

1 SB347
2 200163-3
3 By Senators Sessions and Williams
4 RFD: Transportation and Energy
5 First Read: 30-APR-19

1 SB347

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4 ENROLLED, An Act,

5 Relating to the Electronic Toll Collection Act; to
6 amend Sections 23-2-167, 23-2-168, 23-2-169, 23-2-172,
7 23-2-173, and 23-2-175, Code of Alabama 1975, to provide
8 further for the process and assessment of administrative fees
9 for unpaid toll violations; to provide for the non-renewal of
10 vehicle registration for failure to pay a toll violation or
11 assessed administrative fees; and to further provide for
12 reciprocal agreements with other states or jurisdictions.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Sections 23-2-167, 23-2-168, 23-2-169,
15 23-2-172, 23-2-173, and 23-2-175, Code of Alabama 1975, are
16 amended to read as follows:

17 "§23-2-167.

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

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

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

23 "(3) ELECTRONIC TOLL COLLECTION. A method of
24 collecting tolls or charges which is capable of charging an

1 account holder the appropriate toll or charge, including, but
2 not limited to, either of the following:

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

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

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

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

20 "(6) LESSEE. Any person, corporation, firm,
21 partnership, agency, association, or organization that rents,
22 leases, or contracts for the use of one or more vehicles and
23 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~~ co-registrant
7 of the vehicle with the Motor Vehicle Division⁷ of the
8 Department of Revenue⁷ or with another state, territory,
9 district, province, 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~~ that automatically produces one or more
17 photographs, one or more microphotographs, a videotape, or
18 other recorded images of a vehicle at the time it passes
19 through a toll collection point. Information obtained by a
20 photo-monitoring system may be used to charge the account of
21 an account holder or to identify violations of toll collection
22 regulations.

23 "(11) PRIVATE TOLL ENTITY. An individual, group of
24 individuals, partnership, corporation, limited liability
25 company, association, or any other legal entity licensed

1 pursuant to Section 23-1-81 or Section 23-2-144(12), to
2 operate toll collection facilities.

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

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

11 "(14) VEHICLE or MOTOR VEHICLE. ~~Any motor-propelled~~
12 ~~device in, upon, or by which any person or property is~~
13 ~~transported or drawn upon a road or highway, except devices~~
14 ~~used exclusively upon stationary rails or tracks~~ A motor
15 vehicle, as defined in Section 32-7A-2.

16 "§23-2-168.

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

1 photo-monitoring or other electronic system for toll ~~fee~~
2 collection.

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

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

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

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

9 "§23-2-169.

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

19 "(b) A certified written report or ~~a facsimile~~ an
20 electronic copy thereof, sworn to or affirmed by the
21 authority, department, or private toll entity, or ~~an~~ their
22 agent or representative ~~thereof~~, that a toll violation has
23 occurred, based upon inspection of photographs,
24 microphotographs, videotape, or other recorded images produced
25 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 statement~~
4 ~~from the department, authority, or private toll entity~~
5 ~~referencing the license plate registration number of a vehicle~~
6 ~~involved in a toll violation, the Alabama State Law~~
7 ~~Enforcement Agency shall provide the department, authority, or~~
8 ~~private toll entity with the name and address of the~~
9 ~~registered owner of the subject vehicle. Alternatively, the~~
10 ~~department, authority, or private toll entity may enter into~~
11 ~~an agreement with any municipal law enforcement agency or~~
12 ~~county sheriff to provide the registered owner information~~
13 ~~pursuant to this subsection.~~

14 "(c) The Department of Revenue, upon request, shall
15 provide current Alabama registration information to the
16 department or authority in order to allow the department or
17 authority to implement and administer this article. This
18 information shall be provided in the format that the
19 Department of Revenue provides to the Alabama State Law
20 Enforcement Agency. The information shall not be subject to
21 the fees as provided in Section 32-8-6 and shall only be used
22 for the enforcement of this article. Alternatively, the
23 department, authority, or private toll entity may enter into
24 an agreement with any municipal law enforcement agency, county

1 sheriff, or other authorized agency to provide the registered
2 owner information pursuant to this subsection.

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

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

1 State Law Enforcement Agency, a municipal law enforcement
2 agency, ~~or~~ the county sheriff, or other authorized entity.

