

2023 -- S 0644

LC002147

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~~ shall report the person as a toll violator, or, if appropriate,  
13 as a toll evader, to the Rhode Island division of motor vehicles, who then shall not permit that  
14 person 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 the violations to the Rhode  
16 Island division of motor vehicles, the authority shall send a notice to the violator, via certified mail  
17 to the address on file with the authority, notifying the person that they have incurred multiple toll  
18 violations, and that outstanding fines may have implications upon their driver's license. Upon the  
19 authority's receipt of such payment or a written repayment agreement between the person and the  
20 authority, the authority shall promptly issue a verbal, written, or electric confirmation showing the  
21 amounts paid and a certification that the person does not owe any amounts to the authority or has  
22 otherwise made satisfactory repayment arrangements with the authority. In any such case, the  
23 Rhode Island division of motor vehicles shall forthwith release any hold placed for this purpose on  
24 the person's license renewal and vehicle registration renewal. If a person who made satisfactory  
25 repayment arrangements with the authority subsequently fails to honor and comply with such  
26 arrangements with the authority according to their terms, the authority may re-report the person to  
27 the Rhode Island division of motor vehicles which shall then prohibit that person from renewing  
28 their driver's license and vehicle registration until the originally unpaid toll amounts, administrative  
29 fees, and fines are paid to the authority.

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

32 (h) "Toll evader" means, for the purposes of this section, any person who uses a project,  
33 fails or refuses to pay or prepay the required toll, and deliberately circumvents or proceeds around  
34 or through a gate or other barrier on a project; and/or any toll violator who fails or refuses to pay

1 or prepay the required toll on a tolled project at least twenty (20) or more times, received at least  
2 three (3) written notices from the authority (or its agent) regarding the non-payment of tolls, and is  
3 not a party to, or in current compliance with, a written repayment plan with the authority.

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

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

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

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

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

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

24 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would extend the repayment period for toll violations, and require the Rhode Island  
2 transit and bridge authority to notify frequent violators by certified mail that their driver's license  
3 may be in jeopardy for failure to pay toll violations, prior to notifying the division of motor vehicles  
4 that a person is a toll violator or evader.

5           This act would take effect upon passage.

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