

1 HB361
2 190553-3
3 By Representatives Sessions, McMillan, Davis and Wilcox
4 RFD: Public Safety and Homeland Security
5 First Read: 01-FEB-18

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

5 "a. The transmission of information from an
6 electronic device on a motor vehicle to the toll system, which
7 information is used to charge the account the appropriate toll
8 or charge.

9 "b. The transmission of license plate information
10 from a photo-monitoring system to the toll system, which
11 information is used to charge the account the appropriate toll
12 or charge.

13 "(4) ELECTRONIC TRANSMISSION. Any process of
14 communication not directly involving the physical transfer of
15 paper that is suitable for the retention, retrieval, and
16 reproduction of information by the recipient.

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

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

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

4 "(8) OWNER. Any person or entity who, at the time of
5 a toll violation and with respect to the vehicle involved in
6 the violation, is the registrant or coregistrant of the
7 vehicle with the Motor Vehicle Division, of the Department of
8 Revenue, or with another state, territory, district, province,
9 nation, or jurisdiction.

10 "(9) PAYMENT. Paying a toll by cash, by permitting a
11 charge against a valid account with the authority, department,
12 or private toll entity, or by any other means of payment
13 approved by the authority, department, or private toll entity.

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

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

1 "(12) TOLL. Charges prescribed by the authority,
2 department, or private toll entity for the use of any toll
3 road, bridge, causeway or tunnel under the jurisdiction of the
4 authority or department or under the ownership or operation of
5 a private toll entity.

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

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

14 "§23-2-168.

15 "(a) The authority, department, private toll entity,
16 or an agent or representative thereof may collect a toll ~~fee~~
17 by utilizing a system of collection that is capable of
18 charging an account holder the required toll ~~fee~~ by
19 transmission of information from an electronic toll collection
20 device on a ~~motor~~ vehicle. In addition, for any ~~motor~~ vehicle
21 that does not use an electronic toll collection device, the
22 authority, department, private toll entity, or an agent or
23 representative thereof may utilize a photo-monitoring or other
24 electronic system for toll ~~fee~~ collection.

25 "(b) Any person or entity desiring to pay tolls
26 electronically shall apply to the authority, department,
27 private toll entity, or an agent or representative thereof to

1 become an account holder. The authority, department, private
2 toll entity, or an agent or representative thereof, in its
3 discretion, may deny the application of a person or entity.
4 The denial and reason therefor shall be sent to the applicant
5 by first-class mail or electronic transmission.

6 "(c) A person or entity whose application is
7 accepted shall execute an account holder's agreement. The
8 terms of the account holder's agreement shall be established
9 by the authority, department, private toll entity, or an agent
10 or representative thereof.

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

27 "§23-2-169.

1 "(a) The owner and operator of a vehicle driven on a
2 toll road, bridge, causeway, or tunnel and through a toll
3 collection point without payment of the required toll is
4 jointly and severally liable to the authority, department, or
5 private toll entity to pay the required toll, administrative
6 fees, and civil penalty as provided in this article. The
7 authority, department, or private toll entity or an agent or
8 representative thereof may pursue collection of the required
9 toll as provided for in this article.

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

19 "(c) Upon receipt of a ~~certified~~ written or
20 electronic statement from the department, authority, or
21 private toll entity referencing the license plate registration
22 number of a vehicle alleged to be involved in a toll
23 violation, the Alabama State Law Enforcement Agency shall
24 provide the department, authority, or private toll entity with
25 the name and address of the ~~registered~~ owner or operator of
26 the subject vehicle. Alternatively, the department, authority,
27 or private toll entity may enter into an agreement with any

1 municipal law enforcement agency, ~~or~~ county sheriff , or other
2 entity to provide the registered owner information pursuant to
3 this subsection.

