

2015 -- S 0570 SUBSTITUTE A

LC001263/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO HIGHWAYS -- RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY

Introduced By: Senator Louis P. DiPalma

Date Introduced: March 03, 2015

Referred To: Senate Judiciary

(by request)

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**~~
4 ~~**nonpayment of toll -- Toll violators and toll evaders.** -- (a) Any person who fails or refuses to~~
5 ~~pay or prepay the required toll shall be required to pay the toll amount and an administrative fee~~
6 ~~of six dollars (\$6.00) within thirty (30) days of issuance of the notice of violation.~~

7 ~~(b) Any person who fails to pay the due toll amount and the administrative fee within~~
8 ~~thirty (30) days of the issuance of the notice of the violation shall be punished by a fine of eighty-~~
9 ~~five dollars (\$85.00) and may have his or her drivers license suspended pursuant to § 31-41.1-6~~
10 ~~for a period not to exceed thirty (30) days for the violation. Toll violators, who fail to pay the due~~
11 ~~toll amount and the administrative fee within thirty (30) days of the issuance of the notice of the~~
12 ~~violation shall receive a traffic violation summons which shall be subject to the jurisdiction of the~~
13 ~~Traffic Tribunal. The toll amount, and administrative fee due under this subsection shall be~~
14 ~~remitted to the Rhode Island Turnpike and Bridge Authority.~~

15 ~~(c) "Toll Violator" means, for the purposes of this section, any person who uses any~~
16 ~~project and fails to pay the required toll and accepts an Unpaid Toll Invoice from the Authority.~~

17 ~~(1) The authority shall promulgate appropriate rules and regulations to ensure the proper~~
18 ~~administration of the provisions of this section.~~

19 ~~(2) For the purposes of this section only, "person" means the registered owner, driver,~~

1 ~~rentee or lessee of a motor vehicle.~~

2 ~~(3) It is unlawful for any person or business, other than an authorized representative of~~
3 ~~the authority: (i) to sell, offer for sale or attempt to sell tokens, tickets, passes or other evidences~~
4 ~~of payment issued for passage on any project of the authority, including but not limited to, the~~
5 ~~Claiborne Pell Bridge, if originally issued by the authority pursuant to any program of the~~
6 ~~authority providing for a reduced rate of toll based upon frequency of use of the project, volume~~
7 ~~of tokens, passes or other evidences of payment purchased, or method of payment for the toll; or~~
8 ~~(ii) to sell, offer for sale, or attempt to sell tokens, passes or other evidences of payment issued for~~
9 ~~passage on any project of the authority, including but not limited to, the Claiborne Pell Bridge for~~
10 ~~a profit. Any person or business who is found in violation of this subsection shall be punished, for~~
11 ~~each offense, by a fine of not more than five hundred dollars (\$500).~~

12 (a) Legislative findings: The general assembly finds as follows:

13 (1) All users of any tolled projects should be required to timely pay for the use of such
14 projects;

15 (2) Toll violators and toll evaders unfairly shift the financial burden of maintaining the
16 tolled projects to other project users; and

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

19 (b) In each instance when a person fails or refuses to pay or prepay the required toll on a
20 tolled project, and is issued a violation for the same, the toll violator shall pay the toll amount
21 within fourteen (14) days of issuance of the violation.

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

25 (d) Any toll violator who fails to pay the forty dollar (\$40.00) administrative fee and
26 unpaid toll as required by subsection (b) of this section within forty-five (45) days of the issuance
27 of the original violation shall incur a thirty-five dollar (\$35.00) administrative fee in addition to
28 the forty dollar (\$40.00) administrative fee and the unpaid toll amount. The toll amount and
29 administrative fees shall be paid to the authority.

30 (e) Toll evaders shall be responsible for any tolls and administrative fees applicable to
31 toll violators. Further, any toll evader shall also receive a traffic violation summons which shall
32 be subject to the jurisdiction of the Rhode Island traffic tribunal, which may suspend the toll
33 evader's driver's license for up to six (6) months for the violation and assess a fine up to five
34 hundred dollars (\$500), or both. All tolls, administrative fees, and fines shall be payable to the

1 authority.

