

1 SB320  
2 183754-1  
3 By Senator Pittman  
4 RFD: Transportation and Energy  
5 First Read: 15-MAR-17

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8 SYNOPSIS: This bill would provide for electronic  
9 assessment and collection of tolls. The tolls would  
10 be assessed either to an account holder with the  
11 toll entity or through the transmission of license  
12 plate information by a photo-monitoring system. The  
13 registered vehicle owner or an operator could be  
14 assessed with payment for a toll violation plus  
15 administrative fees which would increase if the  
16 toll is not paid. If a judgment is rendered, the  
17 registered owner's driver's license and motor  
18 vehicle registration would be suspended.

19  
20 A BILL  
21 TO BE ENTITLED  
22 AN ACT

23  
24 Relating to toll roads and bridges; to add Article 6  
25 to Chapter 2 of Title 23, Code of Alabama 1975, to provide for  
26 the use of electronic systems for the assessment and  
27 collection of tolls; to provide for the assessment of a toll

1 violation against the operator and the registered owner of  
2 vehicles; to provide for judgments; to provide for the  
3 suspension of a registered owner's driver's license or motor  
4 vehicle registration under certain conditions; and to repeal  
5 Section 23-2-163, Code of Alabama 1975.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Article 6 is added to Chapter 2 of Title  
8 23, Code of Alabama 1975, to read as follows:

9 Chapter 2.

10 Article 6. Electronic Toll Collection Act.

11 §23-2-165. Short title.

12 This article shall be known as the Electronic Toll  
13 Collection Act.

14 §23-2-166. Intent and purpose of Article.

15 The purpose of this article is to facilitate  
16 vehicular traffic and safety in the state by providing for the  
17 electronic collection of tolls.

18 §23-2-167. Definitions

19 As used in this article, the following words shall  
20 have the following meanings:

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

23 (2) DEPARTMENT. The Department of Transportation.

24 (3) ELECTRONIC TOLL COLLECTION. A method of  
25 collecting tolls or charges which is capable of charging an  
26 account holder the appropriate toll or charge including, but  
27 not limited to, either of the following:

1           a. The transmission of information from an  
2 electronic device on a motor vehicle to the toll system, which  
3 information is used to charge the account the appropriate toll  
4 or charge.

5           b. The transmission of license plate information  
6 from a photo-monitoring system to the toll system, which  
7 information is used to charge the account the appropriate toll  
8 or charge.

9           (4) ELECTRONIC TRANSMISSION. Any process of  
10 communication not directly involving the physical transfer of  
11 paper that is suitable for the retention, retrieval, and  
12 reproduction of information by the recipient.

13           (5) LESSOR. Any person, corporation, firm,  
14 partnership, agency, association, or organization renting or  
15 leasing vehicles to a lessee under a rental agreement, lease,  
16 or otherwise wherein the lessee has the exclusive use of the  
17 vehicle for any period of time.

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

22           (7) OPERATOR. Any person who is or was driving a  
23 vehicle that is or was the subject of a toll violation, but  
24 who is not the owner of the vehicle.

25           (8) OWNER. Any person or entity who, at the time of  
26 a toll violation and with respect to the vehicle involved in  
27 the violation, is the registrant or coregistrant of the

1 vehicle with the Motor Vehicle Division, of the Department of  
2 Revenue, or with another state, territory, district, province,  
3 nation, or jurisdiction.

4 (9) PAYMENT. Paying a toll by cash, by permitting a  
5 charge against a valid account with the authority, department,  
6 or private toll entity, or by any other means of payment  
7 approved by the authority, department, or private toll entity.

8 (10) PHOTO-MONITORING SYSTEM. A vehicle sensor  
9 installed to work in conjunction with a toll collection  
10 facility which automatically produces one or more photographs,  
11 one or more microphotographs, a videotape, or other recorded  
12 images of a vehicle at the time it passes through a toll  
13 collection point. Information obtained by a photo-monitoring  
14 system may be used to charge the account of an account holder  
15 or to identify violations of toll collection regulations.

16 (11) PRIVATE TOLL ENTITY. An individual, group of  
17 individuals, partnership, corporation, limited liability  
18 company, association, or any other legal entity licensed  
19 pursuant to Section 23-1-81 or Section 23-2-144(12), to  
20 operate toll collection facilities.

21 (12) TOLL. Charges prescribed by the authority,  
22 department, or private toll entity for the use of any toll  
23 road, bridge, causeway or tunnel under the jurisdiction of the  
24 authority or department or under the ownership or operation of  
25 a private toll entity.

