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3 SENATE TRANSPORTATION & ENERGY COMMITTEE SUBSTITUTE FOR SB320  
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8 SYNOPSIS: This bill would provide for electronic  
9 assessment and collection of tolls. The tolls would  
10 be assessed either to an account holder with the  
11 toll entity or through the transmission of license  
12 plate information by a photo-monitoring system. The  
13 registered vehicle owner or an operator could be  
14 assessed with payment for a toll violation plus  
15 administrative fees which would increase if the  
16 toll is not paid. If a judgment is rendered, the  
17 registered owner's driver's license would be  
18 suspended.  
19

20 A BILL  
21 TO BE ENTITLED  
22 AN ACT  
23

24 Relating to toll roads and bridges; to add Article 6  
25 to Chapter 2 of Title 23, Code of Alabama 1975, to provide for  
26 the use of electronic systems for the assessment and

1 collection of tolls; to provide for the assessment of a toll  
2 violation against the operator and the registered owner of  
3 vehicles; to provide for judgments; to provide for the  
4 suspension of a registered owner's driver's license under  
5 certain conditions; and to repeal Section 23-2-163, Code of  
6 Alabama 1975.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Article 6 is added to Chapter 2 of Title  
9 23, Code of Alabama 1975, to read as follows:

10 Chapter 2.

11 Article 6. Electronic Toll Collection Act.

12 §23-2-165. Short title.

13 This article shall be known as the Electronic Toll  
14 Collection Act.

15 §23-2-166. Intent and purpose of Article.

16 The purpose of this article is to facilitate  
17 vehicular traffic and safety in the state by providing for the  
18 electronic collection of tolls.

19 §23-2-167. Definitions

20 As used in this article, the following words shall  
21 have the following meanings:

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

24 (2) DEPARTMENT. The Department of Transportation.

25 (3) ELECTRONIC TOLL COLLECTION. A method of  
26 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 the lessee has the exclusive use of the  
19 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.

24 (7) OPERATOR. Any person who is or was driving a  
25 vehicle that is or was the subject of a toll violation, but  
26 who is not the owner of the vehicle.

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

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

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

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

24 (12) TOLL. Charges prescribed by the authority,  
25 department, or private toll entity for the use of any toll  
26 road, bridge, causeway or tunnel under the jurisdiction of the

1 authority or department or under the ownership or operation of  
2 a private toll entity.

3 (13) TOLL VIOLATION. The passage of a vehicle  
4 through a toll collection point without payment of the  
5 required toll.

6 (14) VEHICLE. Any motor-propelled device in, upon,  
7 or by which any person or property is transported or drawn  
8 upon a road or highway, except devices used exclusively upon  
9 stationary rails or tracks.

10 §23-2-168. Electronic toll collection.

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

21 (b) Any person or entity desiring to pay tolls  
22 electronically shall apply to the authority, department,  
23 private toll entity, or their agent or representative to  
24 become an account holder. The authority, department, private  
25 toll entity, or their agent or representative, in their  
26 discretion, may deny the application of a person or entity.

1 The denial and reason therefor shall be sent to the applicant  
2 by first-class mail or electronic transmission.

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

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

24 §23-2-169. Use of toll collection facility without  
25 payment; collection.

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 their agent  
8 or representative may pursue collection of the required toll  
9 as provided for in this article.

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

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

1 with any municipal law enforcement agency or county sheriff to  
2 provide the registered owner information pursuant to this  
3 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 their agent or  
8 representative shall send by first-class mail or electronic  
9 transmission:

10 (1) A "First Notice to Pay Toll" to the registered  
11 owner of a vehicle which is identified as having been involved  
12 in a toll violation. The first notice shall require payment to  
13 the authority, department, or private toll entity of the  
14 required toll plus an administrative fee not to exceed  
15 twenty-five dollars (\$25) as set by the authority, department,  
16 or private toll entity within 30 days of the mailing or  
17 electronic transmission of the notice.

18 (2) A "Second Notice to Pay Toll" to the registered  
19 owner of a vehicle who has failed to respond to a "First  
20 Notice to Pay Toll" within the required time period. The  
21 second notice shall require payment to the authority,  
22 department, or private toll entity of the required toll, plus  
23 an administrative fee not to exceed fifty dollars (\$50) as set  
24 by the authority, department, or private toll entity within 30  
25 days of the mailing or electronic transmission of the notice.



