

1 HB255  
2 200120-5  
3 By Representatives McMillan, Shiver and Faust  
4 RFD: Transportation, Utilities and Infrastructure  
5 First Read: 20-MAR-19

1 ENGROSSED

2  
3  
4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
7

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

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Sections 23-2-167, 23-2-168, 23-2-169,  
18 23-2-172, 23-2-173, and 23-2-175, Code of Alabama 1975, are  
19 amended to read as follows:

20 "§23-2-167.

21 "As used in this article, the following words shall  
22 have the following meanings:

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

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

26 "(3) ELECTRONIC TOLL COLLECTION. A method of  
27 collecting tolls or charges which is capable of charging an

1 account holder the appropriate toll or charge, including, but  
2 not limited to, either of the following:

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

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

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

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

20 "(6) LESSEE. Any person, corporation, firm,  
21 partnership, agency, association, or organization that rents,  
22 leases, or contracts for the use of one or more vehicles and  
23 has exclusive use of the vehicles for any period of time.

24 "(7) OPERATOR. Any person who is or was driving a  
25 vehicle that is or was the subject of a toll violation, but  
26 who is not the owner of the vehicle.

1           "(8) OWNER. Any person or entity who, at the time of  
2 a toll violation and with respect to the vehicle involved in  
3 the violation, is the registrant or ~~coregistrant~~ co-registrant  
4 of the vehicle with the Motor Vehicle Division, of the  
5 Department of Revenue, or with another state, territory,  
6 district, province, nation, or jurisdiction.

7           "(9) PAYMENT. Paying a toll by cash, by permitting a  
8 charge against a valid account with the authority, department,  
9 or private toll entity, or by any other means of payment  
10 approved by the authority, department, or private toll entity.

11           "(10) PHOTO-MONITORING SYSTEM. A vehicle sensor  
12 installed to work in conjunction with a toll collection  
13 facility ~~which~~ that automatically produces one or more  
14 photographs, one or more microphotographs, a videotape, or  
15 other recorded images of a vehicle at the time it passes  
16 through a toll collection point. Information obtained by a  
17 photo-monitoring system may be used to charge the account of  
18 an account holder or to identify violations of toll collection  
19 regulations.

20           "(11) PRIVATE TOLL ENTITY. An individual, group of  
21 individuals, partnership, corporation, limited liability  
22 company, association, or any other legal entity licensed  
23 pursuant to Section 23-1-81 or Section 23-2-144(12), to  
24 operate toll collection facilities.

25           "(12) TOLL. Charges prescribed by the authority,  
26 department, or private toll entity for the use of any toll  
27 road, bridge, causeway, or tunnel under the jurisdiction of

1 the authority or department or under the ownership or  
2 operation of a private toll entity.

3 "(13) TOLL VIOLATION. The passage of a vehicle  
4 through a toll collection point without payment of the  
5 required toll.

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

11 "§23-2-168.

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

23 "(b) Any person or entity desiring to pay tolls  
24 electronically shall apply to the authority, department, or  
25 private toll entity, or ~~an~~ their agent or representative  
26 ~~thereof,~~ to become an account holder. The authority,  
27 department, or private toll entity, or ~~an~~ their agent or

1 representative ~~thereof~~, in its discretion, may deny the  
2 application of a person or entity. The denial and reason  
3 ~~therefor~~ for the denial shall be sent to the applicant by  
4 first-class mail or electronic transmission.

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

10 "(d) If a motor vehicle passes through a toll  
11 collection point and the toll ~~fee~~ is not paid through an  
12 electronic toll collection device or otherwise, the authority,  
13 department, or private toll entity, or ~~an~~ their agent or  
14 representative ~~thereof~~, shall first use the photo-monitoring  
15 or other electronic system for the toll road, bridge,  
16 causeway, or tunnel to determine if the registered owner of  
17 the motor vehicle has established an account for the payment  
18 of the toll. If an account has been established, the  
19 authority, department, or private toll entity, or ~~an~~ their  
20 agent or representative ~~thereof~~, shall charge the account  
21 holder the required toll ~~fee~~. If an established account cannot  
22 be located, or if an established account cannot be charged the  
23 required toll, the authority, department, or private toll  
24 entity, or ~~an~~ their agent or representative ~~thereof~~, may  
25 attempt to collect the toll as a toll violation as provided in  
26 Section 23-2-169.

27 "§23-2-169.

