

CHAPTER 312
SB 240-FN - FINAL VERSION

02/21/2019 0481s
8May2019... 1705h
06/27/2019 2639EBA

2019 SESSION

19-1000
06/10

SENATE BILL ***240-FN***

AN ACT relative to reciprocal toll collection.

SPONSORS: Sen. Watters, Dist 4; Sen. Birdsell, Dist 19; Rep. B. Griffin, Hills. 6; Rep. Major, Rock. 14; Rep. Southworth, Straf. 20

COMMITTEE: Transportation

AMENDED ANALYSIS

This bill clarifies certain language in the law concerning the collection of electronic tolls on highways. The bill also provides the enforcement procedures for reciprocal collection agreements with other states.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to reciprocal toll collection.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 312:1 Evasion of Tolls and Charges; Definitions. Amend RSA 236:31, I(c)-(d) to read as follows:

2 (c) "Electronic toll collection" means the collection of tolls or charges by electronically
3 transmitting information from a device ~~[on a motor vehicle]~~ to receiving equipment located in a toll
4 ~~[collection facility]~~ **lane**, in order to charge ~~[a valid electronic toll account holder]~~ the appropriate toll
5 or charge for use of the highway or bridge.

6 (d) "Toll collection monitoring system" means a system that produces at least one
7 photograph, microphotograph, videotape, recorded image, or written record of a portion of the vehicle
8 when the vehicle is used or operated contrary to the toll collection system rules or when there is no
9 cash option~~[in the toll lanes]~~.

10 312:2 Evasion of Tolls and Charges; Definitions. Amend RSA 236:31, I(i) to read as follows:

11 (i) "Toll collection system" means a system for collecting tolls or charges, including but
12 not limited to cash ~~[and]~~ **or** electronic or image-based tolls or charges **in a toll lane**, for the use of
13 the highway or bridge.

14 **(j) "Toll lane" means an electronic and/or cash lane, or an electronic lane with**
15 **no cash option.**

16 312:3 Failure to Pay a Highway Toll. Amend RSA 236:31-a to read as follows:

17 236:31-a Failure to Pay a Highway Toll. Any person ~~[passing through a toll facility or]~~ **using**
18 any **toll** lane ~~[of a toll facility]~~ that is not equipped with a toll collection monitoring system who fails,
19 neglects, or refuses to pay the toll or charge for the use of any bridge, highway, or part thereof shall
20 have an image taken of the vehicle registration plate and be subject to the provisions of RSA 236:31.

21 312:4 Failure to Pay a Highway Toll. Amend RSA 236:31-b to read as follows:

22 236:31-b Failure to Pay a Highway Toll. Any person who fails, neglects, or refuses to pay the
23 toll or charge for the use of any bridge, highway, or part thereof, or utilizes a toll ~~[facility]~~ **lane** that
24 is equipped with a toll collection monitoring system without having an E-Z Pass transponder
25 mounted on the vehicle, shall have an image taken of the vehicle registration plate and be subject to
26 the provisions of RSA 236:31. When a full cash payment is made at the tollbooth, and the vehicle
27 exits the toll booth, the image (i) shall not be retained for more than 3 seconds, after which it shall
28 be irretrievably destroyed, and no record of the image or its destruction shall be kept; (ii) shall not be

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made available or disclosed to any individual, person, entity, or government or any component thereof; and (iii) shall not be subject to a subpoena or any administrative or court order.

312:5 Electronic Toll Collection; Definitions. Amend RSA 237:16-a to read as follows:

237:16-a Definitions. In this subdivision:

I. "Commissioner" means the commissioner of the department of transportation.

II. "Department" means the department of transportation.

III. ~~"[Electronic]~~ **Interagency** toll collection system" means a system for electronically transmitting information from a device ~~[on a vehicle]~~ to receiving equipment in a toll ~~[collection facility]~~ **lane**, which information is used to charge a valid account holder the appropriate toll or charge for use of the turnpike system.

