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LC005122

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO HIGHWAYS -- RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY

Introduced By: Senators Euer, Vargas, DiPalma, and DiMario

Date Introduced: February 27, 2026

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; and

11 (4) That toll collection and enforcement systems should align with consumer protection
12 values and best practices, including proportional penalties, clear notice, and reasonable
13 opportunities for resolution.

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

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

1 (d) Any toll violator who fails to pay the administrative fee and unpaid toll as required by
2 subsection (c) within forty-five (45) days of the issuance of the original violation, shall incur a
3 thirty five-dollar (\$35.00) administrative fee in addition to the forty dollar (\$40.00) administrative
4 fee and the unpaid toll amount. The toll amount and administrative fees shall be paid to the
5 authority.

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

12 (f)(1) If any unpaid toll amounts, administrative fees, and fines are not paid within ninety
13 (90) days of the issuance of the original violation, and the toll violator has incurred at least ten (10)
14 instances in which such toll violator has failed to pay any required toll amounts, administrative
15 fees, and fines, then the authority may report the person as a toll violator, or, if appropriate, as a
16 toll evader, to the Rhode Island division of motor vehicles, who then shall not permit that person
17 to renew his or her driver's license and vehicle registration until any unpaid toll amounts,
18 administrative fees, and fines are paid to the authority. Upon the authority's receipt of such payment
19 or a written repayment agreement between the person and the authority, the authority shall promptly
20 issue a verbal, written, or electric confirmation showing the amounts paid and a certification that
21 the person does not owe any amounts to the authority or has otherwise made satisfactory repayment
22 arrangements with the authority. In any such case, the Rhode Island division of motor vehicles shall
23 forthwith release any hold placed for this purpose on the person's license renewal and vehicle
24 registration renewal. If a person who made satisfactory repayment arrangements with the authority
25 subsequently fails to honor and comply with such arrangements with the authority according to
26 their terms, the authority may re-report the person to the Rhode Island division of motor vehicles
27 which shall then prohibit that person from renewing their driver's license and vehicle registration
28 until the originally unpaid toll amounts, administrative fees, and fines are paid to the authority.

29 (2) Prior to reporting any toll violator or toll evader to the Rhode Island division of motor
30 vehicles, and if the toll violator or toll evader is an E-ZPass account holder with the authority who
31 has an electronic mailing address on file with the authority, the authority or its agent shall send a
32 notice to the violator via electronic mail to the electronic mailing address on file, or if no electronic
33 mailing address is on file or electronic notice cannot be successfully delivered, by first-class mail
34 through the United States Postal Service to the most recent mailing address on file, when the

1 following occurs:

2 (1) The prepaid toll account balance has fallen below the minimum required amount; and

3 (2) The prepaid toll account balance reflects a negative balance.

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

6 (h) "Toll evader" means, for the purposes of this section, any person who uses a project,
7 fails or refuses to pay or prepay the required toll, and deliberately circumvents or proceeds around
8 or through a gate or other barrier on a project; and/or any toll violator who fails or refuses to pay
9 or prepay the required toll on a tolled project at least twenty (20) or more times, received at least
10 three (3) written notices from the authority (or its agent) regarding the non-payment of tolls, and is
11 not a party to, or in current compliance with, a written repayment plan with the authority.

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

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

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

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

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

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

32 SECTION 2. Chapter 24-12 of the General Laws entitled "Rhode Island Turnpike and
33 Bridge Authority" is hereby amended by adding thereto the following section:

34 **24-12-37.3. Rules and regulations governing transponder failure -- Proactive**

1 **customer outreach -- Notice infrastructure -- Toll and penalty mitigation.**

2 (a) The authority shall, pursuant to the provisions of chapter 35 of title 42 ("administrative
3 procedures"), promulgate rules and regulations establishing a comprehensive framework to address
4 the known and foreseeable failure of E-ZPass transponders including, but not limited to, battery
5 end-of-life failure, signal degradation, and other equipment malfunctions.

