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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **3085**

02/11/2020 Authored by Tabke, Hornstein, Dehn, Youakim, Elkins and others  
The bill was read for the first time and referred to the Transportation Finance and Policy Division

1.1 A bill for an act  
1.2 relating to transportation; establishing a program for transit ambassadors and  
1.3 administrative citations; amending certain penalties related to unlawfully obtaining  
1.4 transit services; requiring a report; amending Minnesota Statutes 2018, sections  
1.5 357.021, subdivision 6; 609.855, subdivision 1; Minnesota Statutes 2019  
1.6 Supplement, section 357.021, subdivision 7; proposing coding for new law in  
1.7 Minnesota Statutes, chapter 473.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2018, section 357.021, subdivision 6, is amended to read:

1.10 Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided in this  
1.11 paragraph, the court shall impose and the court administrator shall collect a \$75 surcharge  
1.12 on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty  
1.13 misdemeanor offense, other than a violation of: (1) a law or ordinance relating to vehicle  
1.14 parking, for which there shall be is a \$12 surcharge; and (2) section 609.855, subdivision  
1.15 1, for which there is a \$25 surcharge. When a defendant is convicted of more than one  
1.16 offense in a case, the surcharge shall be imposed only once in that case. In the Second  
1.17 Judicial District, the court shall impose, and the court administrator shall collect, an additional  
1.18 \$1 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor,  
1.19 or petty misdemeanor offense, including a violation of a law or ordinance relating to vehicle  
1.20 parking, if the Ramsey County Board of Commissioners authorizes the \$1 surcharge. The  
1.21 surcharge shall be imposed whether or not the person is sentenced to imprisonment or the  
1.22 sentence is stayed. The surcharge shall not be imposed when a person is convicted of a petty  
1.23 misdemeanor for which no fine is imposed.

2.1 (b) If the court fails to impose a surcharge as required by this subdivision, the court  
 2.2 administrator shall show the imposition of the surcharge, collect the surcharge, and correct  
 2.3 the record.

2.4 (c) The court may not waive payment of the surcharge required under this subdivision.  
 2.5 Upon a showing of indigency or undue hardship upon the convicted person or the convicted  
 2.6 person's immediate family, the sentencing court may authorize payment of the surcharge  
 2.7 in installments.

2.8 (d) The court administrator or other entity collecting a surcharge shall forward it to the  
 2.9 commissioner of management and budget.

2.10 (e) If the convicted person is sentenced to imprisonment and has not paid the surcharge  
 2.11 before the term of imprisonment begins, the chief executive officer of the correctional  
 2.12 facility in which the convicted person is incarcerated shall collect the surcharge from any  
 2.13 earnings the inmate accrues from work performed in the facility or while on conditional  
 2.14 release. The chief executive officer shall forward the amount collected to the court  
 2.15 administrator or other entity collecting the surcharge imposed by the court.

2.16 (f) A person who enters a diversion program, continuance without prosecution,  
 2.17 continuance for dismissal, or stay of adjudication for a violation of chapter 169 must pay  
 2.18 the surcharge described in this subdivision. A surcharge imposed under this paragraph shall  
 2.19 be imposed only once per case.

2.20 (g) The surcharge does not apply to administrative citations issued pursuant to section  
 2.21 169.999.

2.22 **EFFECTIVE DATE.** This section is effective July 1, 2020, and applies to violations  
 2.23 committed on or after that date.

2.24 Sec. 2. Minnesota Statutes 2019 Supplement, section 357.021, subdivision 7, is amended  
 2.25 to read:

2.26 **Subd. 7. Disbursement of surcharges by commissioner of management and**  
 2.27 **budget.** (a) Except as provided in paragraphs (b) to (d), the commissioner of management  
 2.28 and budget shall disburse surcharges received under subdivision 6 and section 97A.065,  
 2.29 subdivision 2, as follows:

2.30 (1) one percent shall be credited to the peace officer training account in the game and  
 2.31 fish fund to provide peace officer training for employees of the Department of Natural  
 2.32 Resources who are licensed under sections 626.84 to 626.863, and who possess peace officer  
 2.33 authority for the purpose of enforcing game and fish laws; and

3.1 (2) 99 percent shall be credited to the general fund.