1           (13) TOLL VIOLATION. The passage of a vehicle  
2 through a toll collection point without payment of the  
3 required toll.

4           (14) VEHICLE. Any motor-propelled device in, upon,  
5 or by which any person or property is transported or drawn  
6 upon a road or highway, except devices used exclusively upon  
7 stationary rails or tracks.

8           §23-2-168. Electronic toll collection.

9           (a) The authority, department, private toll entity,  
10 or their agent or representative may collect a toll fee by  
11 utilizing a system of collection that is capable of charging  
12 an account holder the required toll fee by transmission of  
13 information from an electronic toll collection device on a  
14 motor vehicle. In addition, for any motor vehicle that does  
15 not use an electronic toll collection device, the authority,  
16 department, private toll entity, or their agent or  
17 representative may utilize a photo-monitoring or other  
18 electronic system for toll fee collection.

19           (b) Any person or entity desiring to pay tolls  
20 electronically shall apply to the authority, department,  
21 private toll entity, or their agent or representative to  
22 become an account holder. The authority, department, private  
23 toll entity, or their agent or representative, in their  
24 discretion, may deny the application of a person or entity.  
25 The denial and reason therefor shall be sent to the applicant  
26 by first-class mail or electronic transmission.

1 (c) A person or entity whose application is accepted  
2 shall execute an account holder's agreement. The terms of the  
3 account holder's agreement shall be established by the  
4 authority, department, private toll entity, or their agent or  
5 representative.

6 (d) If a motor vehicle passes through a toll  
7 collection point and the toll fee is not paid through an  
8 electronic toll collection device or otherwise, the authority,  
9 department, private toll entity, or their agent or  
10 representative shall first use the photo-monitoring or other  
11 electronic system for the toll road, bridge, causeway, or  
12 tunnel to determine if the registered owner of the motor  
13 vehicle has established an account for the payment of the  
14 toll. If an account has been established, the authority,  
15 department, private toll entity, or their agent or  
16 representative shall charge the account holder the required  
17 toll fee. If an established account cannot be located, or if  
18 an established account cannot be charged the required toll,  
19 the authority, department, private toll entity, or agent or  
20 representative may attempt to collect the toll as provided in  
21 Section 23-2-169.

22 §23-2-169. Use of toll collection facility without  
23 payment; collection.

24 (a) The owner and operator of a vehicle driven on a  
25 toll road, bridge, causeway, or tunnel and through a toll  
26 collection point without payment of the required toll is  
27 jointly and severally liable to the authority, department, or

1 private toll entity to pay the required toll, administrative  
2 fees, and civil penalty as provided in this article. The  
3 authority, department, or private toll entity or their agent  
4 or representative may pursue collection of the required toll  
5 as provided for in this article.

6 (b) A certified written report or a facsimile  
7 thereof, sworn to or affirmed by the authority, department,  
8 private toll entity, or their agent or representative that a  
9 toll violation has occurred, based upon inspection of  
10 photographs, microphotographs, videotape, or other recorded  
11 images produced by a photo or other monitoring system, is  
12 prima facie evidence of the violation and is admissible as  
13 evidence in any proceeding charging a toll violation pursuant  
14 to this article.

15 (c) Upon receipt of a certified written statement  
16 from the department, authority, or private toll entity  
17 referencing the license plate registration number of a vehicle  
18 involved in a toll violation, the Motor Vehicle Division of  
19 the Department of Revenue, shall provide the authority,  
20 department, or private toll entity with the name and address  
21 of the registered owner of the subject vehicle.

22 (d) If a vehicle passes through a toll collection  
23 point without payment of the required toll and no account is  
24 available to which a charge may be applied, the authority,  
25 department, private toll entity, or their agent or  
26 representative shall send by first-class mail or electronic  
27 transmission:



1           (1) A "First Notice to Pay Toll" to the registered  
2 owner of a vehicle which is identified as having been involved  
3 in a toll violation. The first notice shall require payment to  
4 the authority, department, or private toll entity of the  
5 required toll plus an administrative fee not to exceed  
6 twenty-five dollars (\$25) as set by the authority, department,  
7 or private toll entity within 30 days of the mailing or  
8 electronic transmission of the notice.

9           (2) A "Second Notice to Pay Toll" to the registered  
10 owner of a vehicle who has failed to respond to a "First  
11 Notice to Pay Toll" within the required time period. The  
12 second notice shall require payment to the authority,  
13 department, or private toll entity of the required toll, plus  
14 an administrative fee not to exceed fifty dollars (\$50) as set  
15 by the authority, department, or private toll entity within 30  
16 days of the mailing or electronic transmission of the notice.

