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## LAWS OF STATES ENFORCING TOLL COLLECTION BY WITHHOLDING VEHICLE REGISTRATION

2016 SB 373, as enacted, authorizes the Director of the Kansas Turnpike Authority (KTA) or the Director's designee, on and after January 1, 2018, to instruct the Division of Vehicles to require payment of any tolls due and owing to the county treasurer at the time of registration or renewal of registration, or otherwise to refuse to register or renew the registration of the vehicle until the amounts are paid to the satisfaction of the Director or the Director's designee, if the outstanding amount of tolls due and owing by the registered owner exceeds \$100. In testimony to the House and Senate Transportation committees on the original bill related to the collection of unpaid tolls, 2016 HB 2605, a representative of the KTA stated laws on similar toll collection enforcement are in effect in California, Colorado, Florida, Illinois, Maryland, Massachusetts, New York, North Carolina, Oklahoma, Texas, Virginia, and Washington; a KTA representative later added Maine, New Hampshire, and New Jersey to that list.

An attachment to this memorandum provides information on several aspects of the laws of the states listed above, including Kansas [information on the new Kansas provisions is in brackets]:

- Minimum amounts to trigger sanctions: In several of the states [including Kansas], vehicle registration cannot be renewed or can be suspended only if the violator has been determined responsible for multiple incidents of unpaid tolls;
- Circumstances present to prevent registration or renewal: Formal notice must be provided, and registration may not be completed until the amounts due are paid; some states allow those amounts due to be collected at registration [Kansas is included in this category];
- Limits on amounts charged: Statutes and regulations specify limits on amounts of certain penalties and fees to the toll violator [Kansas law limits the fine];
- Notices to be provided to the toll violator: Statutes and regulations include procedures for notifying the violator [Kansas is included in this category];
  - Some specify the notice must include details about each alleged toll violation such as date, time, and vehicle registration number [Kansas is not included in this category];

- Exceptions to liability: Statutes and regulations of most states provide exceptions to liability of the registered vehicle owner, such as when the vehicle is stolen or leased [the new Kansas law does not address exceptions to liability];
- Additional forms of sanctions: In addition to requiring a vehicle's registration to not be renewed, several of these states allow additional sanctions, such as suspending a driver's license or refusing title [Kansas is not included in this category];
  - Two of these states authorize publication of violators' names and addresses; and
- Confidentiality of information: A majority of these states include, in the laws on toll collection, provisions regarding the confidentiality of information recorded for toll purposes and how information may be used [the new Kansas law does not address confidentiality of information].

Laws in all states reviewed provide for appeal processes. Those provisions are not included in the summary. The summary retains each state's statutory or regulatory language, e.g., "DMV."

Enclosure

JAS/db

**State Laws on Collecting Unpaid Tolls**

<b>Minimum liability to trigger sanctions</b>	California	Vehicle Code 40267	may file for civil judgment if > \$400 in unpaid penalties and fees
	Florida	F.S.A. § 318.18	10 violations within a 36-month period, for driver's license suspension
	Illinois	625 ILCS 5/6-306.7 625 ILCS 5/6-704.2	to suspend driving privileges, suspend driving privileges, or tow/impound: 5 or more toll violations, toll evasions, or both
	Kansas	2016 SB 373 as enacted, New Section 1	<i>the amount of any tolls due and owing by the registered owner must exceed \$100</i>
	Maryland	COMAR 11.07.07.08	\$1,000 in unpaid final toll violations before request to suspend registration
	New York	McKinney's Public Authorities Law § 510 15 NYCRR 127.14	5 or more notices of liability or other process within 18 months, for violation of toll collection regulations
	North Carolina	N.C.G.S.A. § 136-89.216	for a civil penalty for failure to pay an open road toll: 2 or more bills for unpaid open road tolls, not paid within 30 days; only 1 penalty in a 6-month period
	Texas	V.T.C.A., Transportation Code § 372.106, § 372.109, § 372.111, § 372.113	registration suspended if a habitual violator (a violator issued at least 2 written notices of nonpayment that contained 100 or more events of nonpayment within 1 year, not paid within 30 days and no appeal filed, notice must be sent)
	Virginia	VA Code Ann. § 46.2-819.1 G, § 46.2-819.3 G, § 46.2-819.3:1 F	a finding by a court that a person has 2 or more unpaid tolls (or 3 or more, depending on the specific circumstances) and fails to pay the penalties, fees, and unpaid tolls
<b>Deny or suspend vehicle registration</b>	California	Vehicle Code § 40267  Vehicle Code § 4770, § 4771	toll authority may file an itemization of unpaid toll evasion penalties and fees for collection with vehicle registration;  department will refuse to renew if owner or lessee has been notified of the violation(s) and the processing agency has sent the department an itemization of unpaid toll evasion penalties (including fees), unless the full amount is paid; customer may pay full amount when registering the vehicle; amount must be itemized on registration renewal notice
	Colorado	C.R.S.A. § 43-3-302, § 43-3-808	court must send certified report to the department of revenue of any outstanding judgment or failure to pay the toll, fee, and civil penalty; department shall not renew the vehicle registration of the vehicle until the toll, fee, and civil penalty are paid in full
	Florida	F.S.A. § 320.03, § 316.1001	a license plate or revalidation sticker may not be issued until the violator's name no longer appears on the list of violators or until the person presents a receipt from the governmental entity or the clerk of court that provided the data showing that the fines outstanding have been paid
	Illinois	625 ILCS 5/3-704.2  92 Ill. Adm. Code 2520.705	suspend registration upon a certified report from Illinois State Toll Highway Authority to Secretary of State (report to include name, last known address, and driver's license number); Secretary to notify person that the person's vehicle registration will be suspended at the end of a specified period unless paid or report was in error; \$20 filing fee to request an administrative hearing to contest an impending suspension  Authority must notify the violator that failure to satisfy any fine or penalty shall result in suspension of driving privileges, vehicle registration, or both