1           (3) A "Failure to Pay a Toll" citation to the owner  
2 or operator of a vehicle who has failed to respond to the  
3 second notice within the required time period. The citation  
4 shall require payment to the authority, department, or private  
5 toll entity of the required toll, plus an administrative fee  
6 not to exceed one hundred dollars (\$100) as set by the  
7 authority, department, or private toll entity within 30 days  
8 of the mailing or electronic transmission of the notice of  
9 citation. The owner or operator shall be notified that failure  
10 to pay the citation within the required time period may result  
11 in the authority, department, private toll entity, or their  
12 agent or representative filing a civil suit in the municipal  
13 court of the city in which the violation has occurred or  
14 district court of the county in which the violation occurred  
15 to collect the toll and all applicable fees and penalties  
16 allowed pursuant to this article.

17           (e) Administrative fees assessed under subsection  
18 (d) are not cumulative. The maximum aggregate administrative  
19 fee allowed increases from twenty-five dollars (\$25) to fifty  
20 dollars (\$50) to one hundred dollars (\$100) with each notice  
21 issued. An additional administrative fee of up to five dollars  
22 (\$5) shall be assessed on each citation and paid to the law  
23 enforcement agency providing the registered owner information  
24 to the department, authority, or private toll entity.

25           (f) The notices and citation required by this  
26 subsection shall also contain the following information:

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

4           (2) The license plate registration number of the  
5 vehicle involved in the toll violation.

6           (3) The location where the toll violation occurred.

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

8           (5) The identification of the photo or other  
9 monitoring system which recorded the violation or other  
10 document locator.

11           (6) Information advising of the manner and time in  
12 which liability may be contested.

13           (7) Notice that failure to contest liability in the  
14 manner and time provided in this section is an admission of  
15 liability.

16           (8) Notice that failure to pay a toll and any  
17 applicable fees may result in the suspension of driver's  
18 license and vehicle registration.

19           (g) A manual, automatic, or electronic record of the  
20 mailing or transmission of the notices or citation prepared in  
21 the ordinary course of business is prima facie evidence of the  
22 mailing or transmission of the notices or citation.

23           §23-2-170. Civil liability for toll violations.

24           (a) The authority, department, private toll entity,  
25 or their agent or representative may file a civil suit in the  
26 municipal court of the city in which the violation has

1 occurred or district court of the county in which the  
2 violation occurred to collect the toll and all applicable fees  
3 after a citation has been issued and the required time period  
4 for response has elapsed, without the payment of filing fees.  
5 The action shall be governed by the Alabama Rules of Civil  
6 Procedure except as otherwise set out in this article.

7 (b) Actions brought pursuant to this article shall  
8 be commenced within six years.

9 (c) Imposition of liability pursuant to this section  
10 shall be based upon a preponderance of evidence submitted.

11 (d) Adjudication of liability shall not be made a  
12 part of the driving record of the person upon whom liability  
13 is imposed, nor shall it be considered in any manner for  
14 insurance purposes in the provision of motor vehicle insurance  
15 coverage.

16 §23-2-171. Defense against liability.

17 The owner of the motor vehicle involved in the  
18 violation is responsible and liable for payment of a citation  
19 issued for failure to pay a toll, unless:

20 (1) The owner can establish that the motor vehicle  
21 was stolen at the time of the violation. In order to establish  
22 such facts, the owner of the motor vehicle is required to  
23 furnish the court with a police report indicating that the  
24 vehicle was stolen at the time of the alleged violation.

25 (2) If the motor vehicle involved in the violation  
26 is leased to another person or entity, the lessor is not

1 liable for the violation if the lessor sends to the authority,  
2 department, private toll entity, or their agent or  
3 representative, within the time provided for response by the  
4 notice or citation, as applicable, a copy of the rental,  
5 lease, or another contract document, or an affidavit, covering  
6 the vehicle on the date of the violation, with the name and  
7 address of the lessee clearly legible, within the time  
8 provided for response by the notice or citation. Failure to  
9 send the information within the time provided renders the  
10 lessor liable for the unpaid tolls and any administrative fees  
11 or penalties assessed pursuant to and in the manner as  
12 provided in this article. If the lessor complies with the  
13 provisions of this section, the lessee of the vehicle on the  
14 date of the violation is subject to liability for the failure  
15 to pay the toll if the authority, department, private toll  
16 entity, or their agent or representative mails a notice of  
17 liability to the lessee as provided in this article after  
18 receipt of a copy of the rental, lease, or other contract  
19 document.

20 §23-2-172. Enforcement of judgments.

21 (a) If a municipal or district court determines that  
22 the person or entity charged with liability under this article  
23 is liable, the court shall enter a judgment against the person  
24 or entity and mail a copy of the judgment thereto. The court  
25 shall collect the unpaid tolls and administrative fee. The  
26 court may impose court costs and a civil penalty of up to one

1 hundred dollars (\$100) for each violation. Tolls, fees, and  
2 penalties shall be forwarded to the entity administering the  
3 tolls at the facility where the violation occurred.