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

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

19           "(c) Upon receipt of a ~~certified~~ written or  
20 electronic statement from the department, authority, or  
21 private toll entity referencing the license plate registration  
22 number of a vehicle alleged to be involved in a toll  
23 violation, the Alabama State Law Enforcement Agency shall  
24 provide the department, authority, or private toll entity with  
25 the name and address of the registered owner ~~or operator~~ of  
26 the subject vehicle. Alternatively, the department, authority,  
27 or private toll entity may enter into an agreement with any

1 municipal law enforcement agency, ~~or~~ county sheriff, or other  
2 authorized entity to provide the registered owner information  
3 pursuant to this subsection.

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

10 "(1) A First ~~Notice to Pay~~ Toll Invoice Notice to  
11 the ~~registered~~ owner or operator of a vehicle ~~which~~ that is  
12 identified as having been involved in a toll violation. The  
13 ~~first notice~~ First Toll Invoice Notice shall require payment  
14 to the authority, department, or private toll entity of the  
15 required toll or tolls incurred over the previous billing  
16 period, as established by the authority, department, or  
17 private toll entity, and may require payment of an  
18 administrative fee not to exceed five dollars (\$5) per First  
19 Toll Invoice Notice. ~~plus an administrative fee of five~~  
20 dollars (\$5) The payment shall be made within 30 days of the  
21 mailing or electronic transmission of the notice. ~~This First~~  
22 ~~Notice to Pay Toll~~ The First Toll Invoice Notice shall be sent  
23 by the authority, department, or private toll entity, or ~~its~~  
24 their agent or representative, within 60 days after receipt of  
25 the motor vehicle registration information from the Alabama  
26 State Law Enforcement Agency, a municipal law enforcement  
27 agency, ~~or~~ the county sheriff, or other authorized entity.



1           "(2) A Second ~~Notice to Pay Toll Invoice Notice~~ to  
2 the ~~registered~~ owner or operator of a vehicle who has failed  
3 to respond to a First ~~Notice to Pay Toll Invoice Notice~~ within  
4 the required time period. The ~~second notice~~ Second Toll  
5 Invoice Notice shall require payment to the authority,  
6 department, or private toll entity of the required toll or  
7 tolls, plus and may require payment of an administrative fee  
8 not to exceed fifty dollars (\$50) per Second Toll Invoice  
9 Notice, as set by the authority, department, or private toll  
10 entity, within 30 days of the mailing or electronic  
11 transmission of the notice.

12           "(3) A Failure to Pay a Toll ~~citation~~ Citation to  
13 the owner or operator of a vehicle who has failed to respond  
14 to the ~~second notice~~ Second Toll Invoice Notice within the  
15 required time period. The authority or department may issue a  
16 Failure to Pay a Toll Citation upon certification by the  
17 authority, department, or private toll entity, or their agent  
18 or representative, that a toll violation has occurred and the  
19 owner or operator has failed to respond to the First Toll  
20 Invoice Notice and the Second Toll Invoice Notice as required  
21 by this section. The authority or department shall send the  
22 citation to the owner or operator associated with the toll  
23 violation; provided, if the citation is based on certification  
24 by a private toll entity, the private toll entity or its agent  
25 or representative shall send the citation. The citation shall  
26 be sent by certified mail. The citation shall require payment  
27 to the authority, department, or private toll entity of the

1 required toll, ~~plus~~ and may require payment of an  
2 administrative fee not to exceed one hundred dollars (\$100),  
3 as set by the authority, department, or private toll entity,  
4 within 30 days of the mailing ~~or electronic transmission~~ of  
5 the notice of citation. ~~The owner or operator shall be~~  
6 ~~notified~~ In addition, the notice shall provide that failure to  
7 pay the citation within the required time period may result in  
8 the following:

9 "a. The non-renewal of the vehicle registration for  
10 the vehicle associated with the citation until the citation  
11 and associated fees are paid.

12 "b. The ~~the~~ authority, department, or private toll  
13 entity, or ~~an~~ their agent or representative ~~thereof,~~ filing a  
14 civil suit in the ~~municipal court of the city in which the~~  
15 ~~violation has occurred or~~ district court of the county in  
16 which the violation occurred to collect the toll and all  
17 applicable fees and penalties allowed pursuant to this  
18 article.

19 "(e) Administrative fees assessed under subsection  
20 (d) are not cumulative. The maximum aggregate administrative  
21 fee allowed increases from five dollars (\$5) to fifty dollars  
22 (\$50) to one hundred dollars (\$100) with each notice issued.  
23 An additional administrative fee of up to five dollars (\$5)  
24 shall ~~may~~ be assessed on each citation and paid to the law  
25 ~~enforcement agency or authorized entity providing the~~  
26 enforcement or other authorized agency providing the providing

1 the registered owner information to the department, authority,  
2 or private toll entity.