**State Laws on Collecting Unpaid Tolls**

	Kansas	2016 SB 373 as enacted, New Section 1	<i>on and after January 1, 2018, if the outstanding amount of any tolls due and owing by the registered owner exceeds \$100, the director or the director's designee is authorized to instruct the division of vehicles to require payment of any tolls due and owing to the county treasurer at the time of registration or renewal of registration or otherwise to refuse to register or renew the registration of the vehicle</i>
	Maine	29-A M.R.S.A. §§ 154, 1980	Upon receipt of notice from the Maine Turnpike Authority. . . , the Secretary of State shall suspend the registration certificate and plates issued for the vehicle in question. If the motor vehicle is registered in another jurisdiction, the Secretary of State shall suspend the owner's right to operate the motor vehicle in this State. . . . The Secretary of State may not reinstate the registration certificate and plates or restore the owner's right to operate the motor vehicle in the State until the Maine Turnpike Authority notifies the Secretary of State that the toll and applicable fees and penalties have been paid. The Secretary of State shall suspend registration if the owner does not pay the required tolls, administrative fees or civil penalties within 30 days of a final determination of liability. . . . The suspension takes effect on the date specified in the notice, which may not be less than 10 days after the mailing of the notification.
	Maryland	MD Code, Transportation, § 21-1414, § 27-110  COMAR 11.07.07.07, 11.07.07.08, 11.15.21.02, 11.15.28.03, 11.15.28.04	the motor vehicle administrator must refuse or suspend (if a chronic violator) the registration of a vehicle that incurs a toll violation (in the state or in another jurisdiction with which Maryland has a reciprocal agreement); Transportation Authority or district court must notify the motor vehicle administration of a violation; administration shall then refuse or suspend the registration; will request the motor vehicle administration refuse vehicle registration if at least 1 unpaid final toll violation; will request suspension of the registration if a vehicle has incurred at least \$1,000 in unpaid final toll violations; the Authority must notify the motor vehicle administrator within 3 business days of amounts being received or the owner enters into a confessed judgment to pay the amount
	Massachusetts	700 Code of Massachusetts Regulations 7.04(5)(g), 7.03(12)(g), 11.07(7)(b)	if the fine is not paid or the violation appealed within 60 days, the violation clerk notifies the vehicle owner and the Registrar of Motor Vehicles; the Registrar shall not renew the registration until notice from the violation clerk the matter has been disposed of in accordance with law
	New Hampshire	N.H. Rev. Stat. § 263:56-f	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 registration renewal privileges of any vehicle, if applicable, of an owner shall be reinstated upon notice to the director from the department of transportation that all tolls, fees, and fines have been paid.
	New Jersey	N.J.S.A. 27:25A-21	In addition to any punishment or penalty provided . . . , every registration certificate and every license certificate to drive motor vehicles may be suspended or revoked and any person may be prohibited from obtaining a driver's license or a registration certificate and the reciprocity privileges of a nonresident may be suspended or revoked by the Director of the Division of Motor Vehicles for a violation of any of the provisions of this section, after due notice in writing of the proposed suspension, revocation or prohibition and the ground thereof
	New York	McKinney's Vehicle and Traffic Law § 510 15 NYCRR 127.14	if the violator has not paid after 5 or more notices of liability within 18 months, the commissioner shall suspend registration until the registrant has appeared to respond or has paid the penalty

**State Laws on Collecting Unpaid Tolls**

	North Carolina	N.C.G.S.A. § 136-89.217	the Commissioner of Motor Vehicles must withhold the registration renewal if a person fails to pay an open road toll billed to the person plus the fee and any civil penalty and the Commissioner receives notification from the Authority
	Oklahoma	47 Okl.St. Ann. § 11-1401.2 B.16, 17, 19, 20	if notice has been sent by certified mail and the Authority has transmitted to the Commission an itemization of unpaid toll evasion penalties, the Commission must refuse to renew the vehicle registration; the Commission shall include on each vehicle registration renewal notice or on an accompanying document an itemization of unpaid toll evasion penalties, fees, and assessments
	Texas	V.T.C.A., Transportation Code § 372.111, § 502.011	if a habitual violator (issued at least 2 written notices of nonpayment that contained 100 or more events of nonpayment within 1 year); must send notice by first class mail to the registration address or an alternate address "provided by the person or derived through other reliable means"; determination considered final if no payment or request for hearing within 30 days (plus 5 for mailing); after a final determination, the toll project entity may report the determination to a county assessor-collector or the Texas DMV in order to cause the denial of registration
	Virginia	VA Code Ann. § 46.2-819.1 G, § 46.2-819.3 G, § 46.2-819.3:1 G, § 46.2-819.5 I	upon a finding by a court that a person has 2 or more (3 or more in 46.2-819.3 and 46:1-819.5) unpaid tolls and fails to pay the penalties, fees, and unpaid tolls, the court shall notify the Commissioner of the DMV, who shall refuse to issue or renew any vehicle registration certificate for the vehicle driven until the court has notified the Commissioner that the penalties, fees, and tolls have been paid; the Commissioner shall collect a \$40 administrative fee to defray the costs of processing
	Washington	RCWA 46.16A.120	the department or county auditor or agent shall not renew a vehicle registration if there are any outstanding standing, stopping, and parking violations [Note: not just unpaid tolls] unless the outstanding violations and civil penalties were received within 120 days before the current vehicle registration expiration (120-day notice to the customer is required), there is a change in registered ownership, or the registered owner provides proof of payment
<b>Limits on amounts to be charged for penalties, fees</b>	California	Vehicle Code § 40258, § 40262.5, § 40267, § 4773	penalties for toll evasion violations limited to \$100 for first violation, \$250 for a second violation within 1 year, \$500 for each additional violation within 1 year; shall be considered a debt due; if more than \$400, may file as a civil judgment  DMV may assess a fee for recording the notice of delinquent toll evasion violation sufficient to at least its actual costs for administering collection at registration
	Colorado	C.R.S.A. § 43-3-302, § 43-3-808, § 43-4-506.5.	toll road or highway company may adopt rules providing a civil penalty; the civil penalty is limited to \$10-\$250
	Florida	F.S.A. § 318.18	mandatory \$100 fine for each violation plus amount of unpaid toll(s); if there is a plea agreement and adjudication is withheld, the mandatory fine is \$50-\$100 plus the amount of the unpaid toll; additional civil penalty of \$16 if not paid within 30 days; may pursue as bad debt
	Kansas	<i>KSA 68-2020 (continuing law)</i>	<i>fine of not more than \$100 for refusing or failing to pay a toll, imprisonment for not more than 30 days, or both</i>
	Illinois	92 Ill. Adm. Code 2520.750  605 ILCS 10/10	upon a finding of liability, the registered owner shall be liable for the toll, \$20 fine per violation, applicable fees; if not paid within 30 days, additional \$50/violation without further notice or order; may be collected as a bad debt

