

No. 1994-110

AN ACT

SB 1751

Amending the act of April 12, 1957 (P.L.61, No.34), entitled "An act authorizing and empowering the Delaware River Port Authority, a body corporate and politic, functioning under the legislation enacted by the Commonwealth of Pennsylvania and the State of New Jersey, and the express consent of the Congress of the United States, to appoint policemen; make rules and regulations for the prevention of disorder, the preservation of safety, and the conservation of traffic on such bridges and in such tunnels and approaches thereto as the commission does or may hereafter operate; to prevent the evasion of the payment of tolls; and providing a penalty for the violation of any such rules or regulations or for the evasion or the attempt to evade the payment of tolls," further providing for the jurisdiction and authority of police officers.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 1 of the act of April 12, 1957 (P.L.61, No.34), entitled "An act authorizing and empowering the Delaware River Port Authority, a body corporate and politic, functioning under the legislation enacted by the Commonwealth of Pennsylvania and the State of New Jersey, and the express consent of the Congress of the United States, to appoint policemen; make rules and regulations for the prevention of disorder, the preservation of safety, and the conservation of traffic on such bridges and in such tunnels and approaches thereto as the commission does or may hereafter operate; to prevent the evasion of the payment of tolls; and providing a penalty for the violation of any such rules or regulations or for the evasion or the attempt to evade the payment of tolls," amended December 18, 1984 (P.L.1081, No.215), is amended to read:

Section 1. The Delaware River Port Authority, a body corporate and politic, functioning under the legislation enacted by the Commonwealth of Pennsylvania and the State of New Jersey, and the express consent of the Congress of the United States, and its wholly-owned subsidiary corporations through which it is effectuating its authorized purposes, shall have the power and authority to appoint the number of **[policemen] police officers** as is found necessary to keep in safety and preserve order upon the bridges and tunnels and approaches thereto, and upon the rapid transit systems, ferries, facilities and other property as the Delaware River Port Authority or such subsidiary corporations does or may hereafter own, lease or operate; to administer to such **[policemen] police officers** an oath or affirmation faithfully to perform the duties of their respective positions or offices; and to provide for the payment of such **[policemen] police officers** from the tolls, fares, charges and other revenue of the Delaware River Port Authority or such subsidiary corporations. The **[policemen] police officers** so appointed

shall have the power and authority to make arrests for any crimes, misdemeanors, and offenses committed under the laws of the State of New Jersey or the Commonwealth of Pennsylvania upon the bridges or within the tunnels or approaches thereto, on the rapid transit systems, ferries, facilities or other property *owned, leased or operated by the Delaware River Port Authority or such subsidiary corporations*, for disorder or breach of the peace, or for violations of any lawful regulation which may be adopted by the Delaware River Port Authority, or such subsidiary corporations. The **[policemen] police officers** shall be authorized and empowered to make arrests or issue citations for evasion or attempts to evade the payment of tolls, fares or other charges which may be fixed or may have been fixed for the use of such bridge, tunnel, rapid transit system, or ferry, facility or other property~~[.]~~ *owned, leased or operated by the Delaware River Port Authority or such subsidiary corporations. In addition, while acting within any other areas of the port district, police officers appointed by the Delaware River Port Authority or such subsidiary corporations shall have all of the powers, including the right to carry firearms while on duty, and all of the immunities conferred by law on police officers or municipal police officers in the enforcement of the laws of the State of New Jersey and the Commonwealth of Pennsylvania, provided that no police officer shall be so empowered unless the officer has satisfied all the training and requalification requirements of section 1.1.*

To pass over any part of the bridges or through the tunnels and approaches thereto in any vehicle for which tolls are collectible, or for any person or vehicle to use the rapid transit systems or ferries or other facilities or property without passing through the toll gates or paying the necessary tolls, fares or charges constitutes an evasion and shall subject the person so evading or attempting to evade the payment of tolls, fares or charges to arrest or receipt of a citation. Upon the apprehension or arrest of any person or persons for any of the foregoing reasons, the offender may be taken before any proper judicial officer of the Commonwealth of Pennsylvania or of the State of New Jersey without respect to the portion of the bridge, tunnel, ferry facility, rapid transit system, facilities or other property upon or within which such offense may have been committed or attempted or such offender arrested, and thereupon such judicial officer shall have power and authority to punish the offender as hereinafter provided. The Delaware River Port Authority, and its wholly-owned subsidiary corporations through which it is effectuating its authorized purposes shall have the power to adopt such rules and regulations as they may respectively deem expedient for the proper government of the bridges, tunnels, approaches thereto, rapid transit systems, ferries, facilities or other property and for the preservation of good order, safe traffic, and proper conduct thereon or therein.

Any person violating any of the provisions of this act, or of any rule or regulation adopted by the Delaware River Port Authority, or its said subsidiary corporations, or who evades or attempts to evade payment of tolls,

fares or charges shall, upon summary conviction before a proper judicial officer of this Commonwealth, or of a proper judicial officer of the State of New Jersey, be sentenced to pay a fine of not less than ten dollars (\$10), nor more than twenty-five dollars (\$25), and costs of prosecution, and in default of the payment thereof, shall undergo imprisonment for not less than ten days nor more than thirty days, and upon conviction of any subsequent offense, shall be sentenced to pay a fine of not less than twenty-five dollars (\$25), nor more than fifty dollars (\$50), and costs of prosecution, or to undergo imprisonment for not less than thirty days nor more than sixty days.

Section 2. The act is amended by adding a section to read:

Section 1.1. The Delaware River Port Authority and such subsidiary corporations shall require a police officer appointed under section 1 to successfully complete a police training course jointly agreed to by the Attorney General of the State of New Jersey and the Municipal Police Officers' Education and Training Commission with the approval of the Attorney General of the Commonwealth of Pennsylvania and shall further require that the police officer shall fully comply with the annual firearms qualifications standards as approved by the Attorney General of the Commonwealth of Pennsylvania.

A police officer may be exempted from the police training requirements of this section if he demonstrates that he has successfully completed a police training course conducted by any Federal, State or other public or private agency, the requirements of which are determined by the Attorney General of New Jersey and the Municipal Police Officers' Education and Training Commission with the approval of the Attorney General of the Commonwealth of Pennsylvania to be substantially equivalent to the police training course requirements of this section, but, notwithstanding such exemption, the police officer shall fully comply with the annual firearms qualification standards set forth in this section.

The cost of the police training described in this section shall be borne by the Delaware River Port Authority.

Section 3. This act shall take effect immediately.

APPROVED—The 7th day of December, A.D. 1994.

ROBERT P. CASEY