

# 2016 -- H 7602 SUBSTITUTE A

LC004792/SUB A

## STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO HIGHWAYS -- RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY

Introduced By: Representatives Edwards, and Abney

Date Introduced: February 12, 2016

Referred To: House Judiciary

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 -- Toll Violators** Penalty for nonpayment of~~  
4 ~~**toll -- Toll violators and toll evaders. --** (a) ~~Any person who fails or refuses to pay or prepay the~~~~  
5 ~~~~required toll shall be required to pay the toll amount and an administrative fee of six dollars~~~~  
6 ~~~~(\$6.00) within thirty (30) days of issuance of the notice of violation.~~ Legislative findings. The~~  
7 ~~general assembly finds as follows:~~

8 (1) That all users of any tolled projects should be required to timely pay for the use of  
9 such projects;

10 (2) That toll violators and toll evaders unfairly shift the financial burden of maintaining  
11 the tolled projects to other project users; and

12 (3) Rhode Island has a strong interest in ensuring that its transportation infrastructure is  
13 adequately funded in a fair and equitable manner.

14 ~~(b) ~~Any person who fails to pay the due toll amount and the administrative fee within~~~~  
15 ~~~~thirty (30) days of the issuance of the notice of the violation shall be punished by a fine of eighty-~~~~  
16 ~~~~five dollars (\$85.00) and may have his or her drivers license suspended pursuant to § 31-41.1-6~~~~  
17 ~~~~for a period not to exceed thirty (30) days for the violation. Toll violators, who fail to pay the due~~~~  
18 ~~~~toll amount and the administrative fee within thirty (30) days of the issuance of the notice of the~~~~  
19 ~~~~violation shall receive a traffic violation summons which shall be subject to the jurisdiction of the~~~~

1 ~~Traffic Tribunal. The toll amount, and administrative fee due under this subsection shall be~~  
2 ~~remitted to the Rhode Island Turnpike and Bridge Authority.~~ In each instance when a person fails  
3 or refuses to pay or prepay the required toll on a tolled project, and is issued a violation for the  
4 same, the toll violator shall pay the toll amount within fourteen (14) days of issuance of the  
5 violation.

6 (c) Any toll violator who fails to pay the toll amount due within the fourteen (14) day  
7 period in subsection (b) of this section shall immediately incur a forty dollar (\$40.00)  
8 administrative fee in addition to the unpaid toll amount.

9 (d) Any toll violator who fails to pay the administrative fee and unpaid toll as required by  
10 subsection (c) of this section within forty five (45) days of the issuance of the original violation  
11 shall incur a thirty five dollar (\$35.00) administrative fee in addition to the forty dollar (\$40.00)  
12 administrative fee and the unpaid toll amount. The toll amount and administrative fees shall be  
13 paid to the authority.

14 (e) Toll evaders shall be responsible for any tolls and administrative fees applicable to  
15 toll violators. Further, at the request of the authority, any toll evader shall also promptly receive a  
16 traffic violation summons which shall be subject to the jurisdiction of the Rhode Island traffic  
17 tribunal, which may suspend the toll evader's driver's license for up to six (6) months for the  
18 violations and assess a fine of up to five hundred dollars (\$500), or both. All tolls, administrative  
19 fees, and fines shall be payable to the authority.

20 (f) If any unpaid toll amounts, administrative fees, and fines are not paid within ninety  
21 (90) days of the issuance of the original violation, and the toll violator has incurred at least twenty  
22 (20) instances in which such toll violator has failed to pay any required toll amounts,  
23 administrative fees, and fines, then the authority may report the person as a toll violator, or, if  
24 appropriate, as a toll evader, to the Rhode Island division of motor vehicles, who then shall not  
25 permit that person to renew their driver's license and vehicle registration until any unpaid toll  
26 amounts, administrative fees, and fines are paid to the authority. Upon the authority's receipt of  
27 such payment or a written repayment agreement between the person and the authority, the  
28 authority shall promptly issue a verbal, written, or electric confirmation showing the amounts  
29 paid and a certification that the person does not owe any amounts to the authority or has  
30 otherwise made satisfactory repayment arrangements with the authority. In any such case, the  
31 Rhode Island division of motor vehicles shall forthwith release any hold placed for this purpose  
32 on the person's license renewal and vehicle registration renewal. If a person who made  
33 satisfactory repayment arrangements with the authority subsequently fails to honor and comply  
34 with such arrangements with the authority according to their terms, the authority may re-report

