

2019 -- H 5874

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO HIGHWAYS - RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY

Introduced By: Representatives Edwards, Canario, and Bennett

Date Introduced: March 20, 2019

Referred To: House Finance

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
6 such projects;

7 (2) That toll violators and toll evaders unfairly shift the financial burden of maintaining
8 the 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
13 within fourteen (14) days of issuance of the violation.

14 (c) Any toll violator who fails to pay the toll amount due within the fourteen-day (14)
15 period in subsection (b) shall immediately incur a forty-dollar (\$40.00) administrative fee in
16 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) days of the issuance of the original violation, shall incur a
19 thirty five-dollar (\$35.00) administrative fee in addition to the forty dollar (\$40.00) administrative

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

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

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

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

29 (h) "Toll evader" means, for the purposes of this section, any person who uses a project,
30 fails or refuses to pay or prepay the required toll, and deliberately circumvents or proceeds around
31 or through a gate or other barrier on a project; and/or any toll violator who fails or refuses to pay
32 or prepay the required toll on a tolled project at least ~~one hundred (100)~~ twenty (20) or more
33 times, received at least three (3) written notices from the authority (or its agent) regarding the
34 non-payment of tolls, and is not a party to, or in current compliance with, a written repayment

1 plan with the authority.

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

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

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

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

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

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

22 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 reduce the number of infractions for a person to be considered a "toll
2 violator" from twenty (20) to ten (10). The act would also reduce the number of infractions for a
3 person to be considered a "toll evader" from one hundred (100) to twenty (20).

4 This act would take effect upon passage.

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