3 "(f) The notices and citation required by this  
4 ~~subsection~~ section shall also contain the following  
5 information:

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

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

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

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

13 "(5) The identification of the photo or other  
14 monitoring system which recorded the violation or other  
15 document locator.

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

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

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

25 "(g) A manual, automatic, or electronic record of  
26 the mailing or transmission of the notices or citation  
27 prepared in the ordinary course of business is prima facie

1 evidence of the mailing or transmission of the notices or  
2 citation.

3 "§23-2-172.

4 "(a) (1) If the authority, department, or private  
5 toll entity, or their agent or representative, has sent a  
6 Failure to Pay a Toll Citation in accordance with Section  
7 23-2-169, and the owner fails to pay the citation within the  
8 required time period, the authority or private toll entity, or  
9 their agent or representative, may notify the department that  
10 the citation has not been paid and request the department to  
11 place a hold on the registration renewal of the vehicle  
12 associated with the violation. After notification and request,  
13 the department shall notify the local license plate issuing  
14 official that a registration renewal hold has been placed on  
15 the vehicle on the first of each month, and the local license  
16 plate issuing official shall refuse to renew the vehicle  
17 registration of the vehicle identified for failure to pay the  
18 toll. The vehicle owner shall not be permitted to renew the  
19 vehicle registration with the local license plate issuing  
20 official until all outstanding tolls and assessed  
21 administrative fees, including fees assessed by the authority,  
22 department, or private toll entity are resolved. However, the  
23 local license plate issuing official may issue a temporary  
24 license plate under Sections 32-6-213 and 32-6-214 to allow  
25 adequate time to allow the registration renewal hold to be  
26 removed. Any private toll entity receiving payment under this  
27 provision shall remit 10 percent of the total amount collected

1 ~~by enforcement of a registration renewal hold to the local~~  
2 ~~license plate official. The registration hold is not subject~~  
3 by enforcement of a registration renewal hold to be deposited  
4 into, and recorded separately in, the county general fund and  
5 expended solely for the operational expenses of the office of  
6 the local license plate issuing official. The registration  
7 hold is not subject to review or appeal except as provided in  
8 this article.

9 "(2) At least 10 calendar days before the  
10 registration renewal hold is placed on the vehicle, the  
11 authority, department, or private toll entity, or their agent  
12 or representative, shall give notice of the hold to the owner  
13 of the vehicle. The notice shall be by first-class mail. The  
14 notice shall inform the owner how to remove the hold and shall  
15 provide the owner notice of the appeal procedures.

16 "(3)a. A person seeking removal of a vehicle  
17 registration renewal hold shall pay all outstanding tolls and  
18 assessed administrative fees to the authority, department, or  
19 private toll entity. If all outstanding tolls and assessed  
20 fees are paid in full or otherwise resolved, the toll  
21 authority or department shall notify the local license plate  
22 issuing official that the registration renewal hold has been  
23 removed and provide the local license plate issuing official  
24 with the ability verify that the non-renewal notice has been  
25 removed through an electronic portal. Upon request, the  
26 authority or department shall provide to the owner or operator

1 of the vehicle verification of payment and removal of the  
2 registration renewal hold through an electronic portal.

3 "b. The authority or department shall develop and  
4 maintain an electronic portal accessible by the owner for the  
5 access, verification, and payment of toll violations and fees.  
6 At the request of the local license plate issuing official,  
7 the department or authority shall communicate directly with  
8 the third-party vendor utilized by the local license plate  
9 issuing official for the processing of registration  
10 information. The authority is authorized to make rules  
11 relating to the creation and maintenance of the electronic  
12 portal. A private toll entity that requests the department to  
13 place a registration renewal hold on a vehicle shall comply  
14 with the rules adopted by the authority.

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

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

1           "(4) When a nonresident is issued a Failure to Pay  
2 Toll Citation and the nonresident fails to pay the citation  
3 within the required time period, the authority, department, or  
4 private toll entity, or their agent or representative, may  
5 transmit a certified copy of the record of the failure to pay  
6 to the official in charge of the issuance of vehicle  
7 registration certificates in the state in which the  
8 nonresident resides, if the law of the other state provides  
9 for action similar to that provided for in this section.

10           "(b) (1) If the authority, department, or private  
11 toll entity, or their agent or representative, has pursued  
12 payment of the citation by civil suit pursuant to Section  
13 23-2-170 and a ~~municipal or~~ district court determines that the  
14 person or entity charged with liability under this article is  
15 liable, the court shall enter a judgment against the person or  
16 entity and mail a copy of the judgment ~~thereto~~ to the person  
17 or entity. The court shall collect the unpaid tolls and  
18 administrative fee. The court may impose court costs and a  
19 civil penalty of up to one hundred dollars (\$100) for each  
20 violation. Tolls, fees, and penalties shall be forwarded to  
21 the entity administering the tolls at the facility where the  
22 violation occurred.