2 (f) If the unpaid toll amounts, administrative fees, and fines (if applicable) are not paid
3 within ninety (90) days of the issuance of the original violation, then the authority may report the
4 person to the Rhode Island department of motor vehicles, who then shall not permit that person to
5 renew his or her driver's license and vehicle registration until the unpaid toll amounts,
6 administrative fees, and fines (if applicable) are paid to the authority. Upon the authority's receipt
7 of such payment or a written repayment agreement between the person and the authority, the
8 authority shall promptly issue a verbal, written or electronic confirmation showing the amounts
9 paid and a certification that the person does not owe any amounts to the authority or has
10 otherwise made satisfactory repayment arrangements with the authority. In such a case, the
11 Rhode Island department of motor vehicles shall forthwith release any hold placed for this
12 purpose on the person's license renewal and vehicle registration renewal. If a person who made
13 satisfactory repayment arrangements with the authority subsequently fails to honor such
14 arrangements with the authority according to their terms, then the authority may re-report the
15 person to the Rhode Island department of motor vehicles which shall then not permit that person
16 to renew his or her driver's license and vehicle registration until the originally unpaid toll
17 amounts, administrative fees, and fines (if applicable) are paid to the authority.

18 (g) "Toll evader" means, for purposes of this section, any person who uses a project, fails
19 or refuses to pay the required toll, and deliberately circumvents or proceeds around or through a
20 gate or other barrier on a project.

21 (h) "Toll violator" means, for the purposes of this section, any person who uses any
22 project and fails to pay or prepay the required toll.

23 (i) The authority may promulgate appropriate rules and regulations to ensure the proper
24 administration of the provisions of this section. Any person aggrieved by the authority's
25 assessment of any administrative fees may request review of such assessment through the process
26 established by the authority, which shall not be subject to chapter 35 of title 42 ("administrative
27 procedures act").

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

30 (k) It is unlawful for any person or business, other than an authorized representative of
31 the authority or any other duly authorized and existing toll or transportation agency to sell, lease,
32 rent, or offer for sale, lease, or rent any tokens, tickets, passes, transponders or other evidences of
33 payment issued for passage on any project. Any person or business who is found in violation of
34 this subsection shall be punished, for each offense, by a fine of not more than five hundred dollars

1 [\(\\$500\).](#)

2 SECTION 2. Section 24-12-37.1 of the General Laws in Chapter 24-12 entitled "Rhode
3 Island Turnpike and Bridge Authority" is hereby repealed.

4 ~~**24-12-37.1. Additional penalties -- Toll evaders.** (a) Any toll evader who fails or
5 refuses to pay or prepay the required toll, and such violation may be evidenced by video or
6 photograph, shall be required to pay a fine not exceeding five hundred dollars (\$500) and shall
7 pay the toll amount due and an administrative fee of six dollars (\$6.00) or may have his or her
8 driver's license suspended for up to six (6) months for the violation, or both. A toll evader under
9 this subsection shall receive a traffic violation summons which shall be subject to the jurisdiction
10 of the Traffic Tribunal. The administrative fee and toll amount due under this subsection shall be
11 remitted to the Rhode Island Turnpike and Bridge Authority.~~

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

17 SECTION 3. Section 31-3-5 of the General Laws in Chapter 31-3 entitled "Registration
18 of Vehicles" is hereby amended to read as follows:

19 **31-3-5. Grounds for refusal of registration.** -- The division of motor vehicles shall
20 refuse registration or any transfer of registration upon any of the following grounds:

21 (1) That the application contains any false or fraudulent statement, or that the applicant
22 has failed to furnish required information, or reasonable additional information requested by the
23 division of motor vehicles, or that the applicant is not entitled to the issuance of registration of the
24 vehicle under chapters 3 -- 9 of this title;

25 (2) That the vehicle is mechanically unfit or unsafe to be operated upon the highways;

26 (3) That the division of motor vehicles has reasonable ground to believe that the vehicle
27 is a stolen or embezzled vehicle, or that the granting of registration would constitute a fraud
28 against the rightful owner;

29 (4) That the registration of the vehicle stands suspended or revoked for any reason as
30 provided in the motor vehicle laws of this state;

31 (5) That the vehicle has been reported by any city or town to the division of motor
32 vehicles as having unpaid fines in the aggregate amount of two hundred dollars (\$200) or more;
33 provided, the registration shall be issued upon presentation of proof of payment of the
34 outstanding fines owed to the cities or towns reporting the unpaid fines. The sum of two hundred

1 dollars (\$200) shall represent the aggregate value of the sum of the fines on the face of the
2 ticket(s) and shall not include interest, penalties, or any other monetary amount which may be
3 imposed for failure to pay the ticket(s) or summons(es) by a specified date. Before the division of
4 motor vehicles denies a registration to any person pursuant to this subsection, it shall have first
5 received a five dollar (\$5.00) fee for each request from the city or town requesting the denial of
6 registration, which fee may be added to the aggregate value of the sum of the fines;

7 (6) That the vehicle does not comply with regulations promulgated pursuant to § 23-23-
8 5(18), entitled "Air Pollution";

9 (7) That the vehicle does not comply with the provisions of chapter 47.1 of this title and
10 any rules and regulations promulgated under that chapter;

11 (8) That a commercial motor vehicle is being operated by a commercial motor carrier
12 that has been prohibited from operating in interstate commerce by a federal agency with authority
13 to do so under federal law; or

14 (9) That the registered owner of a vehicle failed to pay the required ~~fine and toll~~ toll
15 amounts, administrative fees, and/or fines as prescribed ~~in subdivision §~~ 24-12-37 ~~(a)(3)~~ of the
16 general laws.

