

1 HB255
2 197473-3
3 By Representatives McMillan, Shiver and Faust
4 RFD: Transportation, Utilities and Infrastructure
5 First Read: 20-MAR-19

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8 SYNOPSIS: Existing law authorizes the Alabama Toll
9 Road, Bridge and Tunnel Authority, the Department
10 of Transportation, and private toll entities to
11 collect a toll fee by using a system capable of
12 charging an account holder the required toll fee by
13 transmission of information from an electronic toll
14 collection device on a motor vehicle. Existing law
15 also authorizes the authority, department, and
16 private toll entities to issue to the owner or
17 operator of a vehicle a notice to pay toll when the
18 vehicle passes through a toll collection point
19 without payment of the required toll and no account
20 is available to which a charge may be applied.

21 This bill would further provide for the
22 process of issuing notice to pay a toll and would
23 authorize the non-renewal of the vehicle
24 registration for vehicles whose owners fail to pay
25 the required toll and administrative fees
26 associated with the collection of the toll. The

1 bill would also establish a procedure for the
2 appeal of a vehicle registration hold.

3 Existing law authorizes the Department of
4 Transportation to enter into reciprocal agreements
5 with other states and jurisdictions regarding the
6 enforcement of toll enforcement.

7 This bill would authorize the Department of
8 Transportation and the Alabama Toll Road, Bridge
9 and Tunnel Authority to enter into those reciprocal
10 agreements and would also authorize the agreements
11 to include vehicle registration non-renewal
12 provisions.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 Relating to the Electronic Toll Collection Act; to
19 amend Sections 23-2-167, 23-2-168, 23-2-169, 23-2-172,
20 23-2-173, and 23-2-175, Code of Alabama 1975, to provide
21 further for the process and assessment of administrative fees
22 for unpaid toll violations; to provide for the non-renewal of
23 vehicle registration for failure to pay a toll violation or
24 assessed administrative fees; and to further provide for
25 reciprocal agreements with other states or jurisdictions.
26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Sections 23-2-167, 23-2-168, 23-2-169,
2 23-2-172, 23-2-173, and 23-2-175, Code of Alabama 1975, are
3 amended to read as follows:

4 "§23-2-167.

5 "As used in this article, the following words shall
6 have the following meanings:

7 "(1) AUTHORITY. The Alabama Toll Road, Bridge and
8 Tunnel Authority, as defined in Section 23-2-142.

9 "(2) DEPARTMENT. The Department of Transportation.

10 "(3) ELECTRONIC TOLL COLLECTION. A method of
11 collecting tolls or charges which is capable of charging an
12 account holder the appropriate toll or charge, including, but
13 not limited to, either of the following:

14 "a. The transmission of information from an
15 electronic device on a motor vehicle to the toll system, which
16 information is used to charge the account the appropriate toll
17 or charge.

18 "b. The transmission of license plate information
19 from a photo-monitoring system to the toll system, which
20 information is used to charge the account the appropriate toll
21 or charge.

22 "(4) ELECTRONIC TRANSMISSION. Any process of
23 communication not directly involving the physical transfer of
24 paper that is suitable for the retention, retrieval, and
25 reproduction of information by the recipient.

26 "(5) LESSOR. Any person, corporation, firm,
27 partnership, agency, association, or organization renting or

1 leasing vehicles to a lessee under a rental agreement, lease,
2 or otherwise ~~wherein~~ providing the lessee ~~has~~ with the
3 exclusive use of the vehicle for any period of time.

4 "(6) LESSEE. Any person, corporation, firm,
5 partnership, agency, association, or organization that rents,
6 leases, or contracts for the use of one or more vehicles and
7 has exclusive use of the vehicles for any period of time.

8 "(7) OPERATOR. Any person who is or was driving a
9 vehicle that is or was the subject of a toll violation, but
10 who is not the owner of the vehicle.

