

2023 -- S 0644 SUBSTITUTE A

LC002147/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO HIGHWAYS --RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY

Introduced By: Senators Euer, DiPalma, and Felag

Date Introduced: March 07, 2023

Referred To: Senate 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 and toll evaders.**

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

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

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

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

11 (b) In each instance when a person fails or refuses to pay or prepay the required toll on a
12 tolled project, and is issued a violation for the same, the toll violator shall pay the toll amount within
13 ~~fourteen (14)~~ thirty (30) days of issuance of the violation.

14 (c) Any toll violator who fails to pay the toll amount due within the ~~fourteen-day (14)~~ thirty
15 (30) day period in subsection (b) shall immediately incur a forty-dollar (\$40.00) administrative fee
16 in addition to the unpaid toll amount.

17 (d) Any toll violator who fails to pay the administrative fee and unpaid toll as required by
18 subsection (c) within ~~forty-five (45)~~ sixty (60) days of the issuance of the original violation, shall
19 incur a thirty five-dollar (\$35.00) administrative fee in addition to the forty dollar (\$40.00)

1 administrative fee and the unpaid toll amount. The toll amount and administrative fees shall be paid
2 to the authority.

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

9 (f) If any unpaid toll amounts, administrative fees, and fines are not paid within ninety (90)
10 days of the issuance of the original violation, and the toll violator has incurred at least ten (10)
11 instances in which such toll violator has failed to pay any required toll amounts, administrative
12 fees, and fines, then the authority may report the person as a toll violator, or, if appropriate, as a
13 toll evader, to the Rhode Island division of motor vehicles, who then shall not permit that person
14 to renew his or her driver's license and vehicle registration until any unpaid toll amounts,
15 administrative fees, and fines are paid to the authority. Prior to reporting any violations to the Rhode
16 Island division of motor vehicles, the authority shall send a notice to the violator via electronic mail
17 to the electronic mailing address on file with the authority when the following occurs:

- 18 (1) The prepaid toll account balance has fallen below the minimum required amount; and
19 (2) The prepaid toll account balance reflects a negative balance.

20 Upon the authority's receipt of such payment or a written repayment agreement between
21 the person and the authority, the authority shall promptly issue a verbal, written, or electric
22 confirmation showing the amounts paid and a certification that the person does not owe any
23 amounts to the authority or has otherwise made satisfactory repayment arrangements with the
24 authority. In any such case, the Rhode Island division of motor vehicles shall forthwith release any
25 hold placed for this purpose on the person's license renewal and vehicle registration renewal. If a
26 person who made satisfactory repayment arrangements with the authority subsequently fails to
27 honor and comply with such arrangements with the authority according to their terms, the authority
28 may re-report the person to the Rhode Island division of motor vehicles which shall then prohibit
29 that person from renewing their driver's license and vehicle registration until the originally unpaid
30 toll amounts, administrative fees, and fines are paid to the authority.

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

33 (h) "Toll evader" means, for the purposes of this section, any person who uses a project,
34 fails or refuses to pay or prepay the required toll, and deliberately circumvents or proceeds around

1 or through a gate or other barrier on a project; and/or any toll violator who fails or refuses to pay
2 or prepay the required toll on a tolled project at least twenty (20) or more times, received at least
3 three (3) written notices from the authority (or its agent) regarding the non-payment of tolls, and is
4 not a party to, or in current compliance with, a written repayment plan with the authority.

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

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

11 (k) This section shall apply retroactively to all persons who are toll evaders as of the
12 effective date of this act [October 1, 2016].

13 (l) Nothing contained in this section shall be construed to reduce or otherwise eliminate
14 any tolls, fines, or penalties a person owes to the authority based upon violations occurring prior to
15 the effective date of this act [October 1, 2016].

16 (m) It is unlawful for any person or business, other than an authorized representative of the
17 authority, or any other duly authorized and existing toll or transportation agency, to sell, lease, rent,
18 or offer for sale, lease or rent, any tokens, tickets, passes, transponders, or other evidences of
19 payment issued for passage on any project. Any person or business who or that is found in violation
20 of this subsection shall be punished, for each offense, by a fine of not more than five hundred
21 dollars (\$500).

22 (n) If any provision of this section or its application to any person is deemed invalid, any
23 such invalidity shall not affect the other provisions of this section that may lawfully be given effect
24 without the invalid provision.

25 SECTION 2. 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

1 This act would extend the repayment period for toll violations from fourteen (14) days to
2 thirty (30) days from the issuance of the violation and would extend the time for payment of unpaid
3 toll violations and toll violation administrative fees from forty five (45) days to sixty (60) days
4 from the issuance of the original violation.

5 This act would take effect upon passage.

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