

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

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to the Electronic Toll Collection Act; to
12 amend Sections 23-2-167, 23-2-168, 23-2-169, 23-2-172,
13 23-2-173, and 23-2-175, Code of Alabama 1975, to provide
14 further for the process and assessment of administrative fees
15 for unpaid toll violations; to provide for the non-renewal of
16 vehicle registration for failure to pay a toll violation or
17 assessed administrative fees; and to further provide for
18 reciprocal agreements with other states or jurisdictions.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Sections 23-2-167, 23-2-168, 23-2-169,
21 23-2-172, 23-2-173, and 23-2-175, Code of Alabama 1975, are
22 amended to read as follows:

23 "§23-2-167.

24 "As used in this article, the following words shall
25 have the following meanings:

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

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

2 "(3) ELECTRONIC TOLL COLLECTION. A method of
3 collecting tolls or charges which is capable of charging an
4 account holder the appropriate toll or charge, including, but
5 not limited to, either of the following:

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

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

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

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

23 "(6) LESSEE. Any person, corporation, firm,
24 partnership, agency, association, or organization that rents,
25 leases, or contracts for the use of one or more vehicles and
26 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
26 pursuant to Section 23-1-81 or Section 23-2-144(12), to
27 operate toll collection facilities.

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

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

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

14 "§23-2-168.

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

26 "(b) Any person or entity desiring to pay tolls
27 electronically shall apply to the authority, department, or

1 private toll entity, or ~~an~~ their agent or representative
2 ~~thereof~~, to become an account holder. The authority,
3 department, or private toll entity, or ~~an~~ their agent or
4 representative ~~thereof~~, in its discretion, may deny the
5 application of a person or entity. The denial and reason
6 ~~therefor~~ for the denial shall be sent to the applicant by
7 first-class mail or electronic transmission.

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

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

1 attempt to collect the toll as a toll violation as provided in
2 Section 23-2-169.

3 "§23-2-169.

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

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

22 "~~(c) Upon receipt of a certified written statement~~
23 ~~from the department, authority, or private toll entity~~
24 ~~referencing the license plate registration number of a vehicle~~
25 ~~involved in a toll violation, the Alabama State Law~~
26 ~~Enforcement Agency shall provide the department, authority, or~~
27 ~~private toll entity with the name and address of the~~

1 ~~registered owner of the subject vehicle. Alternatively, the~~
2 ~~department, authority, or private toll entity may enter into~~
3 ~~an agreement with any municipal law enforcement agency or~~
4 ~~county sheriff to provide the registered owner information~~
5 ~~pursuant to this subsection.~~

6 "(c) The Department of Revenue, upon request, shall
7 provide current Alabama registration information to the
8 department or authority in order to allow the department or
9 authority to implement and administer this article. This
10 information shall be provided in the format that the
11 Department of Revenue provides to the Alabama State Law
12 Enforcement Agency. The information shall not be subject to
13 the fees as provided in Section 32-8-6 and shall only be used
14 for the enforcement of this article. Alternatively, the
15 department, authority, or private toll entity may enter into
16 an agreement with any municipal law enforcement agency, county
17 sheriff, or other authorized agency to provide the registered
18 owner information pursuant to this subsection.

19 "(d) If a vehicle passes through a toll collection
20 point without payment of the required toll and no account is
21 available to which a charge may be applied, the authority,
22 department, or private toll entity, or ~~an~~ their agent or
23 representative ~~thereof,~~ shall send by first-class mail or
24 electronic transmission:

25 "(1) A First ~~Notice to Pay~~ Toll Invoice Notice to
26 the ~~registered~~ owner or operator of a vehicle ~~which~~ that is
27 identified as having been involved in a toll violation. The

1 ~~first notice~~ First Toll Invoice Notice shall require payment
2 to the authority, department, or private toll entity of the
3 required toll or tolls incurred over the previous billing
4 period, as established by the authority, department, or
5 private toll entity, and may require payment of an
6 administrative fee not to exceed five dollars (\$5) per First
7 Toll Invoice Notice. ~~plus an administrative fee of five~~
8 ~~dollars (\$5)~~ The payment shall be made within 30 days of the
9 mailing or electronic transmission of the notice. ~~This First~~
10 ~~Notice to Pay Toll~~ The First Toll Invoice Notice shall be sent
11 by the authority, department, or private toll entity, or ~~its~~
12 their agent or representative, within 60 days after receipt of
13 the motor vehicle registration information from the Alabama
14 State Law Enforcement Agency, a municipal law enforcement
15 agency, ~~or~~ the county sheriff, or other authorized entity.

