

House Bill 1690

By: Representative Maddox of the 59<sup>th</sup>, Post 2

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 1 of Article 4 of Chapter 12 of Title 16 of the Official Code of Georgia  
2 Annotated, relating to offenses against public transportation, so as to provide for the  
3 administrative resolution of certain offenses against public transportation; to provide for  
4 certain administrative fees; to provide for referral of citations for courts of local jurisdiction  
5 for judicial determination; to provide for related matters; to repeal conflicting laws; and for  
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 1 of Article 4 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,  
10 relating to offenses against public transportation, is amended by striking Code Section  
11 16-12-120, relating to certain acts in public transit buses, rapid rail cars, or stations, and  
12 penalty, and inserting in its place the following:

13 "16-12-120.

14 (a) A person who commits or attempts to commit any of the following acts in a public  
15 transit bus, a rapid rail car, or a rapid rail station or intermodal bus station shall be guilty  
16 of a misdemeanor:

17 (1) Spits, defecates, or urinates;

18 (2) Discards litter, except into receptacles designated for that purpose;

19 (3) Smokes tobacco in any form;

20 (4) Consumes food or beverage or possesses any open food or beverage container,  
21 provided that this paragraph shall not apply to resealable bottled water beverages in  
22 resealable plastic containers, to an operator of a public transit bus at an authorized  
23 layover point, or to a person providing food or beverage to any child under age five;  
24 provided, however, that nothing in this paragraph shall preclude a public transit system  
25 operated or funded by a county, municipality, or consolidated government from  
26 prohibiting the consumption of any beverage in a public transit bus;

- 1 (5) Plays any radio; cassette, cartridge, or tape player; or similar device unless such  
2 device is connected to an earphone that limits the sound to the hearing of the individual  
3 user;
- 4 (6) Carries or possesses any explosives, acids, other dangerous articles, or live animals,  
5 except for the following:
- 6 (A) A guide dog or service dog as described in Code Section 30-4-2, provided that  
7 such guide dog or service dog is accompanied by a physically disabled person, blind  
8 person, person with visual disabilities, deaf person, or a person who is responsible for  
9 training a guide dog or service dog; and
- 10 (B) Small pets confined to rigid pet carriers with locks or latches;
- 11 (7) Obstructs, hinders, interferes with, or otherwise disrupts or disturbs the operation,  
12 operator, or passengers of a public transit bus or rapid rail car;
- 13 (8) Boards any public transit bus through the rear exit door, unless so directed by an  
14 employee or agent of the carrier;
- 15 (9) Remains aboard any public transit bus or rapid rail car after such vehicle has  
16 completed its scheduled route and passengers have been advised to exit the vehicle or  
17 remains aboard any public transit bus or rapid rail car after having been warned and after  
18 such vehicle has entered a garage or other restricted area not open to the public;
- 19 (10) Enters, exits, or passes through any emergency door of any rapid rail car or public  
20 transit bus in the absence of a bona fide emergency; or
- 21 (11) Enters the operator's cab or driver's seat of any rapid rail car or public transit bus  
22 in the absence of a bona fide emergency.
- 23 (b) Employees of a public transportation authority or carrier while at work performing the  
24 duties of their employment shall be exempted from the restrictions of paragraphs (8), (9),  
25 (10), and (11) of subsection (a) of this Code section.
- 26 (c) A person convicted of a first offense of violating subsection (a) of this Code section  
27 shall be punished by a fine of not less than \$50.00 and not more than \$100.00. Upon a  
28 second or subsequent conviction, a person shall be punished by a fine of not less than  
29 \$100.00 and not more than \$250.00 or by imprisonment for not more than ten days, or  
30 both.
- 31 (d) This Code section shall be cumulative to and shall not prohibit the enactment of any  
32 other general and local laws, rules, and regulations of state or local authorities or agencies,  
33 and local ordinances prohibiting such activities which are more restrictive than this Code  
34 section.
- 35 (e) A local authority, agency, or local government which operates a public transit system  
36 may establish procedures for the administrative disposition of violations as follows:

1 (1) A person who is cited for a violation of subsection (a) of this Code section may  
 2 submit to an administrative resolution without an admission of guilt within 30 days of  
 3 issuance of the citation upon the payment of an administrative fee in the amount of  
 4 \$50.00 to the local authority, agency, or local government which operates the public  
 5 transit system. If the person does not seek such administrative resolution of the citation  
 6 or if the person elects to plead not guilty to the citation, the citation shall be referred to  
 7 the local court of competent jurisdiction for judicial determination as a misdemeanor  
 8 charge under state law;