4 "(d) If a vehicle passes through a toll collection
5 point without payment of the required toll and no account is
6 available to which a charge may be applied, the authority,
7 department, private toll entity, or an agent or representative
8 thereof shall issue and send by first-class mail or electronic
9 transmission:

10 "(1) A First ~~Notice to Pay~~ Toll Invoice Notice to
11 the ~~registered~~ owner or operator of a vehicle which is
12 identified as having been involved in a toll violation or
13 violations. The ~~first notice~~ First Toll Invoice Notice shall
14 require payment to the authority, department, or private toll
15 entity of the required ~~toll~~ tolls incurred over the previous
16 billing period established by the authority, department, or
17 private toll entity and may require payment of an
18 administrative fee not to exceed five dollars (\$5) per Toll
19 Invoice Notice ~~plus an administrative fee of five dollars~~
20 ~~(\$5)~~. Such payment shall be made within 30 days of the mailing
21 or electronic transmission of the notice. This First ~~Notice to~~
22 ~~Pay~~ Toll Invoice Notice shall be sent by the authority,
23 department, private toll entity, or its agent within 60 days
24 after receipt of the motor vehicle registration information
25 from the Alabama State Law Enforcement Agency, ~~a~~ municipal law
26 enforcement agency, ~~or~~ the county sheriff, or other entity.

1 "(2) A Second ~~Notice to Pay~~ Toll Invoice Notice to
2 the registered owner or operator of a vehicle who has failed
3 to respond to a First ~~Notice to Pay~~ Toll Invoice Notice within
4 the required time period. The second notice shall require
5 payment to the authority, department, or private toll entity
6 of the required ~~toll~~ tolls, plus and may require payment of an
7 administrative fee not to exceed fifty dollars (\$50) per Toll
8 Invoice Notice as set by the authority, department, or private
9 toll entity within 30 days of the mailing or electronic
10 transmission of the notice.

11 "(3) A Failure to Pay a Toll ~~citation~~ Citation to
12 the owner or operator of a vehicle who has failed to respond
13 to the ~~second notice~~ Second Toll Invoice Notice within the
14 required time period. The ~~citation~~ Failure to Pay Citation
15 shall require payment to the authority, department, or private
16 toll entity of the required toll, ~~plus~~ and may require payment
17 of an administrative fee not to exceed one hundred dollars
18 (\$100) as set by the authority, department, or private toll
19 entity within 30 days of the mailing or electronic
20 transmission of the notice of citation. In addition, the
21 citation shall also notify the ~~The~~ owner or operator ~~shall be~~
22 ~~notified~~ that failure to pay the citation within the required
23 time period may result in either of the following:

24 a. The suspension of the vehicle registration or,
25 after a judgement, suspension of the driving privilege of the
26 registered owner of the vehicle.

1 ~~b. may result in the~~ The authority, department,
2 private toll entity, or an agent or representative thereof
3 filing a civil suit in the municipal court of the city in
4 which the violation has occurred or district court of the
5 county in which the violation occurred to collect the toll and
6 all applicable fees and penalties allowed pursuant to this
7 article.

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

17 "(f) The notices and citation required by this
18 subsection shall also contain the following information:

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

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

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

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

1 "(5) The identification of the photo or other
2 monitoring system which recorded the violation or other
3 document locator.

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

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

9 "(8) Notice that failure to pay a toll and any
10 applicable fees may result in the suspension of driver's
11 license and vehicle registration.

12 "(g) A manual, automatic, or electronic record of
13 the mailing or transmission of the notices or citation
14 prepared in the ordinary course of business is prima facie
15 evidence of the mailing or transmission of the notices or
16 citation.

17 "§23-2-172.

18 "(a) Enforcement by suspension of vehicle
19 registration.

20 "(1) If the authority, department, or private toll
21 entity or its agent or representative has issued a Failure to
22 Pay a Toll Citation in accordance with Section 23-2-169, and
23 the owner fails to pay the citation within the time period
24 provided in that section, the authority, department, or
25 private toll entity or its agent or representative may forward
26 the Failure to Pay a Toll Citation to the department which
27 shall notify the Alabama Department of Revenue to request the

1 suspension of the vehicle registration of the owner. The
2 Alabama Department of Revenue shall update the state
3 registration records to reflect the suspension and provide
4 local licensing officials with notice of the suspension. The
5 suspension provided in this subsection shall not be subject to
6 appeal pursuant to Chapter 2A, Title 40.

7 "(2) Upon suspension of vehicle registration, the
8 authority, department, or private toll entity or its agent or
9 representative, shall notify the owner that the vehicle
10 registration has been suspended and provide information
11 advising the owner of reinstatement and appeal procedures.

12 "(3) Reinstatement and appeals.

