

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2139 Session of 2021

INTRODUCED BY WARNER, SCHLEGEL CULVER, KAUFFMAN, RYAN, THOMAS, COX, ROTHMAN, LONGIETTI, STAMBAUGH, MIZGORSKI, BERNSTINE, BURGOS, ORTITAY, MOUL, NEILSON, ROWE, CIRESI, DAVANZO, ZIMMERMAN AND B. MILLER, DECEMBER 7, 2021

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 29, 2022

AN ACT

1 ~~Amending Title 74 (Transportation) of the Pennsylvania~~ <--
2 ~~Consolidated Statutes, in turnpike, further providing for~~
3 ~~electronic toll collection.~~

4 AMENDING TITLES 74 (TRANSPORTATION) AND 75 (VEHICLES) OF THE <--
5 PENNSYLVANIA CONSOLIDATED STATUTES, IN TURNPIKE, FURTHER
6 PROVIDING FOR DEFINITIONS, FOR ELECTRONIC TOLL COLLECTION AND
7 FOR ANNUAL HEARING; IN REGISTRATION OF VEHICLES, FURTHER
8 PROVIDING FOR SUSPENSION OF REGISTRATION UPON UNPAID TOLLS;
9 AND, IN POWERS OF DEPARTMENT AND LOCAL AUTHORITIES, FURTHER
10 PROVIDING FOR PROVISIONS RELATING TO FARE EVASION.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 ~~Section 1. Section 8117 of Title 74 of the Pennsylvania~~ <--
14 ~~Consolidated Statutes is amended by adding a subsection to read:~~
15 ~~§ 8117. Electronic toll collection.~~

16 * * *

17 ~~(d.1) Notice for malfunctioning electronic toll collection~~
18 ~~devices.~~

19 ~~(1) If the commission is unable to collect a toll from a~~
20 ~~toll collection account holder due to a malfunctioning or~~

1 ~~unreadable electronic toll collection device, the commission~~
2 ~~shall send a notice, in a manner as required by paragraph~~
3 ~~(2), to the account holder of the malfunctioning or~~
4 ~~unreadable electronic toll collection device. The notice~~
5 ~~shall contain all of the following:~~

6 ~~(i) The date on which the toll was unable to be~~
7 ~~collected due to the malfunctioning or unreadable~~
8 ~~electronic toll collection device.~~

9 ~~(ii) Solutions to address common causes of a~~
10 ~~malfunctioning or unreadable electronic toll collection~~
11 ~~device and instructions to replace an electronic toll~~
12 ~~collection device.~~

13 ~~(iii) A warning that the commission may impose a fee~~
14 ~~for the toll that was unable to be collected from the~~
15 ~~account holder due to the malfunctioning or unreadable~~
16 ~~electronic toll collection device, whether the fee is~~
17 ~~being imposed and the fee amount.~~

18 ~~(iv) Other information at the discretion of the~~
19 ~~commission.~~

20 ~~(2) The notice required under paragraph (1) shall be~~
21 ~~sent by the commission to the account holder's electronic~~
22 ~~mail address that was provided by the account holder for the~~
23 ~~establishment of the electronic toll collection account. The~~
24 ~~notice shall be sent within 24 hours of the date on which the~~
25 ~~uncollected toll occurred.~~

26 ~~(3) The commission is prohibited from imposing a fee for~~
27 ~~a toll that was unable to be collected from an account holder~~
28 ~~due to a malfunctioning or unreadable electronic toll~~
29 ~~collection device unless the notice requirements of this~~
30 ~~subsection are met.~~

1 ~~(4) If the commission attempts to send a notice required~~
2 ~~by this subsection to an electronic mail address provided by~~
3 ~~an account holder and determines that the electronic mail~~
4 ~~address is not valid or is undeliverable, the commission~~
5 ~~shall be considered to have met the notice requirements of~~
6 ~~this subsection.~~

7 * * *

8 ~~Section 2. This act shall take effect in 60 days.~~

9 SECTION 1. THE DEFINITIONS OF "ELECTRONIC TOLL COLLECTION" <--
10 AND "VIOLATION ENFORCEMENT SYSTEM" IN SECTION 8102 OF TITLE 74
11 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED AND THE
12 SECTION IS AMENDED BY ADDING DEFINITIONS TO READ:

13 § 8102. DEFINITIONS.

14 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
15 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
16 CONTEXT CLEARLY INDICATES OTHERWISE:

17 * * *

18 "ELECTRONIC TOLL COLLECTION." A SYSTEM OF COLLECTING TOLLS
19 OR CHARGES THAT IS CAPABLE OF CHARGING AN ACCOUNT HOLDER OR A
20 REGISTERED VEHICLE OWNER FOR THE PRESCRIBED TOLL [BY ELECTRONIC
21 TRANSMISSION OF INFORMATION BETWEEN A DEVICE ON A VEHICLE AND A
22 DEVICE IN A TOLL LANE AT A TOLL COLLECTION FACILITY.] BASED ON
23 THE AUTOMATIC IDENTIFICATION AND CLASSIFICATION OF VEHICLES
24 USING ELECTRONIC SYSTEMS. THE TERM INCLUDES A SYSTEM OF OPEN
25 ROAD TOLLS, VIDEO TOLLS OR OTHER SIMILAR STRUCTURAL OR
26 TECHNOLOGICAL ENHANCEMENTS PERTAINING TO TOLLS.

