

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1086 Session of
2015

INTRODUCED BY RAFFERTY, COSTA, EICHELBERGER, TEPLITZ, FONTANA,
RESCHENTHALER, WHITE AND VULAKOVICH, DECEMBER 11, 2015

REFERRED TO TRANSPORTATION, DECEMBER 11, 2015

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in registration of vehicles, providing for
3 suspension of registration upon unpaid tolls.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 75 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 1380. Suspension of registration upon unpaid tolls.

9 (a) General rule.--

10 (1) The department shall suspend the registration of a
11 vehicle upon notification from a tolling entity that the
12 owner or registrant of the vehicle has either:

13 (i) failed to pay or defaulted in the payment of six
14 or more violations issued under 74 Pa.C.S. § 8116(a)
15 (relating to collection and disposition of tolls and
16 other revenue) or 8117(a)(1) (relating to electronic toll
17 collection) or other law, regulation, ordinance or
18 standard applicable to the toll collection or payment

1 requirements for a tolling entity; or

2 (ii) incurred unpaid tolls or administrative fees or
3 costs that collectively total a minimum of \$500,
4 regardless of the number of violations.

5 (2) Nothing in paragraph (1) shall be construed to limit
6 a tolling entity's ability to recoup unpaid tolls or
7 administrative fees or costs by any means available under the
8 law.

9 (b) Notice.--Prior to notifying the department under
10 subsection (c), the tolling entity shall provide the owner or
11 registrant written notice by first class mail of its intent to
12 seek suspension of the vehicle registration under this section
13 and afford the owner or registrant with the opportunity to be
14 heard during an administrative proceeding.

15 (c) Notice to department.--

16 (1) Not sooner than 30 days after mailing the notice
17 under subsection (b), the tolling entity, provided it has
18 entered into an agreement with the department to enforce the
19 provisions of this section, may notify the department
20 electronically in a format prescribed by the department
21 whenever an owner or registrant meets the requirements for
22 suspension under subsection (a)(1).

23 (2) When a tolling entity has provided notice under this
24 subsection and all of the violations are subsequently paid,
25 dismissed, reversed on appeal or canceled, the tolling entity
26 shall notify the department electronically in a format
27 prescribed by the department of the disposition of the
28 violation and shall provide the owner or registrant with a
29 release from the suspension.

30 (d) Period of suspension.--A suspension under subsection (a)

1 shall continue until the department receives notice from the
2 tolling entity that the violations are paid, dismissed, reversed
3 on appeal or canceled or the owner or registrant enters into an
4 agreement with the tolling entity to make installment payments
5 for tolls, administrative fees and costs imposed and pays the
6 fee prescribed in section 1960 (relating to reinstatement of
7 operating privilege or vehicle registration), provided that the
8 suspension may be reimposed by the department if the owner or
9 registrant fails to make regular installment payments.

10 (e) Additional suspension.--The department shall impose an
11 additional period of registration suspension if, subsequent to
12 the issuance of a suspension under subsection (a) but prior to
13 the restoration of the registration, the department is notified
14 by the tolling entity that the owner or registrant has failed to
15 pay, failed to respond or defaulted in the payment of an
16 additional violation issued under 74 Pa.C.S. § 8117(a)(1).

17 (f) Violations outside Commonwealth.--

18 (1) The department shall suspend the registration of a
19 vehicle upon the notification from a tolling entity that has
20 entered into an enforcement agreement with the department as
21 authorized under section 6146 (relating to enforcement
22 agreements) for any toll violation of that state or an
23 authority or for failure to pay any fine or costs imposed in
24 accordance with the laws of the jurisdiction in which the
25 violation occurred.

26 (2) A person who provides proof satisfactory to the
27 department that the full amount of the fine and costs has
28 been forwarded to and received by the other state may not be
29 regarded as having failed to pay for the purposes of this
30 subsection.

1 (g) Documentation.--

2 (1) In any proceeding under this section, documents
3 obtained by the department from a tolling entity or from the
4 appropriate agency of the Commonwealth or another state shall
5 be admissible into evidence to support the department's case.

6 (2) The department may treat the documents and reports
7 as documents of the department and use any of the methods of
8 storage permitted under the provisions of 42 Pa.C.S. § 6109
9 (relating to photographic copies of business and public
10 records) and may reproduce the documents in accordance with
11 the provisions of 42 Pa.C.S. § 6103 (relating to proof of
12 official records).

13 (3) The department may certify that it has received or
14 obtained documents and reports from a tolling entity, the
15 Commonwealth or other states, and the certification shall be
16 prima facie proof of the facts contained in the documents and
17 reports.

18 (h) Three-year statute of limitations.--No suspension may be
19 imposed based upon a violation of 74 Pa.C.S. § 8117(a)(1) or
20 similar provision from another state more than three years after
21 the violation is committed.

22 (i) Collection of out-of-State tolls.--The department or a
23 tolling entity may collect the civil penalties and tolls imposed
24 by an out-of-State tolling entity if the department or tolling
25 entity has entered into a reciprocity agreement that confirms
26 the following:

27 (1) The other state or tolling entity has its own
28 effective reciprocal procedure for collecting penalties and
29 tolls imposed by a Commonwealth tolling entity and agrees to
30 collect penalties and tolls of the Commonwealth tolling

1 entity by employing sanctions that include denial of a
2 person's right to register or reregister a motor vehicle.

3 (2) The penalties, exclusive of tolls, claimed by the
4 other state or tolling entity against an owner of a motor
5 vehicle registered in this Commonwealth do not exceed \$100
6 for a first violation or \$600 for all pending violations.

7 (3) The other state or tolling entity provides due
8 process and appeal protections to avoid the likelihood that a
9 false, mistaken or unjustified claim will be pursued against
10 an owner.

11 (4) An owner of a motor vehicle registered in this
12 Commonwealth may present evidence to the other state or
13 tolling entity by mail, telephone, electronic means or other
14 means to invoke rights of due process, without having to
15 appear personally in the jurisdiction where the violation is
16 alleged to have occurred.

17 (5) The reciprocal collection agreement between the
18 department or a tolling entity and the other state or tolling
19 entity provides that each party may charge the other a fee
20 sufficient to cover the costs of collection services,
21 including costs incurred by the agency that registers motor
22 vehicles.

23 (j) Definition.--As used in this section, the term "tolling
24 entity" means the Pennsylvania Turnpike Commission, an entity
25 authorized to impose and collect tolls in accordance with the
26 laws of Pennsylvania, including 74 Pa.C.S. Ch. 91 (relating to
27 public-private transportation partnerships), or the laws of
28 another state or states and any authorized agent of such an
29 entity.

30 Section 2. This act shall take effect in 60 days.