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

14 "(3) A Failure to Pay a Toll ~~citation~~ Citation to
15 the owner or operator of a vehicle who has failed to respond
16 to the ~~second notice~~ Second Toll Invoice Notice within the
17 required time period. The authority or department may issue a
18 Failure to Pay a Toll Citation upon certification by the
19 authority, department, or private toll entity, or their agent
20 or representative, that a toll violation has occurred and the
21 owner or operator has failed to respond to the First Toll
22 Invoice Notice and the Second Toll Invoice Notice as required
23 by this section. The authority or department shall send the
24 citation to the owner or operator associated with the toll
25 violation; provided, if the citation is based on certification

1 by a private toll entity, the private toll entity or its agent
2 or representative shall send the citation. The citation shall
3 be sent by certified mail. The citation shall require payment
4 to the authority, department, or private toll entity of the
5 required toll, ~~plus~~ and may require payment of an
6 administrative fee not to exceed one hundred dollars (\$100),
7 as set by the authority, department, or private toll entity,
8 within 30 days of the mailing ~~or electronic transmission~~ of
9 the notice of citation. ~~The owner or operator shall be~~
10 ~~notified~~ In addition, the notice shall provide that failure to
11 pay the citation within the required time period may result in
12 the following:

13 "a. The non-renewal of the vehicle registration for
14 the vehicle associated with the citation until the citation
15 and associated fees are resolved.

16 "b. The ~~the~~ authority, department, or private toll
17 entity, or ~~an~~ their agent or representative ~~thereof,~~
18 civil suit in the ~~municipal court of the city in which the~~
19 ~~violation has occurred or~~ district court of the county in
20 which the violation occurred to collect the toll and all
21 applicable fees and penalties allowed pursuant to this
22 article.

23 "(e) Administrative fees assessed under subsection
24 (d) are not cumulative. The maximum aggregate administrative
25 fee allowed increases from five dollars (\$5) to fifty dollars

1 (\$50) to one hundred dollars (\$100) with each notice issued.
2 An additional administrative fee of up to five dollars (\$5)
3 shall be assessed on each citation and paid to the law
4 ~~enforcement agency providing the~~ enforcement or other
5 authorized agency providing the registered owner information
6 to the department, authority, or private toll entity.

7 "(f) The notices and citation required by this
8 ~~subsection~~ section shall also contain the following
9 information:

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

13 "(2) The license plate registration number and state
14 of issuance of the vehicle involved in the toll violation.

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

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

17 "(5) The identification of the photo or other
18 monitoring system which recorded the violation or other
19 document locator.

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

22 "(7) Notice that failure to contest liability in the
23 manner and time provided in this section is an admission of
24 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 non-renewal of the vehicle registration for the
4 vehicle associated with the citation.

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

10 "§23-2-172.

11 "(a) (1) If the authority, department, or private
12 toll entity, or their agent or representative, has sent a
13 Failure to Pay a Toll Citation in accordance with Section
14 23-2-169, and the owner fails to pay the citation within the
15 required time period, the authority or private toll entity, or
16 their agent or representative, may notify the department that
17 the citation has not been paid and request the department to
18 place a hold on the registration renewal of the vehicle
19 associated with the violation. After notification and request,
20 the department shall notify the local license plate issuing
21 official on the first of each month that a registration
22 renewal hold has been placed on the vehicle, and the local
23 license plate issuing official shall refuse to renew the
24 vehicle registration of the vehicle identified for failure to
25 pay the toll. The vehicle owner shall not be permitted to

1 renew the vehicle registration with the local license plate
2 issuing official until all outstanding tolls and assessed
3 administrative fees, including fees assessed by the authority,
4 department, or private toll entity are resolved. However, the
5 local license plate issuing official may issue a temporary
6 license plate under Sections 32-6-213 and 32-6-214 to allow
7 adequate time to allow the registration renewal hold to be
8 removed. Any private toll entity receiving payment under this
9 provision shall remit 10 percent of the total amount collected
10 by enforcement of a registration renewal hold to be deposited
11 into, and recorded separately in, the county general fund and
12 expended solely for the operational expenses of the office of
13 the local license plate issuing official. The registration
14 hold is not subject to review or appeal except as provided in
15 this article.

16 "(2) At least 10 calendar days before the
17 registration renewal hold is placed on the vehicle, the
18 authority, department, or private toll entity, or their agent
19 or representative, shall give notice of the hold to the owner
20 of the vehicle. The notice shall be by first-class mail. The
21 notice shall inform the owner how to remove the hold and shall
22 provide the owner notice of the appeal procedures.