27 "ELECTRONIC TOLL COLLECTION DEVICE." A PIECE OF MECHANICAL
28 OR ELECTRICAL EQUIPMENT USED FOR ELECTRONIC TOLL COLLECTION.

29 "FLAT VIDEO TOLL." A TOLL RATE THAT DOES NOT VARY BASED ON A
30 VIDEO IMAGE WHICH IS CHARGED TO AN ACCOUNT WHEN THE COMMISSION

1 IS UNABLE TO MATCH A LICENSE PLATE IMAGE TO AN ACCOUNT IN GOOD
2 STANDING.

3 * * *

4 "TOLL COLLECTION SYSTEM." A VEHICLE SENSOR, PLACED IN A
5 LOCATION TO WORK IN CONJUNCTION WITH A TOLL COLLECTION FACILITY,
6 WHICH AUTOMATICALLY PRODUCES A VIDEOTAPE OR PHOTOGRAPH,
7 MICROPHOTOGRAPH OR OTHER RECORDED IMAGE OF A VEHICLE, AT THE
8 TIME THE VEHICLE TRAVELS THROUGH A TOLLING POINT. THE TERM
9 INCLUDES ANY OTHER TECHNOLOGY WHICH IDENTIFIES A VEHICLE BY
10 PHOTOGRAPHIC, MECHANICAL, ELECTRONIC OR OTHER METHOD.

11 * * *

12 "VIDEO TOLL." A TOLL BASED ON A VEHICLE'S LICENSE PLATE
13 IMAGE WHEN A VALID ELECTRONIC TOLL COLLECTION DEVICE IS NOT READ
14 AS THE VEHICLE TRAVELS THROUGH A TOLLING POINT.

15 ["VIOLATION ENFORCEMENT SYSTEM." A VEHICLE SENSOR, PLACED IN
16 A LOCATION TO WORK IN CONJUNCTION WITH A TOLL COLLECTION
17 FACILITY, WHICH AUTOMATICALLY PRODUCES A VIDEOTAPE OR
18 PHOTOGRAPH, MICROPHOTOGRAPH OR OTHER RECORDED IMAGE OF THE REAR
19 PORTION OF EACH VEHICLE AT THE TIME THE VEHICLE IS USED OR
20 OPERATED IN VIOLATION OF THE TOLL COLLECTION REGULATIONS. THE
21 TERM INCLUDES ANY OTHER TECHNOLOGY WHICH IDENTIFIES A VEHICLE BY
22 PHOTOGRAPHIC, ELECTRONIC OR OTHER METHOD.]

23 SECTION 2. SECTION 8117(A), (B) AND (D) OF TITLE 74 ARE
24 AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO
25 READ:

26 § 8117. ELECTRONIC TOLL COLLECTION.

27 (A) LIABILITY OF OWNER.--

28 (1) IF AN OPERATOR OF A VEHICLE FAILS TO PAY THE
29 PRESCRIBED TOLL AT ANY LOCATION WHERE TOLLS ARE COLLECTED BY
30 MEANS OF ELECTRONIC TOLL COLLECTION, THE OWNER OF THE VEHICLE

1 SHALL BE LIABLE TO THE COMMISSION FOR FAILURE OF THE OPERATOR
2 OF THE VEHICLE TO COMPLY WITH THIS SECTION IF THE VIOLATION
3 IS EVIDENCED BY INFORMATION OBTAINED FROM A [VIOLATION
4 ENFORCEMENT] TOLL COLLECTION SYSTEM.

5 (2) [IF A VIOLATION OF THIS SECTION IS COMMITTED, THE]
6 THE REGISTRATION PLATE NUMBER OF THE VEHICLE AS RECORDED BY A
7 [VIOLATION ENFORCEMENT] TOLL COLLECTION SYSTEM SHALL
8 ESTABLISH AN INFERENCE THAT THE OWNER OF THE VEHICLE WAS THEN
9 OPERATING THE VEHICLE. THE INFERENCE SHALL BE OVERCOME IF THE
10 OWNER [DOES ALL OF] PROVIDES A WRITTEN STATEMENT INDICATING
11 THE FOLLOWING:

12 (I) [TESTIFIES THAT] THAT THE OWNER WAS NOT
13 OPERATING THE VEHICLE AT THE TIME OF [THE VIOLATION.

14 (II) SUBMITS TO AN EXAMINATION AS TO WHO AT THE TIME
15 WAS OPERATING THE VEHICLE.

16 (III) REVEALS THE NAME AND RESIDENCE ADDRESS, IF
17 KNOWN,] TRAVEL; AND

18 (IV) THE NAME AND RESIDENCE ADDRESS OF THE OPERATOR
19 OF THE VEHICLE AT THE TIME OF TRAVEL.