**State Laws on Collecting Unpaid Tolls**

	Maine	23 M.R.S.A. § 1980	If an operator of a vehicle fails to pay a toll, the registered owner of that vehicle is liable for payment of the toll and is subject to a civil penalty of: (1) Fifty dollars, except as provided in subparagraph (2) or (3); (2) One hundred dollars, if a failure to pay a toll occurs within 18 months of a prior failure to pay; or (3) One hundred fifty dollars, if a failure to pay a toll occurs within 18 months of 2 or more prior failures to pay.
	Maryland	COMAR 11.07.07.09	the civil penalty included in a citation for a toll violation is \$50
	Massachusetts	M.G.L.A. 91 App. § 1-23 700 Code of Massachusetts Regulations 7.04(5)(g), 7.03(12)(g), 11.07(7)(b), 11.08	for failure to pay toll: fine of not more than \$100 or imprisonment for not more than 30 days or both (criminal penalty) \$40 penalty if payment is not made or appeal requested within 60 days; fine not to exceed \$250 for toll evasion; \$50 fine for toll violation, plus late payment fees if applicable
	New Hampshire	N.H. Rev. Stat. § 263:56-f	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. The commissioner of safety, in proven cases of hardship or for other good cause, may suspend all or part of any administrative fine so imposed.
	New Hampshire	N.H. Rev. Stat. § 236:31	The rules shall include . . . A schedule of administrative fees to be imposed upon those who violate this section. Such administrative fees shall be set from time to time in an amount sufficient to permit the department to fully recover its costs, and the costs incurred by the department of safety, to administer, maintain, and upgrade the violation enforcement system.
	New York	McK.Unconsol.Laws § 6816	violation is a misdemeanor punishable by a fine not exceeding \$500, imprisonment for not more than 60 days, or both
	New York	McK.Unconsol.Laws § 6816-b McKinney's Public Authorities Law § 2985	amounts not to exceed \$50 or twice the toll for a first violation; \$100 or 5 times the toll for a second violation within 18 months; \$150 or 10 times the toll for a third or subsequent violation within 18 months
	New York	21 NYCRR 1021.3	(for the Triborough Bridge and Tunnel Authority) toll violation fee of \$50 for each such toll collection violation
	North Carolina	N.C.G.S.A. § 136-89.215, § 136-89.216, § 136-89.218	the processing fee may not exceed \$6; a person may not be charged more than \$48 in processing fees in a 12-month period; the Authority must set the processing fee at an amount that does not exceed the costs of collecting the unpaid toll; civil penalty of \$25 once in a 6-month period is assessed if the person has received 2 or more bills of unpaid open road tolls and has not paid within 30 days
	Oklahoma	47 Okl.St. Ann. § 11-1401.2 B.4, 20	\$25 for each violation, plus toll charges  Commission to assess a fee sufficient to provide a total amount equal to at least its actual costs to administer the registration provisions; no further attempt at collection if the vehicle is transferred or not renewed for 2 renewal periods

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	Texas	V.T.C.A., Transportation Code § 370.177(a), (c), § 372.104, § 372.105(d), § 372.105 Tex. Admin. Code tit. 43, § 27.82	failing to pay the proper toll amount is a misdemeanor punishable by a fine not to exceed \$250; the authority may impose an administrative fee to recover the cost of collecting the unpaid toll, not to exceed \$100; administrative fees may be suspended if a violator agrees to open a funded account and maintains that account in good standing; if sent for collection, the authorized collection attorney may recover attorney's fees, investigative costs, and court costs; filing fee of \$100 for an appeal of habitual violator statutes under a justice court
	Virginia	VA Code Ann. § 46.2-819.1 B, C, F § 46.2-819.3 A, B, D, F § 46.2-819.3:1 B, C, L § 46.2-819.5 A, C, H	the toll facility operator may impose and collect an administrative fee in addition to the unpaid toll, which shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation (may not be levied in 46.2-819.5 B until a second violation has been documented within 12 months); if paid within 30 days of notification, the administrative fee shall not exceed \$25 if the matter proceeds to court, these civil penalties: \$50 for first offense, \$100 for second offense within 1 year, \$250 for third offense within 2 years from the second offense, \$500 for a fourth and any subsequent offense within 3 years of second offense; the toll facility operator may reduce the civil penalty to \$25 for first or second offense or \$50 for a subsequent offense if the owner pays at least 14 days before the hearing date; action is to be brought in the general district court of the city or county but considered an infraction; court costs apply
	Washington	RCWA 46.63.160 (8), (11); 47.46.105; 47.56.795 (6)	the civil penalty for toll nonpayment detected through the use of a photo toll system is \$40 plus the photo toll and associated fees; the first time there is a failure to timely pay, the department may waive penalties and fees if the owner establishes an electronic toll account; administrative fees must not exceed toll collection costs
<b>Notice(s) to the violator</b>	California	Vehicle Code § 40254, § 40267, § 4771	the toll agency must send a notice of toll evasion violation within 21 days; if the registered owner is a repeat violator (more than 5 violations in any calendar month within the preceding 12 months), the processing agency must forward the notice within 90 days; the notice must include the license plate number and other vehicle information and an explanation of procedures for contesting the violation; notice of a civil judgment if the total of penalties and fees exceeds \$400 must be sent by first-class mail, and judgment will be effective 30 days after mailing;  the department shall include with each vehicle registration renewal notice an itemization of unpaid toll evasion penalties, including fees
	Colorado	C.R.S.A. § 43-3-302(7), § 43-4-808, § 43-4-506.5; 2 Colo. Code Regs. 606-1:4.00	violator must receive a civil penalty assessment notice or a municipal summons and complaint; if not paid within 20 days, the notice constitutes a complaint to appear for adjudication of toll evasion in court or in an administrative toll enforcement proceeding; if toll evasion is evidenced by photography or other technology, the civil penalty assessment notice may be issued and sent by first-class mail or equivalent, to the registered owner; if the penalty is not paid within 20 days, the company shall send a penalty assessment notice by certified mail, return receipt requested, or equivalent; if not paid or answered before a scheduled hearing, the owner is deemed to have admitted liability and a final order of liability may be entered; company may pursue as debt
	Florida	F.S.A. § 316.1001	citation must be mailed to the registered owner within 14 days of the date of issuance of the citation