1 the person to the Rhode Island division of motor vehicles which shall then prohibit that person  
2 from renewing their driver's license and vehicle registration until the originally unpaid toll  
3 amounts, administrative fees, and fines are paid to the authority.

4 ~~(e)~~(g) "Toll Violator" means, for the purposes of this section, any person who uses any  
5 project and fails to pay or prepay the required toll ~~and accepts an Unpaid Toll Invoice from the~~  
6 ~~Authority.~~

7 (h) "Toll Evader" means, for the purposes of this section, any person who uses a project,  
8 fails or refuses to pay or prepay the required toll, and deliberately circumvents or proceeds around  
9 or through a gate or other barrier on a project; and/or any toll violator who fails or refuses to pay  
10 or prepay the required toll on a tolled project at least one hundred (100) or more times, received  
11 at least three (3) written notices from the authority (or its agent) regarding the non-payment of  
12 tolls, and is not a party to, or in current compliance with, a written repayment plan with the  
13 authority.

14 ~~(4)~~(i) The authority ~~shall~~ may promulgate appropriate rules and regulations to ensure the  
15 proper administration of the provisions of this section. Any person aggrieved by the authority's  
16 assessment of any administrative fees may request review of such assessment through the process  
17 established by the authority, which shall not be subject to the provisions of chapter 35 of title 42.

18 ~~(2)~~(j) For the purposes of this section only, "person" means the registered owner, EZPass  
19 account holder, driver, rentee or lessee of a motor vehicle.

20 (k) This chapter shall apply retroactively to all persons who are toll evaders as of the  
21 effective date of this act.

22 (l) Nothing contained in this section shall be construed to reduce or otherwise eliminate  
23 any tolls, fines, or penalties a person owes to the authority based upon violations occurring prior  
24 to the effective date of this chapter.

25 ~~(3)~~(m) It is unlawful for any person or business, other than an authorized representative  
26 of the authority: ~~(i)~~ or any other duly authorized and existing toll or transportation agency to sell,  
27 lease, rent, or offer for sale, lease or ~~attempt to sell~~ rent any tokens, tickets, passes, ~~or other~~  
28 ~~evidences of payment issued for passage on any project of the authority, including but not limited~~  
29 ~~to, the Claiborne Pell Bridge, if originally issued by the authority pursuant to any program of the~~  
30 ~~authority providing for a reduced rate of toll based upon frequency of use of the project, volume~~  
31 ~~of tokens, passes or other evidences of payment purchased, or method of payment for the toll; or~~  
32 ~~(ii) to sell, offer for sale, or attempt to sell tokens, passes~~ transponders or other evidences of  
33 payment issued for passage on any project ~~of the authority, including but not limited to, the~~  
34 ~~Claiborne Pell Bridge for a profit.~~ Any person or business who is found in violation of this

1 subsection shall be punished, for each offense, by a fine of not more than five hundred dollars  
2 (\$500).

3 [\(n\) If any provision of this chapter or its application to any person is deemed invalid, any](#)  
4 [such invalidity shall not affect the other provisions of this chapter which may lawfully be given](#)  
5 [effect without the invalid provision.](#)

6 SECTION 2. This act shall take effect on October 1, 2016.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO HIGHWAYS -- RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY

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1           This act would impose administrative fees upon individuals who fail to make timely  
2 payments of toll amounts, and would subject toll evaders to license suspension or fines pursuant  
3 to jurisdiction of the Rhode Island traffic tribunal.

4           This act would take effect on October 1, 2016.

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