17           (3) A "Failure to Pay a Toll" citation to the owner  
18 or operator of a vehicle who has failed to respond to the  
19 second notice within the required time period. The citation  
20 shall require payment to the authority, department, or private  
21 toll entity of the required toll, plus an administrative fee  
22 not to exceed one hundred dollars (\$100) as set by the  
23 authority, department, or private toll entity within 30 days  
24 of the mailing or electronic transmission of the notice of  
25 citation. The owner or operator shall be notified that failure  
26 to pay the citation within the required time period may result  
27 in the authority, department, private toll entity, or their

1 agent or representative filing a civil suit in the municipal  
2 court of the city in which the violation has occurred or  
3 district court of the county in which the violation occurred  
4 to collect the toll and all applicable fees and penalties  
5 allowed pursuant to this article.

6 (e) Administrative fees assessed under subsection  
7 (d) are not cumulative. The maximum aggregate administrative  
8 fee allowed increases from twenty-five dollars (\$25) to fifty  
9 dollars (\$50) to one hundred dollars (\$100) with each notice  
10 issued.

11 (f) The notices and citation required by this  
12 subsection shall also contain the following information:

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

16 (2) The license plate registration number of the  
17 vehicle involved in the toll violation.

18 (3) The location where the toll violation occurred.

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

20 (5) The identification of the photo or other  
21 monitoring system which recorded the violation or other  
22 document locator.

23 (6) Information advising of the manner and time in  
24 which liability may be contested.

25 (7) Notice that failure to contest liability in the  
26 manner and time provided in this section is an admission of  
27 liability.

1           (8) Notice that failure to pay a toll and any  
2 applicable fees may result in the suspension of driver's  
3 license and vehicle registration.

4           (g) A manual, automatic, or electronic record of the  
5 mailing or transmission of the notices or citation prepared in  
6 the ordinary course of business is prima facie evidence of the  
7 mailing or transmission of the notices or citation.

8           §23-2-170. Civil liability for toll violations.

9           (a) The authority, department, private toll entity,  
10 or their agent or representative may file a civil suit in the  
11 municipal court of the city in which the violation has  
12 occurred or district court of the county in which the  
13 violation occurred to collect the toll and all applicable fees  
14 after a citation has been issued and the required time period  
15 for response has elapsed, without the payment of filing fees.  
16 The action shall be governed by the Alabama Rules of Civil  
17 Procedure except as otherwise set out in this article.

18           (b) Actions brought pursuant to this article shall  
19 be commenced within six years.

20           (c) Imposition of liability pursuant to this section  
21 shall be based upon a preponderance of evidence submitted.

22           (d) Adjudication of liability shall not be made a  
23 part of the driving record of the person upon whom liability  
24 is imposed, nor shall it be considered in any manner for  
25 insurance purposes in the provision of motor vehicle insurance  
26 coverage.

27           §23-2-171. Defense against liability.

1           The owner of the motor vehicle involved in the  
2 violation is responsible and liable for payment of a citation  
3 issued for failure to pay a toll, unless:

4           (1) The owner can establish that the motor vehicle  
5 was stolen at the time of the violation. In order to establish  
6 such facts, the owner of the motor vehicle is required to  
7 furnish the court with a police report indicating that the  
8 vehicle was stolen at the time of the alleged violation.

9           (2) If the motor vehicle involved in the violation  
10 is leased to another person or entity, the lessor is not  
11 liable for the violation if the lessor sends to the authority,  
12 department, private toll entity, or their agent or  
13 representative, within the time provided for response by the  
14 notice or citation, as applicable, a copy of the rental,  
15 lease, or another contract document covering the vehicle on  
16 the date of the violation, with the name and address of the  
17 lessee clearly legible, within the time provided for response  
18 by the notice or citation. Failure to send the information  
19 within the time provided renders the lessor liable for the  
20 unpaid tolls and any administrative fees or penalties assessed  
21 pursuant to and in the manner as provided in this article. If  
22 the lessor complies with the provisions of this section, the  
23 lessee of the vehicle on the date of the violation is subject  
24 to liability for the failure to pay the toll if the authority,  
25 department, private toll entity, or their agent or  
26 representative mails a notice of liability to the lessee as

1 provided in this article after receipt of a copy of the  
2 rental, lease, or other contract document.

3 §23-2-172. Enforcement of judgments.