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	Illinois	605 ILCS 10/10 92 Ill. Adm. Code 2520.705	notice of violation to be served by USPS first-class mail or other means as provided by law to the address of the registered owner of the cited vehicle as recorded in vehicle registration records; notice must include the date, approximate time and location of the violations cited, the regulation violated, the state registration number of the cited vehicle, the amount of unpaid tolls, the applicable fines and fees, and notice that failure to pay may result in suspended driving privileges or registration or both and failure to contest shall be deemed an admission of liability
	Kansas	2016 SB 373 as enacted, New Section 1	<i>the authority may provide by US mail or accepted USPS tracking method a notice of toll-evasion violation to the registered owner; the notice may include a toll-evasion civil penalty, administrative fee, and costs for each instance in which the registered owner has failed to pay the toll</i>
	Kansas	KSA 8-173 as amended by 2016 SB 373	<i>On and after January 1, 2018, an application for registration or renewal of registration of a vehicle shall not be accepted, if the records of the division show that after three attempts by the Kansas turnpike authority to contact the registered owner, including at least one registered letter, the registered owner of such vehicle has unpaid tolls and that the director of the Kansas turnpike authority or the director's designee has instructed the division to refuse to accept the registration or renewal of registration, . . . unless the owner or registered owner makes payment to the county treasurer at the time of registration or renewal of registration.</i>
	Maine	23 M.R.S.A. § 1980	The authority shall send a notice of liability by first class mail to a person alleged to be liable as a registered owner under this subsection. The notice must be sent to the address of the registered owner on record with the authority if the registered owner is an electronic toll collection patron of the authority or, if no such record exists, the address of the registered owner on record with the Secretary of State. . . . A notice of liability must include the amount of the unpaid toll, the registration number of the vehicle involved, the toll collection facility at which the failure to pay occurred and the date and the approximate time of the failure. The notice must also include the name, address and telephone number of the violation clerk responsible for enforcing the penalty for the failure to pay. A notice of liability must state how the alleged liability may be contested and must identify the statutory defenses. . . . The notice must also include a warning that failure to contest in the manner and time provided is an admission of liability and a waiver of defenses and that failure to pay or respond may result in revocation of the registration certificate and plates issued for a motor vehicle registered in the State or suspension of the right to operate the motor vehicle in this State if it is registered in another jurisdiction.
	Maryland	Maryland Code, Transportation, § 21-1414(b), (c), (d) COMAR 11.07.07.06, 11.07.07.08, 11.15.21.02, 11.15.28.04	the Authority must send the registered owner a notice of toll due; the person alleged to be liable who receives such a notice has at least 30 days to pay the toll; civil penalty may be assessed 15 days after the toll violation occurs; Authority or its agent shall send a citation via first-class mail no later than 60 days after the toll violation (a record of the mailing is admissible evidence of the notice of toll due and citation); citation must include a copy of the image and warning that failure to pay or contest may result in refusal or suspension of registration and referral for collection; the jurisdiction must notify the vehicle owner of the jurisdiction's intent to request suspension of vehicle registration, and the Administration must notify the owner of the suspension