20 (3) [IF AN ACTION OR PROCEEDING IS COMMENCED IN A COUNTY
21 OTHER THAN THAT OF THE RESIDENCE OF THE OWNER, A VERIFIED
22 WRITTEN STATEMENT SETTING FORTH THE FACTS PRESCRIBED UNDER
23 PARAGRAPH (2) (I), (II) AND (III) SHALL SUFFICE TO OVERCOME
24 THE INFERENCE.] FAILURE TO SEND THE REQUIRED INFORMATION
25 WITHIN 30 DAYS OF THE ORIGINAL INVOICE DATE SHALL RESULT IN
26 THE OWNER BEING LIABLE FOR THE TOTAL AMOUNT DUE.

27 (4) IF THE INFERENCE IS OVERCOME, THE OPERATOR OF THE
28 VEHICLE AT THE TIME OF TRAVEL MAY BE HELD LIABLE UNDER THIS
29 SECTION FOR FAILURE TO PAY THE PRESCRIBED TOLL IN THE SAME
30 MANNER AS IF THE OPERATOR WERE THE OWNER OF THE VEHICLE.

1 (B) IMPOSITION OF LIABILITY.--LIABILITY UNDER THIS SECTION
2 SHALL BE IMPOSED UPON AN OWNER FOR [A VIOLATION OF] FAILURE TO
3 PAY THE PRESCRIBED TOLL CHARGES ASSESSED UNDER THIS SECTION OR
4 THE REGULATIONS OF THE COMMISSION OCCURRING WITHIN THE
5 TERRITORIAL LIMITS OF THIS COMMONWEALTH. [IF A VIOLATION IS
6 COMMITTED AS EVIDENCED BY A VIOLATION ENFORCEMENT] BASED ON
7 EVIDENCE OBTAINED BY A TOLL COLLECTION SYSTEM, THE FOLLOWING
8 SHALL APPLY:

9 (1) THE COMMISSION OR AN AUTHORIZED AGENT OR EMPLOYEE
10 MUST PREPARE AND MAIL [A NOTICE OF VIOLATION] AN INVOICE
11 ASSESSING THE TOLL CHARGES INCURRED AS FOLLOWS:

12 (I) THE [NOTICE OF VIOLATION] INVOICE MUST BE SENT
13 BY FIRST CLASS MAIL TO EACH PERSON ALLEGED TO BE LIABLE
14 AS AN OWNER [FOR A VIOLATION OF THIS SECTION].

15 (II) THE [NOTICE] INVOICE MUST BE MAILED AT THE
16 ADDRESS SHOWN ON THE VEHICLE REGISTRATION OR AT THE
17 ADDRESS OF THE OPERATOR, AS APPLICABLE. [NOTICE] THE
18 INVOICE MUST BE MAILED NO LATER THAN 60 DAYS AFTER:

19 (A) THE [ALLEGED CONDUCT] DATE OF TRAVEL; OR

20 (B) THE DATE THE INFERENCE IS OVERCOME UNDER
21 SUBSECTION (A) (2) .

22 (III) PERSONAL SERVICE IS NOT REQUIRED.

23 (IV) THE [NOTICE] INVOICE MUST CONTAIN ALL OF THE
24 FOLLOWING:

25 (A) INFORMATION ADVISING THE PERSON CHARGED OF
26 THE MANNER AND TIME IN WHICH THE [LIABILITY ALLEGED]
27 TOLL CHARGES IN THE [NOTICE] INVOICE MAY BE
28 CONTESTED.

29 (B) A WARNING ADVISING THE PERSON CHARGED THAT
30 FAILURE TO CONTEST THE INVOICE IN THE MANNER AND TIME

1 PROVIDED SHALL BE DEEMED AN ADMISSION OF LIABILITY
2 [AND THAT A DEFAULT JUDGMENT MAY BE ENTERED ON THE
3 NOTICE] FOR THE TOTAL AMOUNT DUE.

4 (1.1) A MANUAL OR AUTOMATIC RECORD OF MAILING PREPARED
5 IN THE ORDINARY COURSE OF BUSINESS SHALL BE PRIMA FACIE
6 EVIDENCE OF THE MAILING OF [NOTICE] THE INVOICE.

7 (1.2) IF MAIL, OTHER THAN UNCLAIMED MAIL, IS RETURNED
8 UNDELIVERED, THE COMMISSION MAY OBTAIN ADDRESS INFORMATION
9 FROM SOURCES, SUCH AS THE UNITED STATES POSTAL SERVICE, DEBT
10 COLLECTION SERVICES, REVIEWS OF TELEPHONE DIRECTORIES OR
11 RELATED SKIP-TRACING PRACTICES, TO LOCATE AN ALTERNATIVE
12 ADDRESS FOR THE VEHICLE OWNER OR THE ADDRESS OF THE OPERATOR,
13 AS APPLICABLE.