IV. "E-Z Pass" means a regional system of electronic toll collection operated by the members of the E-Z Pass Interagency Group, or when the context requires, means the registered service mark "E-Z Pass."

V. "Interagency group" means the agencies of this or any other state that have mutually agreed to operate the E-Z Pass regional ~~[electronic]~~ **interagency** toll collection system by use of similar practices, procedures, and toll collection equipment.

VI. ~~["Vehicle" means every device in, upon or by which a person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks]~~ **"Toll lane" means electronic and/or cash lanes, or electronic lanes with no cash option.**

312:6 Regional Interagency Toll Collection Authorized. Amend RSA 237:16-b to read as follows:

237:16-b Regional ~~[Electronic]~~ **Interagency** Toll Collection Authorized. The commissioner is hereby authorized to execute all documents and perform all other acts necessary to enter into and carry out the provisions of a regional ~~[electronic]~~ **interagency** toll collection system agreement with the Interagency Group in order to increase the efficiency of turnpike operation and to improve traffic management in the state and region.

312:7 E-Z Pass Operations Interagency Agreement. Amend RSA 237:16-c, IV to read as follows:

IV. The commissioner may enter into discussions with other state jurisdictions to create reciprocal agreements for the enforcement and collection of tolls and administrative fees due ~~[under the E-Z Pass system]~~. The departments of transportation and safety may release driver's and owner's information to other jurisdictions for the purpose of enforcement or collection of tolls and may take such other action as is necessary to effectuate the reciprocal **toll collection** enforcement agreements.

V. For effective toll collection enforcement, the department of transportation and the department of safety may accept a request from another state to deny registration renewal privileges for a vehicle registration plate in accordance with RSA 263:56-f for unpaid tolls incurred in the other state, provided that the other state represents that the

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request is in keeping with criteria for denial of registration renewal privileges as set forth in the states' respective reciprocal toll collection enforcement agreement. Any costs incurred for the implementation of software to effectuate reciprocal toll collection enforcement agreements shall be reimbursed from the turnpike fund.

312:8 Suspension for Evasion of Electronic Toll Collection System. Amend RSA 263:56-f, I and II to read as follows:

I. Upon receiving a report from the commissioner of the department of transportation or designee, ***or another state having a reciprocal toll collection enforcement agreement***, that the owner of a vehicle, as defined in RSA 236:31, has violated the terms of RSA 236:31, ***or a reciprocal toll collection enforcement agreement in accordance with RSA 237:16-c***, the director shall notify the owner in writing by first class mail that the owner's motor vehicle registration renewal privileges may be suspended on the date which is 30 days from the date of notification unless the toll and any administrative fees assessed by the department of transportation are paid. The director shall also notify the owner that he or she may request an administrative hearing before the suspension takes effect. ***The hearing shall be limited in scope and shall not constitute an appeal of the fees or fines related to the unpaid tolls, which can only be determined by the department of transportation.*** A request for a hearing shall be in writing. A request for a hearing received by the division more than 30 days from the date the notice is issued shall be denied as untimely.

II.(a) The director shall, pursuant to RSA 541-A, adopt by rule, a uniform administrative fine schedule for ~~[violations]~~ ***suspension of registration renewal privileges and reinstatement of those privileges***. The fine for each suspension of registration renewal privileges requested by the commissioner of transportation shall not exceed:

(1) \$250 for a first requested suspension.

(2) \$500 for a second offense within a 12-month period from the time of the first requested suspension.

(3) \$1,000 for a third or subsequent offense within a 12-month period from the time of the first requested suspension.

(b) The commissioner of safety, in proven cases of hardship or for other good cause, may suspend all or part of any administrative fine ***for reinstatement of registration renewal privileges*** so imposed. Notwithstanding any other law to the contrary, all administrative fines collected under this section shall be deposited into the ~~[turnpike]~~ ***highway*** fund.

312:9 Effective Date. This act shall take effect 60 days after its passage.

Approved: August 02, 2019
Effective Date: October 01, 2019