**State Laws on Collecting Unpaid Tolls**

	Massachusetts	M.G.L.A. 91 App. § 1-23  700 Code of Massachusetts Regulations 7.04(f), 7.03(f), 11.07	for each violation related to electronic toll collection, a violation notice shall be sent to the registered owner; the notice shall include the vehicle registration number and information on the specific violation; delivery of the notice of violation by first class mail is sufficient; the owner has 60 days to pay, send a written dispute by mail, or request a hearing; a violation clerk issues and certifies the violation notice and sends it by first-class mail to the registered owner at the address on record with the Registry of Motor Vehicles or other state's equivalent
	New Hampshire	N.H. Rev. Stat. § 236:31	The rules shall include . . . a procedure for processing all other violations of this section, which shall require the department, or its designee, to send by regular mail, or other agreed upon method, an advisory and payment request to the owner of the vehicle, within 30 days of the date of the violation. The advisory and payment request shall notify the owner of the date, time, and location of the alleged violation, give the owner the opportunity to resolve the alleged violation by payment of the toll or charge due and a reasonable administrative fee, and advise the owner that failure to pay the required toll or charge and administrative fee within 60 days of the date of the violation shall cause the department to file a report with the department of safety, division of motor vehicles, seeking an order of suspension . . . .
	New Jersey	N.J.S.A. 27:25A-21.3  N.J.S.A. 27:23-34.3	the authority or the agent of the authority may send an advisory and payment request within 60 days of the date of the violation to the owner of the vehicle by regular mail at the address of record for that owner with the New Jersey Motor Vehicle Commission or with any other motor vehicle licensing authority of another jurisdiction, providing the owner with the opportunity to resolve the matter prior to the issuance of a summons and complaint that charges a violation of the toll collection monitoring system regulations. . . . If the owner fails to pay the required toll and fee within 30 days of the date the advisory and payment request was sent, the owner shall be subject to liability on the 31st day following the date the advisory and payment request was sent. . . .
	New York	McK.Unconsol.Laws § 6816-b McKinney's Public Authorities Law § 2985 McKinney's Vehicle and Traffic Law § 510	notice shall be sent by first-class mail to each person alleged to be liable as an owner for violation, within 30 days after the alleged violation; an owner who is an account holder under the electronic toll collection system shall not be found liable unless the authority has sent a notice of delinquency to the account holder; suspension of registration shall take effect no less than 30 days after notice of the suspension is sent
	North Carolina	N.C.G.S.A. § 136-89.214 § 136-89.215	if the toll is not paid, the Authority must send a bill within 90 days, by first-class mail; a billing period for unpaid open road tolls may not be shorter than 15 days; the bill must include certain information, including an image of the registration plate if one was captured and a statement the owner is subject to a civil penalty and may not renew the vehicle's registration until the tolls and civil penalties are paid [Note: NCGSA 136-89.213 requires a facility in the immediate vicinity of the turnpike project to accept cash and must place signs notifying drivers on how to pay the toll]; the person has 30 days to pay
	Oklahoma	47 Okl.St. Ann. § 11-1401.2 B.6, 7, 10	notice to be sent by first-class mail, within 45 days after the alleged violation, including specified information; if the violation is contested, the Authority must investigate and mail the results of the investigation within 30 days of receipt of a notice of contest; the record of mailing is <i>prima facie</i> evidence of the receipt of the notice; a subsequent notice, sent by certified mail, must include certain information, including a statement that failure to pay or contest the violation within 21 days will mean vehicle registration renewal is contingent upon payment; the Authority may not file a civil judgment with the district court related to a toll evasion violation unless the Authority has determined that registration of the vehicle has not been renewed for 60 days beyond the renewal date

**State Laws on Collecting Unpaid Tolls**

	Texas	V.T.C.A., Transportation Code § 372.103, § 372.104, § 372.105	if the registered owner has failed to comply with a payment plan for outstanding tolls and administrative fees, after 30 days, the toll project entity may refer the bill for collection; each written notice of nonpayment shall include a warning that failure to pay may result in exercise of the habitual violator remedies
	Texas	V.T.C.A., Transportation Code § 370.177(c), § 372.106, § 372.110	the authority shall send a written notice of nonpayment to the registered owner of the vehicle as shown in vehicle registration records by first class mail within 30 days after the date of the alleged failure to pay and may require payment not sooner than the 30th day after the date the notice was mailed (plus 5 days for mailing, for certain facilities); the registered owner shall pay a separate toll and administrative fee for each event of nonpayment; a habitual violator must receive notice a toll project entity has prohibited operation of a motor vehicle on its project
	Virginia	VA Code Ann. § 46.2- 819.1 A, § 46.2- 819.3 J, § 46.2- 819.3:1 F, K; § 46.2- 819.5 M; § 46.2- 819.6, § 46.2-819.7	the operator of a toll facility must send an invoice or bill for unpaid tolls to the registered owner of the vehicle; the owner shall be given reasonable notice by way of a summons; an invoice for an unpaid toll may be executed by mailing by first-class mail to the address of the owner of the vehicles as shown on the records of the Department
	Washington	RCWA 46.63.160 (3), (6); 46.16A.120	notice of civil penalty may be issued only after the payment due date, which is 80 days after the toll is incurred; notice must include an image of the violation; if the customer has agreed to them, notices must include email and phone messages at least 10 days before a civil penalty is issued; the envelope containing a toll charge or notice of civil penalty must prominently indicate the contents are time sensitive and related to a toll violation; before suspending registration, notice must be sent approximately 120 days in advance of the current vehicle registration expiration date (subsequent violations would not be applicable until the following year)
<b>Exceptions to owner responsibility</b>	California	Vehicle Code § 40250	the registered owner, driver, rentee, or lessee of a vehicle cited for a toll evasion violation of a toll facility shall be jointly and severally liable for the toll evasion penalty, unless the owner can show that the vehicle was used without the express or implied consent of that person. A person who pays a toll evasion penalty, a civil judgment, costs, or administrative fees pursuant to this article has the right to recover the same from the driver, rentee, or lessee
	Colorado	C.R.S.A. § 43-3-302 (7), § 43-4-808, § 43- 4-506.5	the owner may avoid liability if the owner can furnish sufficient evidence that, at the time of the toll evasion, the vehicle was leased or rented to another person
	Florida	F.S.A. § 316.1001(2)	within 14 days after the date of issuance of the citation, the owner must submit an affidavit setting forth information on the person who otherwise had care, custody, or control or a police report showing the vehicle was stolen; submission of a false affidavit is a misdemeanor of the second degree
	Illinois	92 Ill. Adm. Code 2520.755	no commercial entity that is the lessor of a vehicle pursuant to a written lease agreement shall be liable for the violation during the lease if the lessor provides a copy of the leasing agreement within 21 days after the issue date of the notice of violation; the lease agreement must inform the lessee of the lessee's responsibility for tolls