17 SECTION 4. Section 42-35-18 of the General Laws in Chapter 42-35 entitled
18 "Administrative Procedures" is hereby amended to read as follows:

19 **42-35-18. Effective date of chapter -- Scope of application and exemptions.** -- (a) This
20 chapter shall take effect upon January 1, 1964, and thereupon all acts and parts of acts
21 inconsistent herewith shall stand repealed; provided, however, that except as to proceedings
22 pending on June 30, 1963, this chapter shall apply to all agencies and agency proceedings not
23 expressly exempted.

24 (b) None of the provisions of this chapter shall apply to the following sections and
25 chapters:

- 26 (1) Section 16-32-10 (University of Rhode Island);
- 27 (2) Chapter 41 of title 16 (New England Higher Education Compact);
- 28 (3) Section 16-33-6 (Rhode Island College);
- 29 (4) Chapter 16 of title 23 (Health Facilities Construction Act);
- 30 (5) Chapter 8 of title 20 (Atlantic States Marine Fisheries Compact);
- 31 (6) Chapter 38 of title 28 (Dr. John E. Donley Rehabilitation Center);
- 32 (7) Chapter 7 of title 17 (State Board of Elections);
- 33 (8) Chapter 16 of title 8 (Judicial Tenure and Discipline);
- 34 (9) Chapter 61 of title 42 (State Lottery);

1 (10) Chapter 24.4 of title 45 (Special Development Districts);
2 (11) Chapter 12 of title 35 (The University of Rhode Island Research Corporation).

3 (c) The provisions of §§ 42-35-9, 42-35-10, 42-35-11, 42-35-12 and 42-35-13 shall not
4 apply to:

5 (1) Any and all acts, decisions, findings, or determinations by the board of review of the
6 department of labor and training or the director of the department of labor and training or his, her,
7 its or their duly authorized agents and to any and all procedures or hearings before and by the
8 director or board of review of the department of labor and training or his or her agents under the
9 provisions of chapters 39 -- 44 of title 28.

10 (2) Section 28-5-17 (Conciliation of charges of unlawful practices).

11 (3) Chapter 8 of title 13 (Parole).

12 (4) Any and all acts, decisions, findings or determinations by the administrator of the
13 division of motor vehicles or his or her duly authorized agent and to any and all procedures or
14 hearings before and by said administrator or his or her said agent under the provisions of chapters
15 10, 11, 31 to 33, inclusive, of title 31.

16 (5) Procedures of the board of examiners of hoisting engineers under chapter 26 of title
17 28.

18 (6) Any and all acts, decisions, findings, or determinations made under authority from
19 the provisions of chapters 29 -- 38 of title 28, concerning workers' compensation administration,
20 procedure and benefits.

21 [\(7\) Any and all acts, decisions, findings, or determinations made by the Rhode Island](#)
22 [turnpike and bridge authority and to any and all procedures or hearings before said agency under](#)
23 [the provisions of chapter 12 of title 24 concerning review of the assessment of administrative](#)
24 [fees.](#)

25 SECTION 5. This act shall take effect on October 1, 2015, and shall apply retroactively
26 to all toll violators and toll evaders who, prior to said date have failed or refused to pay or prepay
27 the required toll on a tolled project at least one hundred (100) or more times; received at least
28 three (3) written notices from the authority (or its agent) regarding the non-payment of tolls; and
29 who are not party to a written repayment plan with the authority.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HIGHWAYS -- RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY

1 This act would modify the fines, administrative fees and penalties for motorists who are
2 toll violators and evaders, and who fail to timely pay their fines and fees, including preventing
3 nonpayers from renewing their motor vehicle licenses and registrations. It would also exempt
4 reviews of the Rhode Island turnpike and bridge authority's imposition of administrative fees
5 from the "Administrative Procedures Act".

6 This act would take effect on October 1, 2015 and would apply retroactively to all toll
7 violators and toll evaders who, prior to said date have failed or refused to pay or prepay the
8 required toll on a tolled project at least one hundred (100) or more times; received at least three
9 (3) written notices from the authority (or its agent) regarding the non-payment of tolls; and who
10 are not party to a written repayment plan with the authority.

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