11 "(8) OWNER. Any person or entity who, at the time of
12 a toll violation and with respect to the vehicle involved in
13 the violation, is the registrant or coregistrant of the
14 vehicle with the Motor Vehicle Division⁷ of the Department of
15 Revenue⁷ or with another state, territory, district, province,
16 nation, or jurisdiction.

17 "(9) PAYMENT. Paying a toll by cash, by permitting a
18 charge against a valid account with the authority, department,
19 or private toll entity, or by any other means of payment
20 approved by the authority, department, or private toll entity.

21 "(10) PHOTO-MONITORING SYSTEM. A vehicle sensor
22 installed to work in conjunction with a toll collection
23 facility ~~which~~ that automatically produces one or more
24 photographs, one or more microphotographs, a videotape, or
25 other recorded images of a vehicle at the time it passes
26 through a toll collection point. Information obtained by a
27 photo-monitoring system may be used to charge the account of

1 an account holder or to identify violations of toll collection
2 regulations.

3 "(11) PRIVATE TOLL ENTITY. An individual, group of
4 individuals, partnership, corporation, limited liability
5 company, association, or any other legal entity licensed
6 pursuant to Section 23-1-81 or Section 23-2-144(12), to
7 operate toll collection facilities.

8 "(12) TOLL. Charges prescribed by the authority,
9 department, or private toll entity for the use of any toll
10 road, bridge, causeway, or tunnel under the jurisdiction of
11 the authority or department or under the ownership or
12 operation of a private toll entity.

13 "(13) TOLL VIOLATION. The passage of a vehicle
14 through a toll collection point without payment of the
15 required toll.

16 "(14) VEHICLE or MOTOR VEHICLE. ~~Any motor-propelled~~
17 ~~device in, upon, or by which any person or property is~~
18 ~~transported or drawn upon a road or highway, except devices~~
19 ~~used exclusively upon stationary rails or tracks~~ A motor
20 vehicle, as defined in Section 40-12-240.

21 "§23-2-168.

22 "(a) The authority, department, or private toll
23 entity, or ~~an~~ their agent or representative ~~thereof,~~ may
24 collect a toll ~~fee~~ by utilizing a system of collection that is
25 capable of charging an account holder the required toll ~~fee~~ by
26 transmission of information from an electronic toll collection
27 device on a ~~motor~~ vehicle. In addition, for any ~~motor~~ vehicle

1 that does not use an electronic toll collection device, the
2 authority, department, or private toll entity, or ~~an~~ their
3 agent or representative ~~thereof,~~ may utilize a
4 photo-monitoring or other electronic system for toll ~~fee~~
5 collection.

6 "(b) Any person or entity desiring to pay tolls
7 electronically shall apply to the authority, department, or
8 private toll entity, or ~~an~~ their agent or representative
9 ~~thereof,~~ to become an account holder. The authority,
10 department, or private toll entity, or ~~an~~ their agent or
11 representative ~~thereof,~~ in its discretion, may deny the
12 application of a person or entity. The denial and reason
13 ~~therefor~~ for the denial shall be sent to the applicant by
14 first-class mail or electronic transmission.

15 "(c) A person or entity whose application is
16 accepted shall execute an account holder's agreement. The
17 terms of the account holder's agreement shall be established
18 by the authority, department, or private toll entity, or ~~an~~
19 their agent or representative ~~thereof~~.

20 "(d) If a motor vehicle passes through a toll
21 collection point and the toll ~~fee~~ is not paid through an
22 electronic toll collection device or otherwise, the authority,
23 department, or private toll entity, or ~~an~~ their agent or
24 representative ~~thereof,~~ shall first use the photo-monitoring
25 or other electronic system for the toll road, bridge,
26 causeway, or tunnel to determine if the registered owner of
27 the motor vehicle has established an account for the payment

1 of the toll. If an account has been established, the
2 authority, department, or private toll entity, or ~~an~~ their
3 agent or representative ~~thereof,~~ shall charge the account
4 holder the required toll ~~fee~~. If an established account cannot
5 be located, or if an established account cannot be charged the
6 required toll, the authority, department, or private toll
7 entity, or ~~an~~ their agent or representative ~~thereof,~~ may
8 attempt to collect the toll as a toll violation as provided in
9 Section 23-2-169.