13 "a. Prior to registering the vehicle, any person
14 seeking reinstatement of a suspended vehicle registration
15 shall pay all outstanding tolls and assessed administrative
16 fees to the authority, department, or private toll entity or
17 the authorized registration official. If payment is made to
18 the authority, department, or private toll entity, any person
19 may provide evidence of the payment satisfying the tolls and
20 assessed administrative fees to the registration official for
21 the reinstatement of the suspended vehicle registration. If
22 payment is made to the authorized registration official, the
23 authorized registration official may retain 10 percent of the
24 assessed administrative fees to cover the cost of collecting
25 and forwarding the outstanding tolls and fees and shall
26 forward the outstanding tolls, the Failure to Pay a Toll
27 Citation information, and remaining assessed administrative

1 fees to the Comptroller to be deposited in the State Treasury
2 to the credit of the State Highway Fund as established by
3 Section 23-1-62. The department shall then disburse the
4 outstanding tolls and assessed administrative fees to the
5 appropriate authority, department, or private toll entity that
6 is due the tolls and assessed administrative fees.

7 "b. Any person receiving notice of vehicle
8 registration suspension may file a civil suit within 60 days
9 of the notice in a court of appropriate jurisdiction to appeal
10 the citation upon which the suspension is based using the
11 defenses provided in Section 23-2-171.

12 "c. The payment or nonpayment of all outstanding
13 tolls and assessed administrative fees for reinstatement of
14 vehicle registration as set out in subsection (a) shall not
15 wave, be a condition of, or affect a person's right to file a
16 civil suit in a court of appropriate jurisdiction to appeal
17 the payment of the tolls and assessed administrative fees
18 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 time period provided in the citation, the
22 appropriate authority, department, or private toll entity or
23 his or her designee may transmit a certified copy of the
24 record of the action to the official in charge of the issuance
25 of vehicle registration certificates in the state in which the
26 nonresident resides, if the law of the other state provides
27 for similar action to that provided for in this section.

1 "~~(a)~~(b) Enforcement by suspension of driver's
2 license or operating privilege.

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

15 "~~(b)~~(2) Upon failure to satisfy a judgment brought
16 under Section 23-2-170 within 60 days of its entry and upon
17 the written request of the authority, department, private toll
18 entity, or an agent or representative thereof, it shall be the
19 duty of the clerk of the court, or of the judge of a court
20 which has no clerk in which the judgment is rendered within
21 this state, to forward a certified copy of the judgment to the
22 Secretary of the Alabama State Law Enforcement Agency or his
23 or her designee after the 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 described in Section 23-2-172
27 (b) (2), shall suspend the license of any resident and the

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

3 ~~"(d)~~ (4) The resident's license and the nonresident's
4 operating privilege shall remain suspended until the judgment
5 described in Section 23-2-172(b) (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 action
12 to the official in charge of the issuance of driver's licenses
13 in the state in which such nonresident resides, if the law of
14 such other state provides for action in relation thereto
15 similar to that provided for in this section.

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

19 "§23-2-173.

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

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

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

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

8 "(d) The reciprocal violation enforcement agreement
9 between the department and the governmental entity of another
10 state or jurisdiction shall agree upon fees and costs
11 associated with collecting unpaid tolls and ~~drivers~~ driver's
12 license and vehicle registration suspensions in their
13 respective jurisdictions.

14 "(e) Notwithstanding Section 23-2-174, electronic
15 toll collection data may be used for vehicle registration
16 verification by the Alabama Department of Revenue and other
17 states that have entered into information exchange agreements
18 with the Alabama Department of Revenue.

19 "(f) The enforcement provisions of Sections
20 23-2-169(d) (3) and 23-2-172 shall not apply to toll violations
21 occurring in any other state or jurisdiction until and if the
22 department enters a reciprocal agreement under the authority
23 of this section with such other state or jurisdiction.

24 "§23-2-175.

25 "The following vehicles are exempt from paying tolls
26 imposed pursuant to this article:

1 "(1) School buses transporting school children for a
2 school event.

3 "(2) Emergency and law enforcement vehicles while
4 actively engaged.

5 "~~(3) Vehicles deemed exempt for a specific toll~~
6 ~~facility by the entity administering tolls.~~ Any other vehicle
7 as determined by the authority, department, private toll
8 entity, or its agent or representative."

9 Section 2. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Public Safety
and Homeland Security..... 01-FEB-18

Read for the second time and placed
on the calendar 1 amendment 08-FEB-18

Read for the third time and passed
as amended..... 27-FEB-18

Yeas 89, Nays 2, Abstains 4

Jeff Woodard
Clerk