14 (2) IF AN OWNER OF A VEHICLE OR AN OWNER THAT IS A
15 LESSOR OF A VEHICLE RECEIVES [A NOTICE OF VIOLATION] AN
16 INVOICE UNDER THIS SECTION FOR ANY TIME PERIOD DURING WHICH
17 THE VEHICLE WAS REPORTED TO A POLICE DEPARTMENT AS HAVING
18 BEEN STOLEN, IT SHALL BE A DEFENSE TO THE ALLEGATION OF
19 LIABILITY THAT THE VEHICLE HAD BEEN REPORTED TO THE POLICE AS
20 HAVING BEEN STOLEN PRIOR TO THE TIME THE [VIOLATION] TRAVEL
21 OCCURRED AND THAT THE VEHICLE HAD NOT BEEN RECOVERED BY THE
22 TIME OF THE [VIOLATION] TRAVEL. FOR PURPOSES OF ASSERTING THE
23 DEFENSE UNDER THIS PARAGRAPH, IT SHALL BE SUFFICIENT THAT A
24 CERTIFIED COPY OF THE POLICE REPORT ON THE STOLEN VEHICLE BE
25 SENT BY FIRST CLASS MAIL TO THE COMMISSION WITHIN 30 DAYS
26 AFTER RECEIVING THE ORIGINAL [NOTICE OF VIOLATION] INVOICE.
27 FAILURE TO SEND THE INFORMATION WITHIN THE TIME LIMIT UNDER
28 THIS PARAGRAPH SHALL RENDER THE OWNER OR LESSOR LIABLE FOR
29 THE [PENALTY] TOLLS AND FEES ASSESSED IN THE INVOICE AS
30 PRESCRIBED BY THIS SECTION.

1 (3) AN OWNER THAT IS A LESSOR OF A VEHICLE AS TO WHICH
2 [A NOTICE OF VIOLATION] AN INVOICE WAS ISSUED UNDER PARAGRAPH
3 (1) SHALL NOT BE LIABLE FOR [A VIOLATION] TOLLS ASSESSED IN
4 THE INVOICE IF THE OWNER SENDS TO THE COMMISSION A COPY OF
5 THE RENTAL, LEASE OR OTHER CONTRACT DOCUMENT COVERING THE
6 VEHICLE ON THE DATE OF [THE VIOLATION] TRAVEL, WITH THE NAME
7 AND ADDRESS OF THE LESSEE CLEARLY LEGIBLE TO THE COMMISSION,
8 WITHIN 30 DAYS AFTER RECEIVING THE ORIGINAL [NOTICE OF
9 VIOLATION] INVOICE. FAILURE TO SEND THE INFORMATION WITHIN
10 THE TIME LIMIT UNDER THIS PARAGRAPH SHALL RENDER THE LESSOR
11 LIABLE FOR THE [PENALTY] TOLLS AND FEES ASSESSED IN THE
12 INVOICE AS PRESCRIBED BY THIS SECTION. IF THE LESSOR COMPLIES
13 WITH THE PROVISIONS OF THIS SECTION, THE LESSEE OF THE
14 VEHICLE ON THE DATE OF [THE VIOLATION] TRAVEL SHALL BE DEEMED
15 TO BE THE OWNER OF THE VEHICLE FOR PURPOSES OF THIS SECTION
16 AND SHALL BE SUBJECT TO LIABILITY FOR THE [PENALTY] TOLLS AND
17 FEES ASSESSED IN THE INVOICE UNDER THIS SECTION.

18 (4) A CERTIFIED REPORT OR A FACSIMILE REPORT OF AN
19 AUTHORIZED AGENT OR EMPLOYEE OF THE COMMISSION REPORTING A
20 VIOLATION OF THIS SECTION OR REGULATIONS OF THE COMMISSION
21 BASED UPON THE RECORDED INFORMATION OBTAINED FROM A
22 [VIOLATION ENFORCEMENT] TOLL COLLECTION SYSTEM SHALL BE PRIMA
23 FACIE EVIDENCE OF THE FACTS CONTAINED IN THE REPORT AND SHALL
24 BE ADMISSIBLE AS AN OFFICIAL RECORD KEPT IN THE ORDINARY
25 COURSE OF BUSINESS IN ANY PROCEEDING CHARGING A VIOLATION OF
26 THIS SECTION OR THE TOLL COLLECTION REGULATIONS OF THE
27 COMMISSION.

28 (5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
29 VIDEOTAPES, PHOTOGRAPHS, MICROPHOTOGRAPHS, OTHER RECORDED
30 IMAGES, WRITTEN RECORDS, REPORTS OR FACSIMILES PREPARED

1 PURSUANT TO THIS SECTION SHALL BE FOR THE EXCLUSIVE USE OF
2 THE COMMISSION, ITS AUTHORIZED AGENTS, ITS EMPLOYEES AND LAW
3 ENFORCEMENT OFFICIALS FOR THE PURPOSE OF DISCHARGING DUTIES
4 UNDER THIS SECTION AND THE REGULATIONS OF THE COMMISSION. THE
5 INFORMATION SHALL NOT BE DEEMED A PUBLIC RECORD UNDER THE ACT
6 OF [JUNE 21, 1957 (P.L.390, NO.212), REFERRED TO AS THE
7 RIGHT-TO-KNOW LAW] FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS
8 THE RIGHT-TO-KNOW LAW. THE INFORMATION SHALL NOT BE
9 DISCOVERABLE BY COURT ORDER OR OTHERWISE; NOR SHALL IT BE
10 OFFERED IN EVIDENCE IN ANY ACTION OR PROCEEDING WHICH IS NOT
11 DIRECTLY RELATED TO A VIOLATION OF THIS SECTION, THE
12 REGULATIONS OF THE COMMISSION OR INDEMNIFICATION FOR
13 LIABILITY IMPOSED PURSUANT TO THIS SECTION. THE RESTRICTIONS
14 SET FORTH IN THIS PARAGRAPH:

15 (I) SHALL NOT BE DEEMED TO PRECLUDE A COURT OF
16 COMPETENT JURISDICTION FROM ISSUING AN ORDER DIRECTING
17 THAT THE INFORMATION BE PROVIDED TO LAW ENFORCEMENT
18 OFFICIALS IF THE INFORMATION IS REASONABLY DESCRIBED AND
19 IS REQUESTED SOLELY IN CONNECTION WITH A CRIMINAL LAW
20 ENFORCEMENT ACTION;

21 (II) SHALL NOT BE DEEMED TO PRECLUDE THE EXCHANGE OF
22 THE INFORMATION BETWEEN ANY ENTITIES WITH JURISDICTION
23 OVER OR WHICH OPERATE [AN ELECTRONIC] A TOLL COLLECTION
24 SYSTEM IN THIS COMMONWEALTH OR ANY OTHER JURISDICTION;
25 AND

26 (III) SHALL NOT BE DEEMED TO PROHIBIT THE USE OF
27 INFORMATION EXCLUSIVELY FOR THE PURPOSE OF BILLING
28 ELECTRONIC TOLL COLLECTION [ACCOUNT HOLDERS] ACCOUNTS,
29 DEDUCTING TOLL CHARGES FROM [THE ACCOUNT OF AN ACCOUNT
30 HOLDER] ACCOUNTS, ENFORCING TOLL COLLECTION LAWS AND

1 RELATED REGULATIONS OR ENFORCING THE PROVISIONS OF [AN
2 ACCOUNT HOLDER AGREEMENT] ACCOUNTS.

3 (6) AN IMPOSITION OF LIABILITY UNDER THIS SECTION MUST
4 BE BASED UPON A PREPONDERANCE OF EVIDENCE.

5 (7) AN IMPOSITION OF LIABILITY PURSUANT TO THIS SECTION
6 SHALL NOT BE DEEMED A CONVICTION OF AN OWNER AND SHALL NOT BE
7 MADE PART OF THE MOTOR VEHICLE OPERATING RECORD OF THE PERSON
8 UPON WHOM THE LIABILITY IS IMPOSED, NOR SHALL IT BE
9 CONSIDERED IN THE PROVISION OF MOTOR VEHICLE INSURANCE
10 COVERAGE.

11 (8) AN OWNER THAT ADMITS, IS FOUND LIABLE OR FAILS TO
12 [RESPOND TO THE NOTICE OF VIOLATION FOR] PAY THE INVOICE
13 RESULTING IN A VIOLATION OF THIS SECTION SHALL BE CIVILLY
14 LIABLE TO THE COMMISSION FOR ALL OF THE FOLLOWING:

15 (I) EITHER:

16 (A) THE AMOUNT OF THE TOLL EVADED OR ATTEMPTED
17 TO BE EVADED IF THE AMOUNT CAN BE DETERMINED; OR

18 (B) THE MAXIMUM TOLL FROM THE FARTHEST POINT OF
19 ENTRY ON THE PENNSYLVANIA TURNPIKE TO THE ACTUAL
20 POINT OF EXIT IF THE AMOUNT OF THE TOLL EVADED OR
21 ATTEMPTED TO BE EVADED CANNOT BE DETERMINED.

22 (II) A REASONABLE ADMINISTRATIVE FEE NOT TO EXCEED
23 \$35 PER NOTIFICATION.

24 (9) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT
25 THE LIABILITY OF THE OPERATOR OF A VEHICLE FOR A VIOLATION OF
26 THIS SECTION OR OF THE REGULATIONS OF THE COMMISSION.

27 * * *

28 (D) PRIVACY OF ELECTRONIC TOLL COLLECTION [ACCOUNT HOLDER]
29 INFORMATION.--

30 (1) EXCEPT AS SET FORTH UNDER PARAGRAPH (2),

1 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL OF THE
2 FOLLOWING APPLY TO INFORMATION KEPT BY THE COMMISSION, ITS
3 AUTHORIZED AGENTS OR ITS EMPLOYEES WHICH IS RELATED TO [THE]
4 AN ACCOUNT [OF AN] FOR ELECTRONIC TOLL COLLECTION [SYSTEM
5 ACCOUNT HOLDER] AND ANY INFORMATION COLLECTED BY A TOLL
6 COLLECTION SYSTEM:

7 (I) THE INFORMATION SHALL BE FOR THE EXCLUSIVE USE
8 OF THE COMMISSION, ITS AUTHORIZED AGENTS, ITS EMPLOYEES
9 AND LAW ENFORCEMENT OFFICIALS FOR THE PURPOSE OF
10 DISCHARGING THEIR DUTIES PURSUANT TO THIS SECTION AND THE
11 REGULATIONS OF THE COMMISSION. THIS SUBPARAGRAPH INCLUDES
12 NAMES, ADDRESSES, ACCOUNT NUMBERS, ACCOUNT BALANCES,
13 PERSONAL FINANCIAL INFORMATION, VEHICLE MOVEMENT RECORDS
14 AND OTHER INFORMATION COMPILED [FROM TRANSACTIONS WITH
15 THE ACCOUNT HOLDERS] BY A TOLL COLLECTION SYSTEM.