9 (2) Each citation issued pursuant to this subsection shall contain the following  
 10 information regarding administrative resolution of the citation:

11 (A) The identity and mailing address of the public transit authority, agency, or local  
 12 government responsible for the operation of the public transit bus, rapid rail car or rapid  
 13 rail station or intermodal bus station;

14 (B) That administrative resolution of the citation without an admission of guilt is  
 15 available to the individual cited upon payment of an administrative fee in the amount  
 16 of \$50.00 within 30 days of the date of issuance of the citation to the mailing address  
 17 of the public transit authority, agency, or local government;

18 (C) That the citation charges the person with a misdemeanor under state law and that  
 19 the person has a right to a jury trial to contest the citation and to plead not guilty; and

20 (D) That failure to seek administrative resolution within 30 days of the date of issuance  
 21 of the citation shall result in the referral of the citation to a court of competent  
 22 jurisdiction, where the person shall be charged with a misdemeanor under state law and  
 23 subject to judicial resolution of the charge; and

24 (3) Nothing in this subsection shall prohibit a law enforcement officer from making a  
 25 custodial arrest for a violation of this Code section or Code Section 16-12-120.1."

## 26 SECTION 2.

27 Said part is further amended in Code Section 16-12-120.1, relating to altered fate coins,  
 28 notes, tokens, transfers, and transaction cards and sale or exchange of tokens, transfers,  
 29 transaction cards, or tickets without consent, by striking said Code section in its entirety and  
 30 inserting in its place the following:

31 "16-12-120.1.

32 (a) A person who commits or attempts to commit any of the following acts shall be guilty  
 33 of a misdemeanor:

34 (1) Sells, makes, or possesses any coin, note, token, transfer, transaction card, or similar  
 35 article which has been altered from its original condition contrary to its intended use to  
 36 enter or gain entry into or on any bus, rail vehicle, or station;

1 (2) Sells or exchanges any token, transfer, transaction card, ticket, fare medium, or  
 2 similar article used or to be used as payment for entry into or on any bus, rail vehicle, or  
 3 terminal without the express consent of the public transit agency owning or operating  
 4 such vehicles or stations;

5 (3) Offers entry or provides entry into or on any bus, rapid rail car, or station to any  
 6 person without the payment of the proper fare to the public transit agency owning or  
 7 operating such vehicles or stations;

8 (4) Gains entry into or on any bus, rapid rail car, or station without the payment of the  
 9 proper fare to the public transit agency owning or operating such vehicles or stations; or

10 (5) Gains entry into or on any bus, rapid rail car, or station through the use of a transcard,  
 11 transaction card, or other similar fare media which is the property of another person.

12 (b) A local authority, agency, or local government which operates a public transit system  
 13 may establish procedures for the administrative disposition of violations as follows:

14 (1) A person who is cited for a violation of subsection (a) of this Code section may  
 15 submit to an administrative resolution without an admission of guilt within 30 days of  
 16 issuance of the citation upon the payment of an administrative fee in the amount of  
 17 \$50.00 to the local authority, agency, or local government which operates the public  
 18 transit system. If the person does not seek such administrative resolution of the citation  
 19 or if the person elects to plead not guilty to the citation, the citation shall be referred to  
 20 the local court of competent jurisdiction for judicial determination as a misdemeanor  
 21 charge under state law;

22 (2) Each citation issued pursuant to this subsection shall contain the following  
 23 information regarding administrative resolution of the citation:

24 (A) The identity and mailing address of the public transit authority, agency, or local  
 25 government responsible for the operation of the public transit bus, rapid rail car or rapid  
 26 rail station or intermodal bus station;

27 (B) That administrative resolution of the citation without an admission of guilt is  
 28 available to the individual cited upon payment of an administrative fee in the amount  
 29 of \$50.00 within 30 days of the date of issuance of the citation to the mailing address  
 30 of the public transit authority, agency, or local government;

31 (C) That the citation charges the person with a misdemeanor under state law and that  
 32 the person has a right to a jury trial to contest the citation and to plead not guilty; and

33 (D) That failure to seek administrative resolution within 30 days of the date of issuance  
 34 of the citation shall result in the referral of the citation to a court of competent  
 35 jurisdiction, where the person shall be charged with a misdemeanor under state law and  
 36 subject to judicial resolution of the charge; and

1 (3) Nothing in this subsection shall prohibit a law enforcement officer from making a  
2 custodial arrest for a violation of this Code section or Code Sections 16-12-120."

3 **SECTION 3.**

4 All laws and parts of laws in conflict with this Act are repealed.