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	Maine	29-A M.R.S.A. § 154	<p>1) If a person other than the registered owner of the motor vehicle is adjudicated criminally or civilly responsible for the failure to pay a toll, then the registered owner is not liable under this subsection.</p> <p>(2) If the registered owner of the motor vehicle is the lessor of motor vehicles and at the time of the failure to pay an authority toll the motor vehicle was in the possession of a lessee and the lessor provides the authority with a copy of the lease agreement containing the information required by Title 29-A, section 254, then the lessee, and not the lessor, is liable under this subsection.</p> <p>(3) If the motor vehicle is operated using a dealer or transporter registration plate and at the time of the failure to pay the motor vehicle was under the custody or control of a person other than the dealer or transporter, and if the dealer or transporter provides the authority with the name and address of the person who had custody or control over the motor vehicle at the time of the failure to pay, then that person and not the dealer or transporter is liable under this subsection.</p> <p>(4) If a report that the motor vehicle was stolen is given to a law enforcement officer or agency before the failure to pay occurs or within a reasonable time after the registered owner becomes aware of the theft, then the registered owner is not liable under this subsection.</p>
	Maryland	MD Code, Transportation, § 21-1414(g)	<p>the registered owner may submit a notarized admission of responsibility by another person, who will then be sent a notice of toll due; a lessor may identify the lessee, and the lessee is responsible; if the vehicle has a dealer or transporter registration plate and has a contract with another, the dealer or transporter is not responsible; if the vehicle is reported as stolen, the owner is not liable</p>
	Massachusetts	700 Code of Massachusetts Regulations 7.04 700 CMR 11.04	<p>the registered owner is <i>prima facie</i> responsible unless the vehicle has been reported to be stolen; the account holder to whom an electronic toll collection device is assigned is <i>prima facie</i> responsible unless the owner has reported the device stolen;</p> <p>the registered owner is <i>prima facie</i> responsible unless the registered owner of record is in the business of leasing or renting motor vehicles and provides a copy of a contract document and information on the identity of the person responsible</p>
	New Hampshire	N.H. Rev. Stat. § 236:31	<p>The owner of a vehicle using a bridge or highway subject to a toll or charge shall be responsible for payment of the toll and charges due, plus any administrative fees the department assesses in accordance with its rules, and to an order of suspension . . . , unless:</p> <p>(a) The vehicle was taken without owner's consent. . . or was a stolen vehicle at the time of the violation and the owner provides to the department, or its designee, upon receipt of notice of a violation of this section, a copy of a report of the unauthorized taking or theft made to a law enforcement agency; or</p> <p>(b) The vehicle was leased or rented to another person, and the owner submits to the department, or its designee, a copy of the rental agreement, lease, or other contract document covering the vehicle on the date of the violation with the name and address of the renter or lessee clearly legible; at which time the renter or lessee of the vehicle on the date of the violation shall be deemed to be the owner of the vehicle for the purposes of this section, and shall be subject to the notice and order of suspension. . . .</p>

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	New Jersey	N.J.S.A. 27:25A-21.3 N.J.S.A. 27:23-34.3	An owner of a vehicle who is a lessor of the vehicle used in violation of the toll collection monitoring system regulations of the authority shall not be liable for the violation of the regulations if the lessor submits to the authority, in a timely manner, a copy of the rental agreement, lease or other contract document covering that vehicle on the date of the violation, with the name and address of the lessee clearly legible to the authority and to the court having jurisdiction over the violation. If the lessor fails to provide the information in a timely manner, the lessor shall be held liable for the violation of the regulations. The owner of a vehicle shall be liable if such vehicle was used or operated by the operator with the express or implied permission of the owner.
	New York	McK.Unconsol.Laws § 6816-b McKinney's Public Authorities Law § 2985	it is a valid defense to liability that the vehicle was reported to police as stolen; a lessor is not responsible if the lessor sends a copy of the contract for the vehicle within 30 days; the owner may maintain an action for indemnification against the operator
	North Carolina	N.C.G.S.A. § 136-89.212	the registered owner is liable for paying the toll unless the registered owner established the vehicle was in the care, custody, and control of another person when it was driven on the turnpike project; sworn affidavit required; the affidavit must be supported by written evidence such as an insurance or police report if the vehicle was stolen
	Oklahoma	47 Okl.St. Ann. § 11-1401.2 B.11, 12	it is a valid defense to liability that the vehicle was reported to police as stolen; owner may file an affidavit of nonliability
	Texas	V.T.C.A., Transportation Code § 370.177(e), (f), (j); § 372.105(e), (f)	it is a defense to prosecution that the motor vehicle in question was stolen if the theft was reported to appropriate law enforcement authorities; if the vehicle has been leased, the owner must send a copy of the contract document; the lessee will be billed; it is a defense to prosecution that ownership of the vehicle was transferred to another party, if written notice of the transfer was provided to the department before the 30th day after the date of notice of nonpayment is mailed
	Virginia	VA Code Ann. § 46.2-819.1 F, H, I § 46.2-819.5 H, K	the registered owner may file an affidavit that the owner was not the driver or may produce a certified copy of a police report showing the vehicle had been reported stolen; a vehicle renting or leasing company may provide a copy of the contract document or an affidavit identifying the renter or lessee
	Washington	RCWA 46.63.160 (5), (10)	the civil penalty and fees may be dismissed or reduced upon proof of mitigating circumstances that include hospitalization, military deployment, eviction, homelessness, death of the alleged violator or of an alleged violator's immediate family member, failure to receive the toll bill due to an incorrect address that has since been corrected, a prepaid electronic toll account error that has since been corrected, and an error made by the Department or an agent of the Department; a rental car business may identify the name and known mailing address of the individual driving or renting the vehicle when the toll was assessed or a statement under oath and accompanied by a filed police report that the vehicle was stolen