16 (II) THE INFORMATION SHALL NOT BE DEEMED A PUBLIC
17 RECORD UNDER THE RIGHT-TO-KNOW LAW, NOR SHALL IT BE
18 DISCOVERABLE BY COURT ORDER OR OTHERWISE OR BE OFFERED IN
19 EVIDENCE IN ANY ACTION OR PROCEEDING WHICH IS NOT
20 DIRECTLY RELATED TO THE DISCHARGE OF DUTIES UNDER THIS
21 SECTION, THE REGULATIONS OF THE COMMISSION OR A VIOLATION
22 OF THE TERMS IN AN ACCOUNT [HOLDER AGREEMENT].

23 (2) PARAGRAPH (1) SHALL NOT BE DEEMED TO DO ANY OF THE
24 FOLLOWING:

25 (I) PRECLUDE A COURT OF COMPETENT JURISDICTION FROM
26 ISSUING AN ORDER DIRECTING THAT THE INFORMATION BE
27 PROVIDED TO LAW ENFORCEMENT OFFICIALS IF THE INFORMATION
28 IS REASONABLY DESCRIBED AND IS REQUESTED SOLELY IN
29 CONNECTION WITH A CRIMINAL LAW ENFORCEMENT ACTION.

30 (II) PRECLUDE THE EXCHANGE OF THE INFORMATION

1 BETWEEN ANY ENTITIES WITH JURISDICTION OVER OR WHICH
2 OPERATE [AN ELECTRONIC] A TOLL COLLECTION SYSTEM IN THIS
3 COMMONWEALTH OR ANY OTHER JURISDICTION.

4 (III) PROHIBIT THE USE OF THE INFORMATION
5 EXCLUSIVELY FOR THE PURPOSE OF BILLING ELECTRONIC TOLL
6 COLLECTION [ACCOUNT HOLDERS] ACCOUNTS, DEDUCTING TOLL
7 CHARGES FROM [THE] AN ACCOUNT [OF AN ACCOUNT HOLDER],
8 ENFORCING TOLL COLLECTION LAWS AND RELATED REGULATIONS OR
9 ENFORCING THE PROVISIONS OF AN ACCOUNT [HOLDER
10 AGREEMENT].

11 (D.1) NOTICE FOR POSTING VIDEO TOLL OR FLAT VIDEO TOLL TO
12 CUSTOMER ACCOUNT.--

13 (1) THE COMMISSION SHALL INDICATE ON AN ACCOUNT
14 STATEMENT IF A VIDEO TOLL HAS BEEN POSTED TO THE CUSTOMER'S
15 ACCOUNT, INCLUDING THE DATE AND THE DOLLAR AMOUNT OF THE
16 VIDEO TOLL.

17 (2) THE COMMISSION SHALL POST NOTICE ON ITS PUBLICLY
18 ACCESSIBLE INTERNET WEBSITE INDICATING AN ACCOUNT MAY BE
19 CHARGED A FLAT VIDEO TOLL IF THE COMMISSION IS UNABLE TO
20 MATCH A LICENSE PLATE IMAGE.

21 (3) THE COMMISSION SHALL NOTIFY THE ACCOUNT UPON THE
22 POSTING OF THE FIRST FLAT VIDEO TOLL TO THE ACCOUNT IN A
23 CALENDAR YEAR IN ACCORDANCE WITH THE PREFERENCES INDICATED IN
24 THE ACCOUNT. THE NOTIFICATION SHALL INCLUDE:

25 (I) INFORMATION ON PROPER PLACEMENT OF THE
26 ELECTRONIC TOLL COLLECTION DEVICE.

27 (II) INFORMATION REGARDING REPLACEMENT OF THE
28 ELECTRONIC TOLL COLLECTION DEVICE.

29 (III) NOTICE THAT FAILURE TO RESPOND MAY RESULT IN
30 ADDITIONAL FLAT VIDEO TOLLS AND ADMINISTRATIVE FEES

1 POSTED TO THE ACCOUNT.

2 (IV) OTHER INFORMATION AS DETERMINED BY THE
3 COMMISSION.

4 (4) THE COMMISSION SHALL PROVIDE FOR AN APPEAL PROCESS.

5 * * *

6 SECTION 3. SECTION 8121 OF TITLE 74 IS AMENDED TO READ:

7 § 8121. ANNUAL HEARING AND REPORTS.

8 (A) DUTY TO TESTIFY.--UPON REQUEST, AT LEAST ONE COMMISSION
9 MEMBER SHALL TESTIFY AT A PUBLIC HEARING BEFORE THE
10 APPROPRIATIONS COMMITTEE OF THE SENATE AND THE APPROPRIATIONS
11 COMMITTEE OF THE HOUSE OF REPRESENTATIVES EACH YEAR TO PRESENT
12 INFORMATION ON TURNPIKE OPERATIONS AND COORDINATION WITH OTHER
13 STATE AGENCIES.

14 (B) DUTY TO REPORT.--

15 (1) NO LATER THAN OCTOBER 1, 2022, AND EACH OCTOBER 1
16 THEREAFTER, THE COMMISSION SHALL SUBMIT A REPORT TO THE
17 GENERAL ASSEMBLY SUMMARIZING TOLL REVENUES THAT ARE COLLECTED
18 AND UNCOLLECTED, AND PROJECTED TO BE COLLECTED AND
19 UNCOLLECTED, INCLUDING THE REASONS THAT THE TOLL REVENUES ARE
20 UNCOLLECTED, DURING THE PRIOR FISCAL YEAR.