10 "§23-2-169.

11 "(a) The owner and operator of a vehicle driven on a
12 toll road, bridge, causeway, or tunnel and through a toll
13 collection point without payment of the required toll is
14 jointly and severally liable to the authority, department, or
15 private toll entity to pay the required toll, administrative
16 fees, and civil penalty as provided in this article. The
17 authority, department, or private toll entity, ~~or~~ an their
18 agent or representative ~~thereof,~~ may pursue collection of the
19 required toll as provided for in this article.

20 "(b) A certified written report or ~~a facsimile~~ an
21 electronic copy thereof, sworn to or affirmed by the
22 authority, department, or private toll entity, or ~~an~~ their
23 agent or representative ~~thereof,~~ that a toll violation has
24 occurred, based upon inspection of photographs,
25 microphotographs, videotape, or other recorded images produced
26 by a photo or other monitoring system, is prima facie evidence

1 of the violation and is admissible as evidence in any
2 proceeding charging a toll violation pursuant to this article.

3 "(c) Upon receipt of a ~~certified~~ written or
4 electronic statement from the department, authority, or
5 private toll entity referencing the license plate registration
6 number of a vehicle alleged to be involved in a toll
7 violation, the Alabama State Law Enforcement Agency shall
8 provide the department, authority, or private toll entity with
9 the name and address of the registered owner or operator of
10 the subject vehicle. Alternatively, the department, authority,
11 or private toll entity may enter into an agreement with any
12 municipal law enforcement agency, or county sheriff, or other
13 authorized entity to provide the registered owner information
14 pursuant to this subsection.

15 "(d) If a vehicle passes through a toll collection
16 point without payment of the required toll and no account is
17 available to which a charge may be applied, the authority,
18 department, or private toll entity, or an their agent or
19 representative ~~thereof,~~ shall send by first-class mail or
20 electronic transmission:

21 "(1) A First ~~Notice to Pay~~ Toll Invoice Notice to
22 the ~~registered~~ owner or operator of a vehicle ~~which~~ that is
23 identified as having been involved in a toll violation. The
24 ~~first notice~~ First Toll Invoice Notice shall require payment
25 to the authority, department, or private toll entity of the
26 required toll or tolls incurred over the previous billing
27 period, as established by the authority, department, or

1 private toll entity, and may require payment of an
2 administrative fee not to exceed five dollars (\$5) per First
3 Toll Invoice Notice. ~~plus an administrative fee of five~~
4 dollars (\$5) The payment shall be made within 30 days of the
5 mailing or electronic transmission of the notice. ~~This First~~
6 ~~Notice to Pay Toll~~ The First Toll Invoice Notice shall be sent
7 by the authority, department, or private toll entity, or ~~its~~
8 their agent or representative, within 60 days after receipt of
9 the motor vehicle registration information from the Alabama
10 State Law Enforcement Agency, a municipal law enforcement
11 agency, ~~or~~ the county sheriff, or other authorized entity.

12 " (2) A Second ~~Notice to Pay Toll~~ Invoice Notice to
13 the ~~registered~~ owner or operator of a vehicle who has failed
14 to respond to a First ~~Notice to Pay Toll~~ Invoice Notice within
15 the required time period. The ~~second notice~~ Second Toll
16 Invoice Notice shall require payment to the authority,
17 department, or private toll entity of the required toll or
18 tolls, plus and may require payment of an administrative fee
19 not to exceed fifty dollars (\$50) per Second Toll Invoice
20 Notice, as set by the authority, department, or private toll
21 entity, within 30 days of the mailing or electronic
22 transmission of the notice.

