

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2006-43
SENATE BILL 1774**

AN ACT TO ESTABLISH PUBLIC SAFETY AND PROOF OF FARE PAYMENT
OFFENSES FOR RAPID TRANSIT SERVICES WITHIN THE CITY OF
CHARLOTTE.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 7 of the Charter of the City of Charlotte, being S.L. 2000-26, as amended, is amended by adding the following new Article to read:

"ARTICLE VIII. RAPID TRANSIT SERVICES.

"Section 7.110. **Public Safety Offenses.** In addition to any other applicable laws or ordinances, G.S. 14-278, 14-279, 14-279.1, 14-280, 14-280.1, and 14-281 shall apply to rapid transit services within the City of Charlotte, including busways, commuter rail systems, light rail systems, and streetcar systems.

"Section 7.111. **Proof of Fare Payment.** In addition to any other applicable laws or ordinances, it shall be unlawful for any person to fail to provide proof of fare payment while upon rapid transit services within the City of Charlotte, including busways, commuter rail systems, light rail systems, and streetcar systems, when proof is requested by an authorized employee of the City, an authorized agent of the City, or a peace officer. Any person convicted of violating this section shall be guilty of a Class 3 misdemeanor. An authorized employee of the City, authorized agent of the City, or peace officer who detains or causes the arrest of a person who fails to provide proof of fare payment upon request shall not be held civilly liable for the detention, malicious prosecution, false imprisonment, or false arrest of the person detained or arrested if the detention or arrest is: (i) upon a rapid transit vehicle or in reasonable proximity of a rapid transit station; (ii) conducted in a reasonable manner for a reasonable length of time; and (iii) based upon probable cause that the person committed the offense alleged. If the person being detained or arrested is a minor under the age of 18, the authorized employee, authorized agent, or peace officer shall call or notify, or make a reasonable effort to call or notify, the parent or guardian of the minor during the period of detention or arrest. An authorized employee of the City, authorized agent of the City, or peace officer who makes a reasonable effort to call or notify the parent or guardian of a minor child under this section shall not be held civilly liable for the failure to call or notify the parent or guardian."

SECTION 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 30th day of June, 2006.

s/ Beverly E. Perdue
President of the Senate

s/ Richard T. Morgan
Speaker Pro Tempore of the House of Representatives