**[FINAL]**

**August 2011**

**Violation Enforcement Reciprocity**

**§1001. Liability for payment of toll**

(a) General Rule.—Except as provided in subsection (b), the registered owner of a motor vehicle is liable for any toll incurred with respect to a toll facility.

(b) Exception.—An owner is not liable for a toll if, at the time the toll is incurred, the motor vehicle is operated (1) by an individual other than the owner and (2) without the express or implied consent of the registered owner.

**§1002. Unpaid toll as debt**

The amount of any unpaid toll, including any administrative fee or charge that is based on the failure to pay, constitutes a debt that is subject to collection, legal process, and reporting in the same manner and to the same extent as debts generally.

**§1003. Establishment of existence of toll liability**

The operator of a toll facility may establish the existence of liability for a toll by identifying the owner of the motor vehicle involved and the circumstances of the liability, including the time and location of the occurrence. Identification under this section may be accomplished by any of the following methods:

(1) Paper citation or similar documentation executed in conjunction with toll violation enforcement.

(2) Photographic recordation (including digital imaging).

(3) Optical character recognition technology, including automatic number plate recognition.

(4) Electronic means, including global positioning systems and radio-frequency identification.

(5) Any other method that establishes the identity of the owner and the circumstances of the liability with sufficient accuracy and reliability to comply with applicable standards of proof.

**§1004. Reciprocity**

(a) General Rule.—Subject to the conditions specified in subsection (b), upon the request of a reciprocal State, this State **[Note: i.e. the enacting State]** shall apply the provisions of **[Note**: **Insert citation to enacting State’s toll enforcement provisions]** to unpaid tolls that are recorded in the reciprocal State with respect to motor vehicles registered in this State **[Note: i.e. the enacting State]**.

(b) Conditions.—The conditions referred to in subsection (a) are as follows:

(1) Upon the request of this State **[Note: i.e. the enacting State]**, the reciprocal State shall apply its toll enforcement provisions to unpaid tolls that are recorded in this State **[Note: i.e. the enacting State]** with respect to motor vehicles registered in the reciprocal State.

(2) The toll enforcement provisions of the reciprocal State shall include notice, hearing, and review components that provide procedures and rights that are at least as protective of motor vehicle owners as the procedures and rights provided by this State **[Note: i.e. the enacting State]**.

(3) In carrying out subsection (a), the appropriate agencies of this State shall cooperate with counterpart agencies in the reciprocal State. Subjects for cooperation shall include the following:

(A) Data sharing and other exchange of information.

(B) Collection of administrative fees to cover costs incurred in collecting unpaid tolls under subsection (a).

(C) Coordination of other administrative matters of mutual interest and benefit.

**§1005. Obstruction of motor vehicle identification**

Any person who, with intent to evade payment of a toll (1) conceals or obscures a motor vehicle license plate or (2) through electronic means or otherwise, jams or interferes with the operation of an electronic toll collection system shall **[Note:** **Insert Penalty]**.

**§1006. Definitions**

As used in this Act:

(1) Definition of “registered owner” and “owner”.—The terms “registered owner” and “owner” mean, with respect to a motor vehicle, the person designated as the registered owner in the records of the State agency that is responsible for motor vehicle registration.

(2) Definition of “toll”.—The term “toll” means a monetary obligation (whether characterized as a fee for service, a charge for use, or otherwise) that is imposed for use of a toll facility.

(3) Definition of “toll facility”.—The term “toll facility” means a road, highway, bridge, tunnel, ferry, or other element of transportation infrastructure the use of which requires payment of a toll.

(4) Definition of “reciprocal State”.—The term “reciprocal State” means a State, other than this State **[Note: i.e. the enacting State]**, that has in effect a toll enforcement statute that is substantially similar to **[Note**: **Insert citation to enacting State’s toll enforcement provisions]**.

(5) Definition of “State”.—Other than in references to “this State”, the term “State” means a State of the United States, any territory or possession of the United States, and the District of Columbia.

(6) Definition of “electronic toll collection system”.—The term “electronic toll collection system” means a toll collection system that uses transponders or other electronic payment devices to charge tolls to customer accounts, based on automatic identification and classification of motor vehicles.

**Explanatory notes to Discussion Draft:**

(1) The draft contemplates enactment by each State independently, i.e. without explicit agreement between States.

(2) The core concepts are contained in sections 1001, 1003, 1004, and 1006. Sections 1002 and 1005 are ancillary.

(3) Some States may already have statutes that are comparable to some provisions in the draft.

(4) The draft is in a generic statutory format that can be adapted to any given State’s statutory drafting conventions.

(5) At this stage, the focus should be on policy development and the accuracy of the expression of the concepts. The format and location of provisions will change during the process, as feedback results in changes.