23 " (3) A Failure to Pay a Toll ~~citation~~ Citation to
24 the owner or operator of a vehicle who has failed to respond
25 to the ~~second notice~~ Second Toll Invoice Notice within the
26 required time period. The authority or department may issue a
27 Failure to Pay a Toll Citation upon certification by the

1 authority, department, or private toll entity, or their agent
2 or representative, that a toll violation has occurred and the
3 owner or operator has failed to respond to the First Toll
4 Invoice Notice and the Second Toll Invoice Notice as required
5 by this section. The authority or department shall send the
6 citation to the owner or operator associated with the toll
7 violation; provided, if the citation is based on certification
8 by a private toll entity, the private toll entity or its agent
9 or representative shall send the citation. The citation shall
10 be sent by first-class mail or by electronic transmission. The
11 citation shall require payment to the authority, department,
12 or private toll entity of the required toll, ~~plus~~ and may
13 require payment of an administrative fee not to exceed one
14 hundred dollars (\$100), as set by the authority, department,
15 or private toll entity, within 30 days of the mailing or
16 electronic transmission of the notice of citation. ~~The owner~~
17 ~~or operator shall be notified~~ In addition, the notice shall
18 provide that failure to pay the citation within the required
19 time period may result in either of the following:

20 "a. The non-renewal of the vehicle registration for
21 the vehicle associated with the citation.

22 "b. The ~~the~~ authority, department, or private toll
23 entity, or ~~an~~ their agent or representative ~~thereof~~, filing a
24 civil suit in the ~~municipal court of the city in which the~~
25 ~~violation has occurred~~ or district court of the county in
26 which the violation occurred to collect the toll and all

1 applicable fees and penalties allowed pursuant to this
2 article.

3 "(e) Administrative fees assessed under subsection
4 (d) are not cumulative. The maximum aggregate administrative
5 fee allowed increases from five dollars (\$5) to fifty dollars
6 (\$50) to one hundred dollars (\$100) with each notice issued.
7 An additional administrative fee of up to five dollars (\$5)
8 ~~shall~~ may be assessed on each citation and paid to the law
9 enforcement agency or authorized entity providing the
10 registered owner information to the department, authority, or
11 private toll entity.

12 "(f) The notices and citation required by this
13 ~~subsection~~ section shall also contain the following
14 information:

15 "(1) The name and address of the person or entity
16 alleged to be liable for a failure to pay a toll pursuant to
17 this section.

18 "(2) The license plate registration number of the
19 vehicle involved in the toll violation.

20 "(3) The location where the toll violation occurred.

21 "(4) The date and time of the toll violation.

22 "(5) The identification of the photo or other
23 monitoring system which recorded the violation or other
24 document locator.

25 "(6) Information advising of the manner and time in
26 which liability may be contested.

1 "(7) Notice that failure to contest liability in the
2 manner and time provided in this section is an admission of
3 liability.

4 "(8) Notice that failure to pay a toll and any
5 applicable fees may result in the suspension of driver's
6 license and non-renewal of the vehicle registration for the
7 vehicle associated with the citation.

8 "(g) A manual, automatic, or electronic record of
9 the mailing or transmission of the notices or citation
10 prepared in the ordinary course of business is prima facie
11 evidence of the mailing or transmission of the notices or
12 citation.

13 "§23-2-172.

14 "(a) (1) If the authority, department, or private
15 toll entity, or their agent or representative, has sent a
16 Failure to Pay a Toll Citation in accordance with Section
17 23-2-169, and the owner fails to pay the citation within the
18 required time period, the authority or private toll entity, or
19 their agent or representative, may forward the citation to the
20 department. The department shall request the Department of
21 Revenue to refuse to renew the vehicle registration of the
22 vehicle identified for failure to pay the toll. The vehicle
23 owner shall not be permitted to renew the vehicle registration
24 until all outstanding tolls and assessed administrative fees,
25 including fees assessed by the authority, department, private
26 toll entity, or authorized registration official, are
27 resolved. The Department of Revenue shall update the state

1 registration records to reflect the renewal hold on the
2 vehicle registration and provide local licensing officials
3 with notice of the same. The registration hold is not subject
4 to review or appeal except as provided in this article.