6 (b) The rules and regulations required under this section shall expressly account for
7 circumstances in which the authority knew or reasonably should have known that a class, model,
8 or generation of transponders was subject to elevated or systemic failure rates, and shall not be
9 limited solely to instances in which the authority has identified a specific malfunctioning
10 transponder associated with an individual account.

11 (c) The rules and regulations shall require the authority to implement a proactive customer
12 outreach and education program to notify account holders of the general risk of transponder battery
13 failure and equipment malfunction.

14 (d) The outreach and education program established by rule or regulation shall include, at
15 a minimum:

16 (1) Periodic electronic and written communications to account holders describing the
17 expected lifespan of transponder batteries, known failure risks, warning indicators, and steps
18 customers may take to verify proper operation;

19 (2) Prominent and recurring notices on the authority's website, customer account portals,
20 and any mobile applications;

21 (3) Targeted outreach to customers using transponders identified by the authority as part
22 of a population experiencing elevated failure rates;

23 (4) Clear procedures for testing, replacement, or repair of transponders, without charge,
24 when failure is attributable to normal battery depletion or equipment defect; and

25 (5) Proactive efforts to collect and maintain current electronic mail addresses for all E-
26 ZPass account holders for purposes of account and equipment notifications, including prompts
27 during account creation, renewal, customer service interactions, and online account access.

28 (e) The rules and regulations shall require the authority to establish and follow a written
29 process for providing notice by first-class mail through the United States Postal Service when:

30 (1) An account holder has not provided an electronic mail address;

31 (2) An electronic notice is returned as undeliverable; or

32 (3) The authority otherwise lacks reasonable assurance that electronic notice has been
33 received.

34 (f) The rules and regulations shall prohibit reliance on toll violations, accumulated unpaid

1 tolls, or enforcement actions as the primary or initial mechanism for identifying transponder failure.

2 (g) The rules and regulations shall establish a standardized, transparent, and uniform
3 process for the review, mitigation, and forgiveness of tolls, administrative fees, fines, and penalties
4 that result from transponder failure or malfunction, including battery depletion, where the account
5 holder did not receive reasonable or timely notice of the failure risk.

6 (h) The mitigation and forgiveness process established by rule or regulation shall:

7 (1) Be applied consistently and not on an ad hoc or discretionary basis;

8 (2) Authorize the waiver, reduction, or refund of excessive toll charges, fees, and penalties
9 attributable to transponder failure;

10 (3) Permit retroactive relief for violations incurred during periods in which the authority
11 knew or reasonably should have known of widespread or systemic transponder failures; and

12 (4) Be clearly communicated to customers as part of the outreach program required under
13 subsection (c) of this section.

14 (i) The authority shall publish the rules and regulations promulgated pursuant to this section
15 and shall submit an annual report to the general assembly detailing:

16 (1) Transponder failure trends and impacts;

17 (2) Outreach and notice efforts undertaken, including electronic and postal
18 communications;

19 (3) The number and aggregate dollar amount of tolls, fees, and penalties waived, reduced,
20 or refunded; and

21 (4) Measures taken to prevent future systemic equipment failures.

22 (j) Nothing in this section shall be construed to eliminate liability for valid tolls; provided,
23 however, that the authority shall prioritize fairness, transparency, and consumer protection in
24 administering toll enforcement when violations arise from equipment failures beyond the
25 reasonable control of the account holder.

26 SECTION 3. This act shall take effect upon passage.

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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 require notice to E-ZPass users by the Rhode Island Turnpike and Bridge
2 Authority (RITBA) before reporting toll violators or toll evaders to the division of motor vehicles
3 (DMV) and establish rules and regulations for transponder failures as well as to require outreach
4 and free replacements, and allow mitigation or forgiveness of tolls and penalties from equipment
5 failures.

6 This act would take effect upon passage.

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