4 (b) Upon failure to satisfy a judgment within 60  
5 days of its entry and upon the written request of the  
6 authority, department, private toll entity, or their agent or  
7 representative, it shall be the duty of the clerk of the  
8 court, or of the judge of a court which has no clerk in which  
9 the judgment is rendered within this state, to forward a  
10 certified copy of the judgment to the Secretary of the Alabama  
11 State Law Enforcement Agency or his or her designee after the  
12 expiration of the 60 days.

13 (c) The Secretary of the Alabama State Law  
14 Enforcement Agency or his or her designee, upon the receipt of  
15 a certified copy of a judgment, shall suspend the license of  
16 any resident and the operating privilege, as defined in  
17 section 32-7-2(6) of any nonresident, against whom judgment  
18 was rendered.

19 (d) The resident's license and the nonresident's  
20 operating privilege shall remain suspended until the judgment  
21 is satisfied and evidence of its satisfaction has been  
22 presented to the Alabama State Law Enforcement Agency.

23 (e) When a nonresident's operating privilege is  
24 suspended pursuant to this section, the Secretary of the  
25 Alabama State Law Enforcement Agency or his or her designee  
26 shall transmit a certified copy of the record of such action

1 to the official in charge of the issuance of licenses and  
2 registration certificates in the state in which such  
3 nonresident resides, if the law of such other state provides  
4 for action in relation thereto similar to that provided for in  
5 this section.

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

9 §23-2-173. Reciprocal agreements - Other states or  
10 jurisdictions.

11 (a) The Department of Transportation is hereby  
12 empowered to enter into agreements, when not in conflict with  
13 law, with other states or jurisdictions for reciprocal  
14 enforcement of toll violations.

15 (b) An agreement made under this section shall  
16 provide that drivers and vehicles licensed in the state, while  
17 operating on the highways of another jurisdiction, shall  
18 receive benefits, privileges, and exemptions of a similar kind  
19 with regard to toll enforcement as are extended to drivers and  
20 vehicles licensed or registered in the other jurisdiction  
21 while operated in the state.

22 (c) A reciprocal agreement under this section may  
23 provide for enforcement of toll violations by refusal or  
24 suspension of the license or registration of a motor vehicle  
25 in accordance with Section 23-2-172.

1 (d) The reciprocal violation enforcement agreement  
2 between the department and the governmental entity of another  
3 state or jurisdiction shall agree upon fees and costs  
4 associated with collecting unpaid tolls and placing vehicle  
5 registration holds in their respective jurisdictions.

6 §23-2-174. Privacy.

7 (a) The authority, department, private toll entity,  
8 or their agent or representative shall not sell, distribute,  
9 or make available the names and addresses of electronic toll  
10 collection system account holders, without the account  
11 holder's consent, to any entity that uses the information for  
12 commercial purposes. However, this restriction does not  
13 preclude the exchange of this information between entities  
14 with jurisdiction of or operating a toll road, bridge,  
15 causeway, or tunnel, or entities with which there exists a  
16 reciprocal toll enforcement agreement.

17 (b) Records identifying a specific instance of  
18 travel by a specific person or vehicle shall be used only as  
19 required to ensure payment and enforcement of tolls, except  
20 that such information may be used by state, county, or  
21 municipal law enforcement agencies for the comparison of  
22 captured license plate data with data held by the Department  
23 of Revenue, the Alabama Criminal Justice Information Center,  
24 the National Crime Information Center, and the Federal Bureau  
25 of Investigation Kidnappings and Missing Persons list, for the  
26 purpose of identifying any of the following:

1 (1) A stolen vehicle or stolen license plate.

2 (2) A vehicle registered to an individual for whom  
3 there is an outstanding default or arrest warrant for felony  
4 charges appearing in the Alabama Warrant Management System, or  
5 outstanding warrants for felony charges issued in another  
6 jurisdiction.

7 (3) A vehicle associated with a missing person.

8 (c) Information or data collected by the authority,  
9 department, private toll entity, or their agent or  
10 representative, for the purpose of establishing and monitoring  
11 electronic toll collection accounts, is not subject to  
12 disclosure under the Open Records Act, Section 36-12-40.

13 §23-2-175. Exemptions.

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

16 (1) School buses transporting school children for a  
17 school event.

18 (2) Emergency and law enforcement vehicles while  
19 actively engaged.

20 (3) Vehicles deemed exempt for a specific toll  
21 facility by the entity administering tolls.

22 Section 2. All laws or parts of laws which conflict  
23 with this act are repealed, including but not limited to,  
24 Section 23-2-163.



1                   Section 3. This act shall become effective  
2 immediately following its passage and approval by the  
3 Governor, or its otherwise becoming law.