21 (2) THE REPORT SHALL BE SUBMITTED TO THE FOLLOWING:

22 (I) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
23 TRANSPORTATION COMMITTEE OF THE SENATE.

24 (II) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
25 TRANSPORTATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

26 (3) THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION:

27 (I) THE DOLLAR AMOUNT OF TOLL REVENUES COLLECTED AND
28 PROJECTED TO BE COLLECTED DURING THE PRIOR FISCAL YEAR.

29 (II) THE DOLLAR AMOUNT AND PERCENTAGE OF TOLL
30 REVENUES COLLECTED AND PROJECTED TO BE COLLECTED DURING

1 THE PRIOR FISCAL YEAR BY COLLECTION METHOD.

2 (III) THE DOLLAR AMOUNT AND PERCENTAGE OF TOLLS
3 UNCOLLECTED AND PROJECTED TO BE UNCOLLECTED DURING THE
4 PRIOR FISCAL YEAR.

5 (IV) A BREAKDOWN OF UNCOLLECTED TOLLS DETAILING THE
6 REASON FOR FAILURE TO COLLECT, INCLUDING AN UNREADABLE OR
7 MISSING LICENSE PLATE, AN UNDELIVERABLE ADDRESS OR AN
8 UNPAID INVOICE.

9 (C) FEASIBILITY STUDY.--

10 (1) THE COMMISSION SHALL CONDUCT A FEASIBILITY STUDY TO
11 ASSESS ALTERNATIVE ELECTRONIC TOLL COLLECTION PAYMENT
12 OPTIONS. THE STUDY SHALL INCLUDE:

13 (I) A REVIEW OF THIRD-PARTY ORGANIZATIONS THAT
14 PROCESS ACCOUNTS AND TRANSACTIONS FOR TOLL COLLECTION
15 THROUGH ELECTRONIC FUNDS TRANSFER.

16 (II) A REVIEW OF ELECTRONIC PUSH NOTIFICATION ALERTS
17 WITH THE GOAL OF POSTING A NOTIFICATION WITHIN 24 HOURS
18 OF THE TRANSACTION POSTING TO A CUSTOMER'S ACCOUNT OR AS
19 SOON AS PRACTICABLE IF A VALID ACCOUNT IS NOT RECOGNIZED
20 AT THE TIME OF THE TRANSACTION.

21 (III) REVIEW OF THE COMMISSION'S EXISTING CUSTOMER
22 PAYMENT APPLICATION.

23 (IV) RECOMMENDATIONS FROM THE COMMISSION.

24 (2) THE STUDY SHALL BE COMPLETED WITHIN ONE YEAR OF THE
25 EFFECTIVE DATE OF THIS SUBSECTION AND COPIES SHALL BE
26 SUBMITTED TO THE FOLLOWING:

27 (I) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
28 TRANSPORTATION COMMITTEE OF THE SENATE.

29 (II) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
30 TRANSPORTATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

1 SECTION 4. SECTIONS 1380(A)(1), (C)(2), (D), (E) AND (H) AND
2 6110.1(C) AND (F) OF TITLE 75 ARE AMENDED TO READ:

3 § 1380. SUSPENSION OF REGISTRATION UPON UNPAID TOLLS.

4 (A) GENERAL RULE.--

5 (1) THE DEPARTMENT SHALL SUSPEND THE REGISTRATION OF A
6 VEHICLE UPON NOTIFICATION FROM A TOLLING ENTITY THAT THE
7 OWNER OR REGISTRANT OF THE VEHICLE HAS EITHER:

8 (I) FAILED TO PAY OR DEFAULTED IN THE PAYMENT OF
9 [SIX] FOUR OR MORE [VIOLATIONS] INVOICES ISSUED UNDER 74
10 P.A.C.S. § 8116(A) (RELATING TO COLLECTION AND DISPOSITION
11 OF TOLLS AND OTHER REVENUE) OR 8117(A)(1) (RELATING TO
12 ELECTRONIC TOLL COLLECTION), INCLUDING VIOLATION NOTICES
13 ISSUED PRIOR TO MARCH 16, 2020, OR OTHER LAW, REGULATION,
14 ORDINANCE OR STANDARD APPLICABLE TO THE TOLL COLLECTION
15 OR PAYMENT REQUIREMENTS FOR A TOLLING ENTITY; OR

16 (II) INCURRED UNPAID TOLLS OR ADMINISTRATIVE FEES OR
17 COSTS THAT COLLECTIVELY TOTAL A MINIMUM OF [\$500] \$250,
18 REGARDLESS OF THE NUMBER OF [VIOLATIONS] UNPAID INVOICES.