5 "(2) After the registration renewal hold is placed
6 on the vehicle, the authority, department, or private toll
7 entity, or their agent or representative, shall give notice of
8 the hold to the owner of the vehicle. The notice shall be by
9 first-class mail or electronic transmission. The notice shall
10 inform the owner how to remove the hold and shall provide the
11 owner notice of the appeal procedures.

12 "(3)a. A person seeking removal of a vehicle
13 registration renewal hold shall pay all outstanding tolls and
14 assessed administrative fees to the authority, department,
15 private toll entity, or authorized registration official. If
16 all outstanding tolls and assessed fees are paid in full, the
17 person may provide evidence of such to the registration
18 official, who shall remove the vehicle registration renewal
19 hold.

20 "b. If payment under paragraph a. is made to the
21 authorized registration official, the authorized registration
22 official may retain 10 percent of the assessed administrative
23 fees to cover the cost of collecting and forwarding the
24 outstanding tolls and fees. The authorized registration
25 official shall forward the collected toll, the Failure to Pay
26 a Toll Citation, and the remainder of the administrative fees
27 to the Comptroller, who shall deposit such in the State

1 Treasury to the credit of the Public Road and Bridge Fund
2 established under Section 23-1-62. The department shall
3 disburse the outstanding tolls and remaining assessed
4 administrative fees to the appropriate authority, department,
5 or private toll entity that is due the tolls and
6 administrative fees paid.

7 "c. A person who receives notice of a vehicle
8 registration renewal hold may file an appeal within 60 days of
9 receipt of the notice. The appeal shall be filed in the local
10 district court and is limited to the defenses against
11 liability provided in Section 23-2-171.

12 "d. The payment or nonpayment of all outstanding
13 tolls and assessed administrative fees for removal of a
14 vehicle registration renewal hold as set out in paragraph a.
15 shall not waive, be a condition of, or affect a person's right
16 to file an appeal in a court of appropriate jurisdiction to
17 appeal the payment of the tolls and assessed administrative
18 fees using the defenses provided in Section 23-2-171.

19 "(4) When a nonresident is issued a Failure to Pay
20 Toll Citation and the nonresident fails to pay the citation
21 within the required time period, the authority, department, or
22 private toll entity, or their agent or representative, may
23 transmit a certified copy of the record of the failure to pay
24 to the official in charge of the issuance of vehicle
25 registration certificates in the state in which the
26 nonresident resides, if the law of the other state provides
27 for action similar to that provided for in this section.

1 "(b) (1) If the authority, department, or private
2 toll entity, or their agent or representative, has pursued
3 payment of the citation by civil suit pursuant to Section
4 23-2-170 and a ~~municipal or~~ district court determines that the
5 person or entity charged with liability under this article is
6 liable, the court shall enter a judgment against the person or
7 entity and mail a copy of the judgment ~~thereto~~ to the person
8 or entity. The court shall collect the unpaid tolls and
9 administrative fee. The court may impose court costs and a
10 civil penalty of up to one hundred dollars (\$100) for each
11 violation. Tolls, fees, and penalties shall be forwarded to
12 the entity administering the tolls at the facility where the
13 violation occurred.

14 "~~(b)~~ (2) Upon failure to satisfy a judgment for an
15 action brought under Section 23-2-170 within 60 days of its
16 entry and upon the written request of the authority,
17 department, or private toll entity, or ~~an~~ their agent or
18 representative ~~thereof~~, it shall be the duty of the clerk of
19 the court, or of the judge of a court which has no clerk in
20 which the judgment is rendered within this state, to forward a
21 certified copy of the judgment to the Secretary of the Alabama
22 State Law Enforcement Agency or his or her designee after the
23 expiration of the 60 days.

24 "~~(c)~~ (3) The Secretary of the Alabama State Law
25 Enforcement Agency or his or her designee, upon the receipt of
26 a certified copy of a judgment under subdivision (2), shall
27 suspend the driver's license of any resident and the operating

1 privilege, as defined in Section 32-7-2(6), of any
2 nonresident, against whom judgment was rendered.