4 (a) If a municipal or district court determines that  
5 the person or entity charged with liability under this article  
6 is liable, the court shall enter a judgment against the person  
7 or entity and mail a copy of the judgment thereto. The court  
8 shall collect the unpaid tolls and administrative fee. The  
9 court may impose court costs and a civil penalty of up to one  
10 hundred dollars (\$100) for each violation. Tolls, fees, and  
11 penalties shall be forwarded to the entity administering the  
12 tolls at the facility where the violation occurred.

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

22 (c) The Secretary of the Alabama State Law  
23 Enforcement Agency or his or her designee, upon the receipt of  
24 a certified copy of a judgment, shall suspend the license and  
25 vehicle registration of any resident and the operating  
26 privilege, as defined in section 32-7-2(6) of any nonresident,  
27 against whom judgment was rendered.

1 (d) The resident's license and vehicle registration,  
2 and the nonresident's operating privilege shall remain  
3 suspended until the judgment is satisfied and evidence of its  
4 satisfaction has been presented to the Alabama State Law  
5 Enforcement Agency and the Motor Vehicle Division of the  
6 Department of Revenue.

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

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

19 §23-2-173. Reciprocal agreements - Other states or  
20 jurisdictions.

21 (a) The Department of Transportation is hereby  
22 empowered to enter into agreements, when not in conflict with  
23 law, with other states or jurisdictions for reciprocal  
24 enforcement of toll violations.

25 (b) An agreement made under this section shall  
26 provide that drivers and vehicles licensed in the state, while  
27 operating on the highways of another jurisdiction, shall

1 receive benefits, privileges, and exemptions of a similar kind  
2 with regard to toll enforcement as are extended to drivers and  
3 vehicles licensed or registered in the other jurisdiction  
4 while operated in the state.

5 (c) A reciprocal agreement under this section may  
6 provide for enforcement of toll violations by refusal or  
7 suspension of the license or registration of a motor vehicle  
8 in accordance with Section 23-2-172.

9 (d) The reciprocal violation enforcement agreement  
10 between the department and the governmental entity of another  
11 state or jurisdiction shall agree upon fees and costs  
12 associated with collecting unpaid tolls and placing vehicle  
13 registration holds in their respective jurisdictions.

14 §23-2-174. Privacy.

15 (a) The authority, department, private toll entity,  
16 or their agent or representative shall not sell, distribute,  
17 or make available the names and addresses of electronic toll  
18 collection system account holders, without the account  
19 holder's consent, to any entity that uses the information for  
20 commercial purposes. However, this restriction does not  
21 preclude the exchange of this information between entities  
22 with jurisdiction of or operating a toll road, bridge,  
23 causeway, or tunnel, or entities with which there exists a  
24 reciprocal toll enforcement agreement.

25 (b) Records identifying a specific instance of  
26 travel by a specific person or vehicle shall be used only as  
27 required to ensure payment and enforcement of tolls, except

1 that such information may be used by state, county, or  
2 municipal law enforcement agencies for the comparison of  
3 captured license plate data with data held by the Department  
4 of Revenue, the Alabama Criminal Justice Information Center,  
5 the National Crime Information Center, and the Federal Bureau  
6 of Investigation Kidnappings and Missing Persons list, for the  
7 purpose of identifying any of the following:

8 (1) A stolen vehicle or stolen license plate.

9 (2) A vehicle registered to an individual for whom  
10 there is an outstanding default or arrest warrant for felony  
11 charges appearing in the Alabama Warrant Management System, or  
12 outstanding warrants for felony charges issued in another  
13 jurisdiction.

14 (3) A vehicle associated with a missing person.

15 (c) Information or data collected by the authority,  
16 department, private toll entity, or their agent or  
17 representative, for the purpose of establishing and monitoring  
18 electronic toll collection accounts, is not subject to  
19 disclosure under the Open Records Act, Section 36-12-40.

20 §23-2-175. Exemptions.

21 The following vehicles are exempt from paying tolls  
22 imposed pursuant to this article:

23 (1) School buses transporting school children for a  
24 school event.

25 (2) Emergency and law enforcement vehicles while  
26 actively engaged.



1                   (3) Vehicles deemed exempt for a specific toll  
2 facility by the entity administering tolls.

3                   Section 2. All laws or parts of laws which conflict  
4 with this act are repealed, including but not limited to,  
5 Section 23-2-163.

6                   Section 3. This act shall become effective  
7 immediately following its passage and approval by the  
8 Governor, or its otherwise becoming law.