19 * * *

20 (C) NOTICE TO DEPARTMENT.--

21 * * *

22 (2) WHEN A TOLLING ENTITY HAS PROVIDED NOTICE UNDER THIS
23 SUBSECTION AND ALL OF THE [VIOLATIONS] UNPAID INVOICES ARE
24 SUBSEQUENTLY PAID, DISMISSED, REVERSED ON APPEAL OR CANCELED,
25 THE TOLLING ENTITY SHALL NOTIFY THE DEPARTMENT ELECTRONICALLY
26 IN A FORMAT PRESCRIBED BY THE DEPARTMENT OF THE DISPOSITION
27 OF THE [VIOLATION] UNPAID INVOICE AND SHALL PROVIDE THE OWNER
28 OR REGISTRANT WITH A RELEASE FROM THE SUSPENSION.

29 (D) PERIOD OF SUSPENSION.--A SUSPENSION UNDER SUBSECTION (A)
30 SHALL CONTINUE UNTIL THE DEPARTMENT RECEIVES NOTICE FROM THE

1 TOLLING ENTITY THAT THE [VIOLATIONS] UNPAID INVOICES ARE PAID,
2 DISMISSED, REVERSED ON APPEAL OR CANCELED OR THE OWNER OR
3 REGISTRANT ENTERS INTO AN AGREEMENT WITH THE TOLLING ENTITY TO
4 MAKE INSTALLMENT PAYMENTS FOR TOLLS, ADMINISTRATIVE FEES AND
5 COSTS IMPOSED AND PAYS THE FEE PRESCRIBED IN SECTION 1960
6 (RELATING TO REINSTATEMENT OF OPERATING PRIVILEGE OR VEHICLE
7 REGISTRATION), PROVIDED THAT THE SUSPENSION MAY BE REIMPOSED BY
8 THE DEPARTMENT IF THE OWNER OR REGISTRANT FAILS TO MAKE REGULAR
9 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] INVOICE ISSUED UNDER 74 PA.C.S. § 8116(A)
17 (RELATING TO COLLECTION AND DISPOSITION OF TOLLS AND OTHER
18 REVENUE) OR 8117(A) (1).

19 * * *

20 (H) [THREE-YEAR STATUTE] STATUTE OF LIMITATIONS.--NO
21 SUSPENSION MAY BE IMPOSED BASED UPON A VIOLATION OF 74 PA.C.S. §
22 8117(A) (1) OR SIMILAR PROVISION FROM ANOTHER STATE MORE THAN
23 [THREE] FIVE YEARS AFTER THE VIOLATION IS COMMITTED.

24 * * *

25 § 6110.1. FARE EVASION.

26 * * *

27 (C) CONSTRUCTION.--PROSECUTION OF A VIOLATION OF THIS
28 SECTION SHALL NOT PRECLUDE PROSECUTION UNDER SECTION 1332
29 (RELATING TO DISPLAY OF REGISTRATION PLATE), 1380 (RELATING TO
30 SUSPENSION OF REGISTRATION UPON UNPAID TOLLS), 7122 (RELATING TO

1 ALTERED, FORGED OR COUNTERFEIT DOCUMENTS AND PLATES) OR 7124
2 (RELATING TO FRAUDULENT USE OR REMOVAL OF REGISTRATION PLATE).

3 * * *

4 (F) DEFINITION.--AS USED IN THIS SECTION, THE TERM

5 "AFFIRMATIVE ACTION" INCLUDES:

6 (1) [REMOVING A LICENSE PLATE FROM A VEHICLE TO IMPEDE
7 ELECTRONIC TOLL COLLECTION;] OPERATING A VEHICLE WITHOUT A
8 LICENSE PLATE AND VALID VEHICLE REGISTRATION;

9 (2) OPERATING A VEHICLE WITHOUT A VALID ELECTRONIC TOLL
10 COLLECTION DEVICE AND INSTALLING A MECHANISM WHICH ROTATES,
11 CHANGES, BLOCKS OR OTHERWISE MECHANICALLY ALTERS THE ABILITY
12 OF A LICENSE PLATE TO BE READ BY A [VIOLATION ENFORCEMENT
13 SYSTEM] TOLL COLLECTION SYSTEM;

14 (3) INSTALLING A [MECHANICAL APPARATUS] DEVICE UPON A
15 VEHICLE WHICH SERVES THE SOLE PURPOSE OF MASKING, HIDING OR
16 MANIPULATING THE TRUE WEIGHT OF THE VEHICLE AS IT APPEARS TO
17 A MECHANICAL SCALE;

18 (4) CONSPIRING WITH AN INDIVIDUAL OR GROUP OF
19 INDIVIDUALS TO ALTER, LOWER OR EVADE PAYMENT OF CORRECT
20 TOLLS; [AND]

21 (5) UNAUTHORIZED USE OF A PENNSYLVANIA TURNPIKE PRIVATE
22 GATE ACCESS OR OTHERWISE UNAUTHORIZED MOVEMENT ENTERING OR
23 EXITING THE TURNPIKE OTHER THAN AT APPROVED [INTERCHANGES.]
24 TOLLING POINTS; AND

25 (6) OPERATING A VEHICLE WITHOUT A VALID ELECTRONIC TOLL
26 COLLECTION DEVICE AND ALTERING, OBSTRUCTING, COVERING,
27 DISTORTING, MANIPULATING OR REMOVING A LICENSE PLATE FROM A
28 VEHICLE TO IMPEDE ELECTRONIC TOLL COLLECTION.

29 SECTION 5. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.