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<b>ADDITIONAL FORMS OF SANCTION</b>			
<b>Suspend driving privileges</b>	Florida	F.S.A. § 318.18	the court may direct the department to suspend for 60 days the driver's license of a person who is convicted of 10 violations within a 36-month period  [Note: A Miami Herald article says this is rarely used, as freezing vehicle registration is "easier and more effective." ( <a href="http://www.miamiherald.com/news/local/community/miami-dade/article30665103.html#storylink=cpy">http://www.miamiherald.com/news/local/community/miami-dade/article30665103.html#storylink=cpy</a> )]
	Illinois	625 ILCS 5/6-306.7	procedure: certified report from Illinois State Toll Highway Authority to Secretary of State (report to include name, last known address, and driver's license number); Secretary to notify person that driver's license will be suspended at the end of a specified period unless paid or report was in error; \$20 filing fee to request an administrative hearing to contest an impending suspension  the Authority must notify the violator failure to satisfy any fine or penalty shall result in suspension of driving privileges, vehicle registration, or both
	Massachusetts	700 Code of Massachusetts Regulations 7.04(5)(g), 7.03(12)(g), 11.07(7)(b)	if the fine is not paid or the violation appealed within 60 days, the violation clerk notifies the vehicle owner and the Registrar of Motor Vehicles; the Registrar shall not renew the license to operate the vehicle until notice from the violation clerk the matter has been disposed of in accordance with law; if the registered owner is a resident of another state, the Registrar shall revoke the owner's right to operate in the Commonwealth
	New Jersey	N.J.S.A. 27:25A-21	In addition to any punishment or penalty. . . , every registration certificate and every license certificate to drive motor vehicles may be suspended or revoked and any person may be prohibited from obtaining a driver's license or a registration certificate and the reciprocity privileges of a nonresident may be suspended or revoked by the Director of the Division of Motor Vehicles for a violation of any of the provisions of this section, after due notice in writing of the proposed suspension, revocation or prohibition and the ground thereof
<i>Note: A 2013 report from the American Association of Motor Vehicle Administrators (<a href="http://www.aamva.org/Suspended-and-Revoked-Drivers-Working-Group/">http://www.aamva.org/Suspended-and-Revoked-Drivers-Working-Group/</a>) concludes driver's license suspensions for violations not related to traffic safety are usually violated and ineffective in achieving compliance.]</i>			
<b>Immobilize, tow, or impound vehicle</b>	Illinois	605 ILCS 10/10  92 Ill. Adm. Code 2520.750	statute authorizes a system of civil administrative adjudication to provide a program of vehicle immobilization, tow, or impoundment if tolls for 5 or more toll violations, fines, and fees not paid; the vehicle owner may challenge those actions; the registered owner is to be notified if vehicle was towed or impounded
	Texas	V.T.C.A., Transportation Code § 372.112	a toll project entity, by order of its governing body, must have prohibited operation of a motor vehicle on the toll project after the registered owner has been finally determined to be a habitual violator (issued at least 2 written notices of nonpayment that contained 100 or more events of nonpayment within 1 year, not paid and no appeal filed); law enforcement officer who observes operation by a habitual violator prohibited from using the toll project may direct impoundment; impoundment lasts until tolls are paid or the owner is released from liability
<b>Lien on the vehicle</b>	Kansas	KSA 68-2020 (continuing law)	<i>the authority shall have a lien on the vehicle driven by such person for the amount of the toll and may take and retain possession thereof until the amount of the toll and all charges in connection with it shall have been paid</i>
	Massachusetts	M.G.L.A. 91 App. § 1-23	in addition to levying a fine of \$100, the Authority has a lien upon the vehicle driven by the person who failed or refused to pay the fine and may take and retain possession of it until the tolls and charges have been paid

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<b>Refuse title</b>	North Carolina	N.C.G.S.A. § 20-54	the Division shall refuse registration or issuance of a certificate of title or any transfer or registration if the Authority has notified the Division that the owner has not paid tolls, fees, and civil penalties the owner owes the Authority for use of a Turnpike project
<b>Publish names of violators</b>	Illinois	605 ILCS 10/10	the Authority may maintain a listing or searchable database on its website of persons or entities that have been issued 1 or more final orders of liability with a total amount due of more than \$1,000 for tolls, fines, unpaid late fees, or administrative costs that remain unpaid after the exhaustion of judicial review procedures; each entry may include the person's or entity's name as listed on the final order of liability
	Texas	V.T.C.A, Transportation Code, § 372.102	notwithstanding the confidentiality of electronic toll collection customer account information, a toll project entity may publish a list of names of the registered owners or lessees of nonpaying vehicles; the list may include name, city and state of residence, total number of events of nonpayment, and the total amount due for tolls and administrative fees
<b>Refuse account</b>	New Hampshire	N.H. Code Admin. R. Tra 703.02	An individual or business shall be denied future E-ZPass account privileges, if the department determines that: (1) There has been a repeated failure to pay outstanding tolls and/or fees due for violations or repeated breach of the account holder's obligations, including, but not limited to, the following: a. The department requests denial of registration renewal 3 or more times by the division for all plates combined under the account holder's account or in the registered vehicle owner's name; b. The department requests denial of registration renewal 3 or more times by the division for all plates combined under the account holder's name or the registered vehicle owner's name; or c. The account holder or the registered vehicle owner incurs 50 or more violations that remain unpaid for 6 months or more; . . . .
<b>OTHER COMMON PROVISIONS</b>			
<b>Confidentiality of information</b>	Massachusetts	M.G.L.A. 91 App. § 1-23  700 CMR 7.04, 11.07	the Authority and MassDOT shall maintain the confidentiality of all information, including images and credit and account data; such information shall not be a public record and shall be used for enforcement purposes only with respect to toll collection
	New Hampshire	N.H. Rev. Stat. § 263:56-f	The department, and any designee of the department, shall maintain the confidentiality of all information acquired in connection with the administration and enforcement of toll evasion, including but not limited to credit and account data, photographs or other images, and all personally identifying information obtained relative to owners of vehicles. Such information shall not be a public record subject to disclosure under RSA 91-A and shall be used solely for enforcement of this section. . . . Nothing in this section shall prevent access to the data collected in the administration and enforcement of toll collection by a certified law enforcement officer conducting an investigation undertaken pursuant to a court order, or in exigent circumstances.
	New Hampshire	N.H. Rev. Stat. § 237:16-e	Notwithstanding RSA 91-A or any other provision of law, all information received by the department that could serve to identify vehicles, vehicle owners, vehicle occupants, or account holders in any electronic toll collection system in use in this state shall be for the exclusive use of the department for the sole purpose of administering the electronic toll collection system, and shall not be open to any other organization or person, nor be used in any court in any action or proceeding, unless the action or proceeding relates to the imposition of or indemnification for liability pursuant to this subdivision.