23           "~~(b)~~ (2) Upon failure to satisfy a judgment for an  
24 action brought under Section 23-2-170 within 60 days of its  
25 entry and upon the written request of the authority,  
26 department, or private toll entity, or ~~an~~ their agent or  
27 representative ~~thereof~~, it shall be the duty of the clerk of

1 the court, or of the judge of a court which has no clerk in  
2 which the judgment is rendered within this state, to forward a  
3 certified copy of the judgment to the Secretary of the Alabama  
4 State Law Enforcement Agency or his or her designee after the  
5 expiration of the 60 days.

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

12 ~~"(d)~~ (4) The resident's driver's license and the  
13 nonresident's operating privilege shall remain suspended until  
14 the judgment under subdivision (2) is satisfied and evidence  
15 of its satisfaction has been presented to the Alabama State  
16 Law Enforcement Agency.

17 ~~"(e)~~ (5) When a nonresident's operating privilege is  
18 suspended pursuant to this section, the Secretary of the  
19 Alabama State Law Enforcement Agency or his or her designee  
20 shall transmit a certified copy of the record of ~~such~~ the  
21 action to the official in charge of the issuance of driver's  
22 licenses in the state in which ~~such~~ the nonresident resides,  
23 if the law of such other state provides for action ~~in relation~~  
24 ~~thereto~~ similar to that provided for in this section.

25 Nothing in this section shall require the Alabama  
26 State Law Enforcement Agency to enforce the suspension of  
27 operating privileges of a nonresident until the department or



1 authority enters into a reciprocal agreement under Section  
2 23-2-173.

3 ~~"(f)(6)~~ Any person seeking reinstatement of a  
4 ~~driving~~ driver's license suspended ~~pursuant to~~ under this  
5 section shall also comply with the requirements provided in  
6 Section 32-6-17.

7 ~~"(c) A driver's license, operating privilege, or~~  
8 ~~vehicle registration suspension that results from the failure~~  
9 ~~to pay a toll or fee shall be deemed a suspension or~~  
10 ~~revocation under Chapter 7 of Title 32 and is subject to any~~  
11 ~~additional penalties provided under that chapter.~~

12 "§23-2-173.

13 "(a) ~~The Department of Transportation is hereby~~  
14 ~~empowered to~~ department or authority may enter into  
15 agreements, when not in conflict with law, with other states  
16 or jurisdictions for reciprocal enforcement of toll  
17 violations.

18 "(b) An agreement made under this section shall  
19 provide that drivers licensed and vehicles registered in the  
20 state, while operating on the highways of another  
21 jurisdiction, shall receive benefits, privileges, and  
22 exemptions of a similar kind with regard to toll enforcement  
23 as are extended to drivers and vehicles licensed or registered  
24 in the other jurisdiction while operated in the state.

25 "(c) A reciprocal agreement under this section may  
26 provide for enforcement of toll violations by refusal or

1 suspension of the license of the driver or registration of the  
2 vehicle in accordance with Section 23-2-172.

3 "(d) The reciprocal violation enforcement agreement  
4 between the department or authority and the governmental  
5 entity of another state or jurisdiction shall agree upon fees  
6 and costs associated with collecting unpaid tolls and ~~drivers~~  
7 driver's license and vehicle registration suspensions in their  
8 respective jurisdictions.

9 "(e) Notwithstanding Section 23-2-174, electronic  
10 toll collection data may be used for vehicle registration  
11 verification by the Department of Revenue and other states  
12 that have entered into information exchange agreements with  
13 the Department of Revenue.

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

20 "(g) To the extent permitted by law or allowed by or  
21 agreed to in a reciprocal agreement made under this section,  
22 public or private toll entities within the state may share in  
23 the benefit of a reciprocal agreement. Nothing in this section  
24 prevents a public or private toll entity from entering into an  
25 agreement for data sharing, the reciprocal payment of toll  
26 violations, or the collection of tolls with another public or  
27 private toll entity.

1                   "§23-2-175.

2                   "The following vehicles are exempt from paying tolls  
3 imposed pursuant to this article:

4                   "(1) School buses transporting ~~school~~ children for a  
5 school event.

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

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

13                   Section 2. This act shall become effective January  
14 1, 2024, following its passage and approval by the Governor,  
15 or its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Transportation,  
Utilities and Infrastructure ..... 20-MAR-19

Read for the second time and placed  
on the calendar with 1 substitute  
and..... 02-MAY-19

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

Yeas 92, Nays 0, Abstains 8

Jeff Woodard  
Clerk