governing the Courts of the State of New Jersey, may have his or her driving privileges suspended to the extent prescribed by N.J.S.A. 2B:12-31.

SUBCHAPTER 4. VENUE

16:87-4.1 Venue

A complaint for a violation of any of the provisions of the Act or this chapter may be filed with a court having jurisdiction, at any time within one year after the commission of the violation. When a person has been charged with a violation of the Act or this chapter and summoned to appear, upon failure to appear, in addition to any other provisions of law or the Rules Governing the Courts of the State of New Jersey, a warrant for the arrest of the person may be issued. All proceedings shall be venued before a municipal or central municipal court having jurisdiction in the municipality in which it is alleged that the violation occurred, but when a violation occurs on a moving conveyance operated by NJ TRANSIT or one of its contractors through two or more municipalities, then the proceeding may be brought before the court having jurisdiction in any one of the municipalities through which the conveyance has traversed.