3.2 (b) The commissioner of management and budget shall credit \$3 of each surcharge  
3.3 received under subdivision 6 and section 97A.065, subdivision 2, to the general fund.

3.4 (c) In addition to any amounts credited under paragraph (a), the commissioner of  
3.5 management and budget shall credit the following to the general fund: \$47 of each surcharge  
3.6 received under subdivision 6 and section 97A.065, subdivision 2, ~~and~~; the \$12 parking  
3.7 surcharge, ~~to the general fund~~; and the \$25 surcharge for a violation of section 609.855,  
3.8 subdivision 1.

3.9 (d) If the Ramsey County Board of Commissioners authorizes imposition of the additional  
3.10 \$1 surcharge provided for in subdivision 6, paragraph (a), the court administrator in the  
3.11 Second Judicial District shall transmit the surcharge to the commissioner of management  
3.12 and budget. The \$1 special surcharge is deposited in a Ramsey County surcharge account  
3.13 in the special revenue fund and amounts in the account are appropriated to the trial courts  
3.14 for the administration of the petty misdemeanor diversion program operated by the Second  
3.15 Judicial District Ramsey County Violations Bureau.

3.16 **EFFECTIVE DATE.** This section is effective July 1, 2020, and applies to violations  
3.17 committed on or after that date.

3.18 Sec. 3. **[473.4075] TRANSIT RIDER EXPERIENCE PROGRAM.**

3.19 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms and the  
3.20 terms defined in section 609.855, subdivision 7, have the meanings given them.

3.21 (b) "Program" means the transit rider experience program established in this section.

3.22 (c) "Transit agent" means a transit ambassador under this section or a peace officer, as  
3.23 defined in section 626.84, subdivision 1.

3.24 Subd. 2. **Program established.** (a) By January 1, 2022, the council must implement a  
3.25 transit rider experience program for transit ambassadors, fare payment inspection, and  
3.26 administrative citations as provided in this section.

3.27 (b) In implementing the program, the council must:

3.28 (1) adopt a resolution that establishes the program and establishes fine amounts in  
3.29 accordance with subdivision 5;

3.30 (2) establish policies and procedures that govern: (i) transit ambassadors; (ii) issuing an  
3.31 administrative citation; and (iii) contesting an administration citation;

4.1 (3) consult with interested stakeholders on the design of the program; and

4.2 (4) develop a transit ambassador recruitment plan that includes informing and supporting  
4.3 potential applicants who are: (i) representative of transit users; and (ii) from cultural, ethnic,  
4.4 and racial communities that are historically underrepresented in state or local public service.

4.5 Subd. 3. **Administrative citations; authority, issuance.** (a) A transit agent has the  
4.6 exclusive authority to issue an administrative citation to a person who commits a violation  
4.7 under section 609.855, subdivision 1.

4.8 (b) An administrative citation must include notification that the person has the right to  
4.9 contest the citation, basic procedures for contesting the citation, and information on the  
4.10 timeline and consequences for failure to contest the citation or pay the fine.

4.11 (c) The council must not mandate or suggest a quota for the issuance of administrative  
4.12 citations under this section.

4.13 Subd. 4. **Administrative citations; disposition.** (a) A person who commits a violation  
4.14 under section 609.855, subdivision 1, and is issued an administrative citation under this  
4.15 section must, within 90 days of issuance, pay the fine as specified or contest the citation.  
4.16 A person who fails to either pay the fine or contest the citation within the specified period  
4.17 is considered to have waived the contested citation process and is subject to collections.

4.18 (b) The council must provide a civil process for a person to contest the administrative  
4.19 citation before a neutral third party. The council may employ a council employee not  
4.20 associated with its transit operations to hear and rule on challenges to administrative citations  
4.21 or may contract with another unit of government or a private entity to provide the service.

4.22 (c) The council may contract with credit bureaus, public and private collection agencies,  
4.23 the Department of Revenue, and other public or private entities providing collection services  
4.24 as necessary for the collection of fine debts under this section. As determined by the council,  
4.25 collection costs are added to the debts referred to a public or private collection entity for  
4.26 collection. Collection costs include the fees of the collection entity and may include, if  
4.27 separately provided, skip tracing fees, credit bureau reporting charges, and fees assessed  
4.28 by any public entity for obtaining information necessary for debt collection. If the collection  
4.29 entity collects an amount less than the total due, the payment is applied proportionally to  
4.30 collection costs and the underlying debt.

