

2011 -- H 6285

LC02920

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO HIGHWAYS - RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY -
NEWPORT BRIDGE TOLLS

Introduced By: Representatives Martin, Ruggiero, Reilly, and Jackson

Date Introduced: June 22, 2011

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 24-12-37 of the General Laws in Chapter 24-12 entitled "Rhode
2 Island Turnpike and Bridge Authority" is hereby amended to read as follows:

3 ~~24-12-37. Penalty for nonpayment of toll.~~ **Penalty for nonpayment of toll – Toll**
4 **Violators.** (a) ~~(1) For the first (1st) violation within a calendar year, any~~ Any person who ~~uses~~
5 ~~any project and~~ fails or refuses to pay or prepay the required toll shall be required to pay the toll
6 amount and an administrative fee of six dollars (\$6.00) within thirty (30) days of ~~receiving~~
7 issuance of the notice of violation. Any person who fails to pay the due toll amount and the
8 administrative fee within thirty (30) days ~~after receiving notice~~ shall be punished by a fine of ~~fifty~~
9 ~~dollars (\$50.00)~~ eighty-five (\$85.00). ~~and shall pay the toll amount due. Toll evaders shall receive~~
10 ~~notice of the violation from the Rhode Island turnpike and bridge authority by first class mail or~~
11 ~~by certified mail, return receipt requested.~~ Toll violators shall receive a traffic violation summons
12 which shall be subject to the jurisdiction of the traffic tribunal. The ~~fine and~~ toll amount, and
13 administrative fee due under this subsection shall be remitted to the Rhode Island turnpike and
14 bridge authority.

15 (b) If a person as set forth in subsection (a) of this section refuses to submit payment of
16 the toll amount due and the administrative fee within thirty (30) days as provided in subsection
17 24-12-37(a), the traffic tribunal may order a hearing on whether the person's operator's license or
18 privilege to operate a motor vehicle in this state shall be suspended. Upon suspension, the judge

1 shall order the license of the person to be surrendered to the department of administration,
2 division of motor vehicles, within three (3) days.

3 ~~(2) For the second (2nd) violation within a calendar year, any person who uses any~~
4 ~~project and fails or refuses to pay or prepay the required toll shall be punished by a fine of one~~
5 ~~hundred dollars (\$100) and shall pay the toll amount due. Toll evasion violators under this~~
6 ~~subsection shall receive a traffic violation summons which shall be subject to the jurisdiction of~~
7 ~~the traffic tribunal. Any violation issued under this subsection shall be paid within thirty (30) days~~
8 ~~of receiving the notice of the violation. The traffic tribunal shall remit the toll amount due to the~~
9 ~~Rhode Island turnpike and bridge authority.~~

10 ~~(3) For the third (3rd) and subsequent violations within a calendar year, any person who~~
11 ~~uses any project and fails or refuses to pay or prepay the required toll or fails to pay in a timely~~
12 ~~manner a fine issued pursuant to subdivision 24-12-37(a)(1) or (a)(2) after having received notice~~
13 ~~thereof, the person shall be subject to a fine of two hundred fifty dollars (\$250) and shall pay the~~
14 ~~toll amount due within thirty (30) days of receiving the notice of violation. Toll evasion violators~~
15 ~~under this subsection shall receive a traffic violation summons which shall be subject to the~~
16 ~~jurisdiction of the traffic tribunal. The traffic tribunal shall remit the toll amount due to the Rhode~~
17 ~~Island turnpike and bridge authority.~~

18 ~~The Rhode Island turnpike and bridge authority shall notify the administrator of the~~
19 ~~division of motor vehicles, who shall place the matter on the record and shall not renew a license~~
20 ~~to operate a motor vehicle or the registration of any vehicle owned by the person, or both, until~~
21 ~~the matter has been disposed of in accordance with applicable law or regulation. If the person is~~
22 ~~found to be a resident of another state or jurisdiction, the administrator of motor vehicles shall~~
23 ~~revoke the violator's right to operate a vehicle in Rhode Island until the matter has been disposed~~
24 ~~of in accordance with applicable law or regulations.~~

25 ~~(4)~~(2) The authority shall promulgate appropriate rules and regulations to ensure the
26 proper administration of the provisions of this section.

27 ~~(5)~~(3) For the purposes of this section only, "person" means the registered owner, driver,
28 rentee or lessee of a motor vehicle.

29 ~~(b)~~(4) It is unlawful for any person or business, other than an authorized representative
30 of the authority: (i) to sell, offer for sale or attempt to sell tokens, tickets, passes or other
31 evidences of payment issued for passage on any project of the authority, including but not limited
32 to, the Claiborne Pell Bridge, if originally issued by the authority pursuant to any program of the
33 authority providing for a reduced rate of toll based upon frequency of use of the project, volume
34 of tokens, passes or other evidences of payment purchased, or method of payment for the toll; or

1 (ii) to sell, offer for sale, or attempt to sell tokens, passes or other evidences of payment issued for
2 passage on any project of the authority, including but not limited to, the Claiborne Pell Bridge for
3 a profit. Any person or business who is found in violation of this subsection shall be punished, for
4 each offense, by a fine of not more than five hundred dollars (\$500).

5 (5) "Toll Violator" means, for the purposes of this section, any person who uses any
6 project and fails to pay the required toll and accepts an unpaid toll invoice from the authority.

7 SECTION 2. Chapter 24-12 of the General Laws entitled "Rhode Island Turnpike and
8 Bridge Authority" is hereby amended by adding thereto the following section:

9 **24-12-37.1. Additional penalties – Toll evaders.** -- (a) Any person who fails or refuses
10 to pay or prepay the required toll, and such violation may be evidenced by video or photograph,
11 shall be required to pay a fine of not less than five hundred dollars (\$500) and shall pay the toll
12 amount due and an administrative fee of six dollars (\$6.00) or may have his or her driver's license
13 suspended for up to six (6) months, or both. A toll evader under this subsection shall receive a
14 traffic violation summons which shall be subject to the jurisdiction of the traffic tribunal. The
15 administrative fee and toll amount due under this subsection shall be remitted to the Rhode Island
16 turnpike and bridge authority.

17 (b) The traffic tribunal shall order a hearing on whether the person's operator's license or
18 privilege to operate a motor vehicle in this state shall be suspended. Upon suspension, the judge
19 shall order the license of the person to be surrendered to the department of administration,
20 division of motor vehicles, within three (3) days.

21 (c) "Toll Evader" means, for the purposes of this section, any person who: (1) Uses any
22 project and fails or refuses to pay the required toll; (2) Does not accept an unpaid toll invoice
23 from the authority upon entering the toll plaza area or uses the project without obtaining an
24 unpaid toll invoice prior to using the project; and (3) Whose actions can be reasonably construed
25 as a deliberate attempt to avoid paying the toll.

26 **24-12-37.2. Driver/registered owner liability.** -- (a) The registered owner of the motor
27 vehicle shall be primarily responsible in all prosecutions brought pursuant to the provisions of
28 sections 24-12-37 and 24-12-37.1.

29 (b) In all prosecutions of nonpayment of toll violations, there is a rebuttable presumption
30 that the registered owner of the vehicle was the operator of the vehicle and may liable for the
31 violation. The registered owner of the vehicle may assume liability for the violation by paying the
32 fine; or by defending the violation.

1 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HIGHWAYS - RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY -
NEWPORT BRIDGE TOLLS

- 1 This act would increase the fines and fees associated with failing to pay tolls at bridge
- 2 and turnpike facilities.
- 3 This act would take effect upon passage.

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