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	New Jersey	N.J.S.A. 27:25A-21.3	a certified report of an employee or agent of the authority reporting a violation of the toll collection monitoring system regulations and any information obtained from a toll collection monitoring system shall be available for the exclusive use of the authority and any law enforcement official for the purposes of discharging their duties [pursuant to toll violation statutes and regulations]. . . . Any such report or information shall not be deemed a public record . . . . The certified reports and information . . shall not be discoverable as a public record . . . except upon a subpoena issued by a grand jury or a court order in a criminal matter, nor shall they be offered in evidence in any civil or administrative proceeding
	New York	McK.Unconsol.Laws § 6816-b McKinney's Public Authorities Law § 2985	all images shall be for the exclusive use of the authority in the discharge of its duties and shall not be open to the public nor be used in court unless the proceeding relates to toll violation; the authority shall not sell or make available names and addresses or other account-holder information without consent, except to other toll facility operators
	North Carolina	N.C.G.S.A. § 136-89.213	the Authority shall maintain the confidentiality of information including financial information, transaction history, and information related to the collection of a toll including recorded images and driver account information
	Oklahoma	47 Okl.St.Ann. § 11-1401.2 B.15	any recorded image is for the exclusive use of the Authority and not open to the public or may not be used in court except in a related action; the Authority may not make available names and addresses of account holders or Authority patrons without their permission
	Texas	V.T.C.A, Transportation Code, § 228.057(e), 366.178(b-1), 366.179(d), 370.177(m), 370.178(d)	account information, including contact and payment information and trip data, is confidential and not subject to disclosure under Chapter 552, Government Code
	Virginia	VA Code Ann. § 46.2-819.1 B, § 46.2-819.3:1 B, § 46.2-819.5 B	all data collected by a photo-monitoring system or automatic vehicle identification system shall be used exclusively for the collection of unpaid tolls and shall not be open to the public, sold or used for marketing purposes, disclosed to any entity except for collection of unpaid tolls, or used in court except for pursuing toll violations; this information may not be kept longer than 30 days after the collection and reconciliation of any unpaid tolls, fees, or penalties
	Washington	RCWA 46.63.160 (6); 47.46.105 (2); 47.56.795 (2)	any recorded image is for the exclusive use of the Authority and not open to the public or may not be used in court except in a related action; records identifying a specific instance of travel by a specific person or vehicle must be retained only as required to ensure payment and enforcement of tolls and to comply with state records retention policies

**State Laws on Collecting Unpaid Tolls**

<b>Reciprocal enforcement</b>	Maine	23 M.R.S.A. §§ 1980, 1964	<p>The authority may enter into reciprocal collection arrangements with away agencies in accordance with this subsection. When an away agency [a tolling authority in a jurisdiction other than the State] certifies with supporting evidence that the operator of a motor vehicle registered in this State has failed to pay a toll, the authority may collect the civil penalties and tolls properly imposed by the away agency as though those penalties and tolls were imposed by the authority if:</p> <p>A. The away agency has its own effective reciprocal procedures for collecting penalties and tolls imposed by the authority and does, in fact, reciprocate in collecting penalties and tolls of the authority by employing sanctions that include denial of a person's right to register or reregister a motor vehicle;</p> <p>B. The penalties, exclusive of tolls, claimed by the away agency against an owner of a motor vehicle registered in this State do not exceed \$100 for a first violation or \$600 for all pending violations;</p> <p>C. The away agency provides due process and appeal protections to avoid the likelihood that a false, mistaken or unjustified claim will be pursued against an owner;</p> <p>D. An owner of a motor vehicle registered in this State may present evidence to the away agency or to the authority by mail, telephone, electronic means or other means to invoke rights of due process without having to appear personally in the jurisdiction where the violation occurred; and</p> <p>E. The reciprocal collection arrangement between the authority and the away agency provides that each party may charge the other a fee sufficient to cover the costs of collection services, including costs incurred by an agency that registers motor vehicles.</p>
	Maryland	MD Code, Transportation, § 21-1415	the Transportation Authority is authorized to enter into an agreement with another jurisdiction for reciprocal enforcement of toll violations
	North Carolina	N.C.G.S.A. § 136-89.220	the Authority is authorized to enter into a reciprocal agreement with other tolling jurisdictions to enforce toll violations; if the agreement meets certain requirements, an unpaid toll, processing fee, or civil penalty in another state may be enforced with a renewal block
	Texas	V.T.C.A., Transportation Code § 372.114	if the violator whose vehicle is not registered in the state has met the criteria to be termed a habitual violator, a toll project entity may seek habitual violator remedies
The states reviewed were those identified by a representative of the Kansas Turnpike Authority as authorizing denial of registration for failure to pay tolls.			
Terms such as "Authority" and "DMV" above reflect each state's statutory language.			
<i>Please notify KLRD of any omissions or errors, for correction.</i>			