4.31 Subd. 5. **Administrative citations; penalties.** (a) The amount of a fine under this section  
4.32 must be set at no less than \$35 and no more than \$100.

5.1 (b) Subject to paragraph (a), the council may adopt a graduated structure that increases  
 5.2 the fine amount for second and subsequent violations.

5.3 (c) The council may adopt an alternative resolution procedure under which a person  
 5.4 may resolve an administrative citation in lieu of paying a fine by complying with terms  
 5.5 established by the council for community service, prepayment of future transit fares, or  
 5.6 both. The alternative resolution procedure must be available only to a person who has  
 5.7 committed a violation under section 609.855, subdivision 1, for the first time, unless the  
 5.8 person demonstrates financial hardship under criteria established by the council.

5.9 (d) Fines collected under this section must be maintained in a separate account that is  
 5.10 only used to cover the costs of the program.

5.11 (e) Issuance of an administrative citation prevents imposition of a citation under section  
 5.12 609.855, subdivision 1, or any criminal citation arising from the same conduct.

5.13 Subd. 6. **Fare inspection goal.** The council must establish a goal that, beginning January  
 5.14 1, 2024, the council annually inspects fare compliance for at least ten percent of riders on  
 5.15 transit routes that use self-service barrier-free fare collection.

5.16 Subd. 7. **Legislative report.** By January 15, 2023, and by January 15 of each  
 5.17 odd-numbered year thereafter, the council must submit a report on the program to the  
 5.18 members and staff of the legislative committees with jurisdiction over transportation policy  
 5.19 and finance. At a minimum, the report must:

5.20 (1) provide an overview of program structure and implementation;

5.21 (2) review the activities of transit ambassadors;

5.22 (3) analyze impacts of the program on fare compliance and customer experience for  
 5.23 riders, including rates of fare violations;

5.24 (4) identify council performance compared to the fare inspection goal under subdivision  
 5.25 6; and

5.26 (5) make recommendations for legislative changes, if any.

5.27 **EFFECTIVE DATE; APPLICATION.** This section is effective July 1, 2020, and  
 5.28 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

5.29 Sec. 4. Minnesota Statutes 2018, section 609.855, subdivision 1, is amended to read:

5.30 Subdivision 1. **Unlawfully obtaining services; petty misdemeanor.** (a) A person is  
 5.31 guilty of a petty misdemeanor who intentionally obtains or attempts to obtain service for

6.1 himself, herself, or another person from a provider of public transit or from a public  
6.2 conveyance by doing any of the following:

6.3 (1) occupies or rides in any public transit vehicle without paying the applicable fare or  
6.4 otherwise obtaining the consent of the transit provider including:

6.5 (i) the use of a reduced fare when a person is not eligible for the fare; or

6.6 (ii) the use of a fare medium issued solely for the use of a particular individual by another  
6.7 individual;

6.8 (2) presents a falsified, counterfeit, photocopied, or other deceptively manipulated fare  
6.9 medium as fare payment or proof of fare payment;

6.10 (3) sells, provides, copies, reproduces, or creates any version of any fare medium without  
6.11 the consent of the transit provider; or

6.12 (4) puts or attempts to put any of the following into any fare box, pass reader, ticket  
6.13 vending machine, or other fare collection equipment of a transit provider:

6.14 (i) papers, articles, instruments, or items other than fare media or currency; or

6.15 (ii) a fare medium that is not valid for the place or time at, or the manner in, which it is  
6.16 used.

6.17 (b) Where self-service barrier-free fare collection is utilized by a public transit provider,  
6.18 it is a violation of this subdivision to intentionally fail to exhibit proof of fare payment upon  
6.19 the request of an authorized transit representative when entering, riding upon, or leaving a  
6.20 transit vehicle or when present in a designated paid fare zone located in a transit facility.

6.21 (c) A person who violates this subdivision must pay a fine of no more than \$10.

6.22 **EFFECTIVE DATE.** This section is effective July 1, 2020, and applies to violations  
6.23 committed on or after that date.