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

1 "(3) A Failure to Pay a Toll ~~citation~~ Citation to
2 the owner or operator of a vehicle who has failed to respond
3 to the ~~second notice~~ Second Toll Invoice Notice within the
4 required time period. The authority or department may issue a
5 Failure to Pay a Toll Citation upon certification by the
6 authority, department, or private toll entity, or their agent
7 or representative, that a toll violation has occurred and the
8 owner or operator has failed to respond to the First Toll
9 Invoice Notice and the Second Toll Invoice Notice as required
10 by this section. The authority or department shall send the
11 citation to the owner or operator associated with the toll
12 violation; provided, if the citation is based on certification
13 by a private toll entity, the private toll entity or its agent
14 or representative shall send the citation. The citation shall
15 be sent by certified mail. The citation shall require payment
16 to the authority, department, or private toll entity of the
17 required toll, ~~plus~~ and may require payment of an
18 administrative fee not to exceed one hundred dollars (\$100),
19 as set by the authority, department, or private toll entity,
20 within 30 days of the mailing ~~or electronic transmission~~ of
21 the notice of citation. ~~The owner or operator shall be~~
22 notified In addition, the notice shall provide that failure to
23 pay the citation within the required time period may result in
24 the following:

25 "a. The non-renewal of the vehicle registration for
26 the vehicle associated with the citation until the citation
27 and associated fees are resolved.

1 **"b.** ~~The~~ the authority, department, or private toll
2 entity, or ~~an~~ their agent or representative ~~thereof,~~ filing a
3 civil suit in the ~~municipal court of the city in which the~~
4 ~~violation has occurred or~~ district court of the county in
5 which the violation occurred to collect the toll and all
6 applicable fees and penalties allowed pursuant to this
7 article.

8 "(e) Administrative fees assessed under subsection
9 (d) are not cumulative. The maximum aggregate administrative
10 fee allowed increases from five dollars (\$5) to fifty dollars
11 (\$50) to one hundred dollars (\$100) with each notice issued.
12 An additional administrative fee of up to five dollars (\$5)
13 shall be assessed on each citation and paid to the law
14 ~~enforcement agency providing the~~ enforcement or other
15 authorized agency providing the registered owner information
16 to the department, authority, or private toll entity.

17 "(f) The notices and citation required by this
18 ~~subsection~~ section shall also contain the following
19 information:

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

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

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

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

1 "(5) The identification of the photo or other
2 monitoring system which recorded the violation or other
3 document locator.

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

6 "(7) Notice that failure to contest liability in the
7 manner and time provided in this section is an admission of
8 liability.

9 "(8) Notice that failure to pay a toll and any
10 applicable fees may result in the suspension of driver's
11 license and non-renewal of the vehicle registration for the
12 vehicle associated with the citation.

13 "(g) A manual, automatic, or electronic record of
14 the mailing or transmission of the notices or citation
15 prepared in the ordinary course of business is prima facie
16 evidence of the mailing or transmission of the notices or
17 citation.

18 "§23-2-172.

19 "(a) (1) If the authority, department, or private
20 toll entity, or their agent or representative, has sent a
21 Failure to Pay a Toll Citation in accordance with Section
22 23-2-169, and the owner fails to pay the citation within the
23 required time period, the authority or private toll entity, or
24 their agent or representative, may notify the department that
25 the citation has not been paid and request the department to
26 place a hold on the registration renewal of the vehicle
27 associated with the violation. After notification and request,

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

22 "(2) At least 10 calendar days before the
23 registration renewal hold is placed on the vehicle, the
24 authority, department, or private toll entity, or their agent
25 or representative, shall give notice of the hold to the owner
26 of the vehicle. The notice shall be by first-class mail. The

1 notice shall inform the owner how to remove the hold and shall
2 provide the owner notice of the appeal procedures.

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

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

1 "c. A person who receives notice of a vehicle
2 registration renewal hold may file an appeal within 60 days of
3 receipt of the notice. The appeal shall be filed in the local
4 district court and is limited to the defenses against
5 liability provided in Section 23-2-171.

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

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

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

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

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

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

24 ~~"(d)(4)~~ The resident's driver's license and the
25 nonresident's operating privilege shall remain suspended until
26 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.

25 "(b) An agreement made under this section shall
26 provide that drivers licensed and vehicles registered in the
27 state, while operating on the highways of another

1 jurisdiction, shall receive benefits, privileges, and
2 exemptions of a similar kind with regard to toll enforcement
3 as are extended to drivers and vehicles licensed or registered
4 in the other jurisdiction while operated in the state.

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

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

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

20 "(f) The enforcement provisions of subsection (d) of
21 Section 23-2-169 and Section 23-2-172 do not apply to toll
22 violations that occur in another state or jurisdiction until
23 and unless the department or authority enters into a
24 reciprocal agreement under this section with the other state
25 or jurisdiction.

26 "(g) To the extent permitted by law or allowed by or
27 agreed to in a reciprocal agreement made under this section,

1 public or private toll entities within the state may share in
2 the benefit of a reciprocal agreement. Nothing in this section
3 prevents a public or private toll entity from entering into an
4 agreement for data sharing, the reciprocal payment of toll
5 violations, or the collection of tolls with another public or
6 private toll entity.

7 "§23-2-175.

8 "The following vehicles are exempt from paying tolls
9 imposed pursuant to this article:

10 "(1) School buses transporting ~~school~~ children for a
11 school event.

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

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

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

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Senate

Read for the first time and referred to the Senate
committee on Transportation and Energy..... 30-APR-19

Read for the second time and placed on the calen-
dar 1 amendment..... 09-MAY-19

Read for the third time and passed as amended 23-MAY-19

Yeas 30
Nays 0

Patrick Harris,
Secretary.