3 ~~"(d)~~ (4) The resident's driver's license and the
4 nonresident's operating privilege shall remain suspended until
5 the judgment under subdivision (2) is satisfied and evidence
6 of its satisfaction has been presented to the Alabama State
7 Law Enforcement Agency.

8 ~~"(e)~~ (5) When a nonresident's operating privilege is
9 suspended pursuant to this section, the Secretary of the
10 Alabama State Law Enforcement Agency or his or her designee
11 shall transmit a certified copy of the record of ~~such~~ the
12 action to the official in charge of the issuance of driver's
13 licenses in the state in which ~~such~~ the nonresident resides,
14 if the law of such other state provides for action ~~in relation~~
15 ~~thereto~~ similar to that provided for in this section.

16 ~~"(f)~~ (6) Any person seeking reinstatement of a
17 ~~driving~~ driver's license suspended ~~pursuant to~~ under this
18 section shall also comply with the requirements provided in
19 Section 32-6-17.

20 "(c) A driver's license, operating privilege, or
21 vehicle registration suspension that results from the failure
22 to pay a toll or fee shall be deemed a suspension or
23 revocation under Chapter 7 of Title 32 and is subject to any
24 additional penalties provided under that chapter.

25 "§23-2-173.

26 ~~"(a) The Department of Transportation is hereby~~
27 ~~empowered to~~ department or authority may enter into

1 agreements, when not in conflict with law, with other states
2 or jurisdictions for reciprocal enforcement of toll
3 violations.

4 "(b) An agreement made under this section shall
5 provide that drivers licensed and vehicles registered in the
6 state, while operating on the highways of another
7 jurisdiction, shall receive benefits, privileges, and
8 exemptions of a similar kind with regard to toll enforcement
9 as are extended to drivers and vehicles licensed or registered
10 in the other jurisdiction while operated in the state.

11 "(c) A reciprocal agreement under this section may
12 provide for enforcement of toll violations by refusal or
13 suspension of the license of the driver or registration of the
14 vehicle in accordance with Section 23-2-172.

15 "(d) The reciprocal violation enforcement agreement
16 between the department or authority and the governmental
17 entity of another state or jurisdiction shall agree upon fees
18 and costs associated with collecting unpaid tolls and ~~drivers~~
19 driver's license and vehicle registration suspensions in their
20 respective jurisdictions.

21 "Notwithstanding Section 23-2-174, electronic
22 toll collection data may be used for vehicle registration
23 verification by the Department of Revenue and other states
24 that have entered into information exchange agreements with
25 the Department of Revenue.

26 "The enforcement provisions of subsection (d) of
27 Section 23-2-169 and Section 23-2-172 do not apply to toll

1 violations that occur in another state or jurisdiction until
2 and unless the department or authority enters into a
3 reciprocal agreement under this section with the other state
4 or jurisdiction.

5 "(g) To the extent permitted by law or allowed by or
6 agreed to in a reciprocal agreement made under this section,
7 public or private toll entities within the state may share in
8 the benefit of a reciprocal agreement. Nothing in this section
9 prevents a public or private toll entity from entering into an
10 agreement for data sharing, the reciprocal payment of toll
11 violations, or the collection of tolls with another public or
12 private toll entity.

13 "§23-2-175.

14 "The following vehicles are exempt from paying tolls
15 imposed pursuant to this article:

16 "(1) School buses transporting ~~school~~ children for a
17 school event.

18 ~~"(2) Emergency and law enforcement vehicles~~
19 Authorized emergency vehicles, as defined in Section 32-1-1.1,
20 while actively engaged.

21 ~~"(3) Vehicles deemed exempt for a specific toll~~
22 facility by the entity administering tolls. Any other vehicle
23 as determined by the authority, department, or private toll
24 entity, or their agent or representative."

25 Section 2. This act shall become effective
26 immediately following its passage and approval by the
27 Governor, or its otherwise becoming law.

