



# Boston City Council

## Committee on Government Operations

Maureen Feeney, *Chair*

December 15, 2009

Dear Councilors:

The Committee on Government Operations held a hearing on 1443 Petition for a special law re: Hackney Fare Evasion in the City of Boston (Docket #1443). This matter was sponsored by Councillor Consalvo, referred to this Committee on Wednesday, December 2, 2009, and heard at a public hearing on Monday, December 14, 2009 at which public comment was taken.

The proposed home rule petition would impose a \$100 fine or up to six months imprisoned, or both, for failure to pay a lawfully established taxi fare in the City of Boston. The home rule petition would grant police the authority to arrest without a warrant based on the statement of fare evasion made by a licensed hackney driver. This procedure is the same as similar statutes, such as shoplifting statutes.

Representatives from the Boston Police Department, the Steel Workers Union, the Boston Taxi Driver Association as well as taxi drivers testified on the matter. All were supportive of the measure and highlighted the continued problem of fare evasion. Representatives from the Police Department stated that there are about three fare evasions reported in a week, but estimates that there are probably many more that remain unreported. Representatives highlighted the importance of closing the current loophole, which requires the police to have witnessed the evasion or a breach of the peace to arrest without a warrant under the current law. Borrowing procedures used for shoplifting statutes would allow officers to arrest without a warrant if the circumstances warranted.

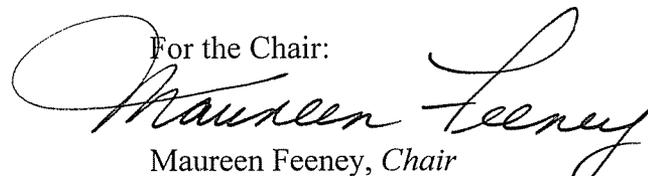
An issue surrounding credit card payment for taxi fares arose. Taxi drivers articulated concerns over whether credit card machine failure would constitute fare evasion. The Boston Police representatives explained how those situations would be properly determined by the officer. This home rule petition would simply provide them with the tools necessary in cases where the fare evasion was clear and not a machine error.

By the Chair of the Committee on Government Operations, to which the following was referred:

**Docket #1443 Petition for a special law re: Hackney Fare Evasion in  
the City of Boston**

based on information presented at the hearing and public comment gathered by the Committee and having considered the same, respectfully recommends that this matter **ought to pass.**

For the Chair:

  
Maureen Feeney, *Chair*  
Committee on Government Operations

Offered by Councilors **ROB CONSALVO** and **MAUREEN FEENEY**



**CITY OF BOSTON  
IN CITY COUNCIL**

**HOME RULE PETITION**

*ORDERED,* That a petition to the General Court, accompanied by a bill for a special law relating to the City of Boston to be filed with an attested copy of this order be, and hereby is, approved under Clause 1 of Section 8 of Article II, as amended, of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

**PETITION FOR A SPECIAL LAW RE:  
HACKNEY FARE EVASION IN THE CITY OF BOSTON**

*Section 1.*

Notwithstanding M.G.L. c. 266, s. 64 or any other general or special law to the contrary, whoever hires a licensed hackney vehicle in the City of Boston and refuses to pay the lawful fare established by the City of Boston shall be punished by a fine of one hundred dollars or by imprisonment for not more than six months, or both.

*Section 2.*

Law enforcement officers may arrest without warrant any person he has probable cause for believing has committed the fare evasion offense as defined in section one. The statement of a duly licensed hackney vehicle driver that a person has violated section one shall constitute probable cause for arrest by any law enforcement officer authorized to make an arrest in the City of Boston.

*Section 3.*

The provisions of this act shall take effect upon its passage.

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**City Council**      **REFERRED TO**  
**COMMITTEE ON**

**DEC 0 2 2009**

Governmental Operations

CITY OF BOSTON  
IN CITY COUNCIL

Dec 15 2009

THE COMMITTEE CHAIR Gov Ops  
RESPECTFULLY REPORTS THAT THE MATTER  
WITHIN OUGHT

William J. Kelly  
CHAIR

ACCEPTED,

CITY CLERK

RECEIVED  
CITY CLERK'S OFFICE  
2009 NOV 20 P 12:35  
BOSTON, MA