23 "(3)a. A person seeking removal of a vehicle
24 registration renewal hold shall pay all outstanding tolls and
25 assessed administrative fees to the authority, department, or

1 private toll entity. If all outstanding tolls and assessed
2 fees are paid in full or otherwise resolved, the toll
3 authority or department shall notify the local license plate
4 issuing official that the registration renewal hold has been
5 removed and provide the local license plate issuing official
6 with the ability verify that the non-renewal notice has been
7 removed through an electronic portal. Upon request, the
8 authority or department shall provide to the owner or operator
9 of the vehicle verification of payment and removal of the
10 registration renewal hold through an electronic portal.

11 "b. The authority or department shall develop and
12 maintain an electronic portal accessible by the owner for the
13 access, verification, and payment of toll violations and fees.
14 At the request of the local license plate issuing official,
15 the department or authority shall communicate directly with
16 the third-party vendor utilized by the local license plate
17 issuing official for the processing of registration
18 information. The authority is authorized to make rules
19 relating to the creation and maintenance of the electronic
20 portal. A private toll entity that requests the department to
21 place a registration renewal hold on a vehicle shall comply
22 with the rules adopted by the authority.

23 "c. A person who receives notice of a vehicle
24 registration renewal hold may file an appeal within 60 days of
25 receipt of the notice. The appeal shall be filed in the local

1 district court and is limited to the defenses against
2 liability provided in Section 23-2-171.

3 "d. The payment or nonpayment of all outstanding
4 tolls and assessed administrative fees for removal of a
5 vehicle registration renewal hold as set out in paragraph a.
6 shall not waive, be a condition of, or affect a person's right
7 to file an appeal in a court of appropriate jurisdiction to
8 appeal the payment of the tolls and assessed administrative
9 fees using the defenses provided in Section 23-2-171.

10 "(4) When a nonresident is issued a Failure to Pay
11 Toll Citation and the nonresident fails to pay the citation
12 within the required time period, the authority, department, or
13 private toll entity, or their agent or representative, may
14 transmit a certified copy of the record of the failure to pay
15 to the official in charge of the issuance of vehicle
16 registration certificates in the state in which the
17 nonresident resides, if the law of the other state provides
18 for action similar to that provided for in this section.

19 "(b) (1) If the authority, department, or private
20 toll entity, or their agent or representative, has pursued
21 payment of the citation by civil suit pursuant to Section
22 23-2-170 and a ~~municipal or~~ district court determines that the
23 person or entity charged with liability under this article is
24 liable, the court shall enter a judgment against the person or
25 entity and mail a copy of the judgment ~~thereto~~ to the person

1 or entity. The court shall collect the unpaid tolls and
2 administrative fee. The court may impose court costs and a
3 civil penalty of up to one hundred dollars (\$100) for each
4 violation. Tolls, fees, and penalties shall be forwarded to
5 the entity administering the tolls at the facility where the
6 violation occurred.

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

17 ~~"(c)~~ (3) The Secretary of the Alabama State Law
18 Enforcement Agency or his or her designee, upon the receipt of
19 a certified copy of a judgment under subdivision (2), shall
20 suspend the driver's license of any resident and the operating
21 privilege, as defined in Section 32-7-2(6), of any
22 nonresident, against whom judgment was rendered.

23 ~~"(d)~~ (4) The resident's driver's license and the
24 nonresident's operating privilege shall remain suspended until
25 the judgment under subdivision (2) is satisfied and evidence

1 of its satisfaction has been presented to the Alabama State
2 Law Enforcement Agency.

3 ~~"(e) (5)~~ When a nonresident's operating privilege is
4 suspended pursuant to this section, the Secretary of the
5 Alabama State Law Enforcement Agency or his or her designee
6 shall transmit a certified copy of the record of ~~such the~~
7 action to the official in charge of the issuance of driver's
8 licenses in the state in which ~~such the~~ nonresident resides,
9 if the law of such other state provides for action ~~in relation~~
10 ~~thereto~~ similar to that provided for in this section. Nothing
11 in this section shall require the Alabama State Law
12 Enforcement Agency to enforce the suspension of operating
13 privileges of a nonresident until the department or authority
14 enters into a reciprocal agreement under Section 23-2-173.

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

19 "§23-2-173.

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

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

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

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

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

23 "(f) The enforcement provisions of subsection (d) of
24 Section 23-2-169 and Section 23-2-172 do not apply to toll
25 violations that occur in another state or jurisdiction until

1 and unless the department or authority enters into a
2 reciprocal agreement under this section with the other state
3 or jurisdiction.

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

12 "§23-2-175.

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

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

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

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

1 Section 2. The amendatory language of this act shall
2 become effective January 1, 2024, following its passage and
3 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB347

Senate 23-MAY-19

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 29-MAY-19

By: Senator Sessions