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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2139 Session of  
2021

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

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SENATOR LANGERHOLC, TRANSPORTATION, IN SENATE, AS AMENDED,  
JUNE 15, 2022

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AN ACT

1 Amending Titles 74 (Transportation) and 75 (Vehicles) of the  
2 Pennsylvania Consolidated Statutes, in turnpike, further  
3 providing for definitions, for electronic toll collection and  
4 for annual hearing; in registration of vehicles, further  
5 providing for suspension of registration upon unpaid tolls;  
6 and, in powers of department and local authorities, further  
7 providing for provisions relating to fare evasion.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. The definitions of "electronic toll collection"  
11 and "violation enforcement system" in section 8102 of Title 74  
12 of the Pennsylvania Consolidated Statutes are amended and the  
13 section is amended by adding definitions to read:

14 § 8102. Definitions.

15 The following words and phrases when used in this chapter  
16 shall have the meanings given to them in this section unless the  
17 context clearly indicates otherwise:

18 \* \* \*

1 "Electronic toll collection." A system of collecting tolls  
2 or charges that is capable of charging an account holder or a  
3 registered vehicle owner for the prescribed toll [by electronic  
4 transmission of information between a device on a vehicle and a  
5 device in a toll lane at a toll collection facility.] based on  
6 the automatic identification and classification of vehicles  
7 using electronic systems. The term includes a system of open  
8 road tolls, video tolls or other similar structural or  
9 technological enhancements pertaining to tolls.

10 "Electronic toll collection device." A piece of mechanical  
11 or electrical equipment used for electronic toll collection.

12 "Flat video toll." A toll rate that does not vary based on a  
13 video image which is charged to an account when the commission  
14 is ~~unable~~ ABLE to match a license plate image to an account in <--  
15 good standing.

16 \* \* \*

17 "Toll collection system." A vehicle sensor, placed in a  
18 location to work in conjunction with a toll collection facility,  
19 which automatically produces a videotape or photograph,  
20 microphotograph or other recorded image of a vehicle, at the  
21 time the vehicle travels through a tolling point. The term  
22 includes any other technology which identifies a vehicle by  
23 photographic, mechanical, electronic or other method.

24 \* \* \*

25 "Video toll." A toll based on a vehicle's license plate  
26 image when a valid electronic toll collection device is not read  
27 as the vehicle travels through a tolling point.

28 ["Violation enforcement system." A vehicle sensor, placed in  
29 a location to work in conjunction with a toll collection  
30 facility, which automatically produces a videotape or

1 photograph, microphotograph or other recorded image of the rear  
2 portion of each vehicle at the time the vehicle is used or  
3 operated in violation of the toll collection regulations. The  
4 term includes any other technology which identifies a vehicle by  
5 photographic, electronic or other method.]

6 Section 2. Section 8117(a), (b) and (d) of Title 74 are  
7 amended and the section is amended by adding a subsection to  
8 read:

9 § 8117. Electronic toll collection.

10 (a) Liability of owner.--

11 (1) If an operator of a vehicle fails to pay the  
12 prescribed toll at any location where tolls are collected by  
13 means of electronic toll collection, the owner of the vehicle  
14 shall be liable to the commission for failure of the operator  
15 of the vehicle to comply with this section if the violation  
16 is evidenced by information obtained from a [violation  
17 enforcement] toll collection system.

18 (2) [If a violation of this section is committed, the]  
19 The registration plate number of the vehicle as recorded by a  
20 [violation enforcement] toll collection system shall  
21 establish an inference that the owner of the vehicle was then  
22 operating the vehicle. The inference shall be overcome if the  
23 owner [does all of] provides a written statement indicating  
24 the following:

25 (i) [Testifies that] that the owner was not  
26 operating the vehicle at the time of [the violation].

27 (ii) Submits to an examination as to who at the time  
28 was operating the vehicle.

29 (iii) Reveals the name and residence address, if  
30 known,] travel; and

1            (iv) the name and residence address of the operator  
2            of the vehicle at the time of travel.

3            (3) [If an action or proceeding is commenced in a county  
4            other than that of the residence of the owner, a verified  
5            written statement setting forth the facts prescribed under  
6            paragraph (2) (i), (ii) and (iii) shall suffice to overcome  
7            the inference.] Failure to send the required information  
8            within 30 days of the original invoice date shall result in  
9            the owner being liable for the total amount due.

10           (4) If the inference is overcome, the operator of the  
11           vehicle at the time of travel may be held liable under this  
12           section for failure to pay the prescribed toll in the same  
13           manner as if the operator were the owner of the vehicle.

14           (b) Imposition of liability.--Liability under this section  
15           shall be imposed upon an owner for [a violation of] failure to  
16           pay the prescribed toll charges assessed under this section or  
17           the regulations of the commission occurring within the  
18           territorial limits of this Commonwealth. [If a violation is  
19           committed as evidenced by a violation enforcement] Based on  
20           evidence obtained by a toll collection system, the following  
21           shall apply:

22           (1) The commission or an authorized agent or employee  
23           must prepare and mail [a notice of violation] an invoice  
24           assessing the toll charges incurred as follows:

25           (i) The [notice of violation] invoice must be sent  
26           by first class mail to each person alleged to be liable  
27           as an owner [for a violation of this section].

28           (ii) The [notice] invoice must be mailed at the  
29           address shown on the vehicle registration or at the  
30           address of the operator, as applicable. [Notice] The

1 invoice must be mailed no later than 60 days after:

2 (A) the [alleged conduct] date of travel; or

3 (B) the date the inference is overcome under  
4 subsection (a) (2).

5 (iii) Personal service is not required.

6 (iv) The [notice] invoice must contain all of the  
7 following:

8 (A) Information advising the person charged of  
9 the manner and time in which the [liability alleged]  
10 toll charges in the [notice] invoice may be  
11 contested.

12 (B) A warning advising the person charged that  
13 failure to contest the invoice in the manner and time  
14 provided shall be deemed an admission of liability  
15 [and that a default judgment may be entered on the  
16 notice] for the total amount due.

17 (1.1) A manual or automatic record of mailing prepared  
18 in the ordinary course of business shall be prima facie  
19 evidence of the mailing of [notice] the invoice.

20 (1.2) If mail, other than unclaimed mail, is returned  
21 undelivered, the commission may obtain address information  
22 from sources, such as the United States Postal Service, debt  
23 collection services, reviews of telephone directories or  
24 related skip-tracing practices, to locate an alternative  
25 address for the vehicle owner or the address of the operator,  
26 as applicable.

27 (2) If an owner of a vehicle or an owner that is a  
28 lessor of a vehicle receives [a notice of violation] an  
29 invoice under this section for any time period during which  
30 the vehicle was reported to a police department as having

1       been stolen, it shall be a defense to the allegation of  
2       liability that the vehicle had been reported to the police as  
3       having been stolen prior to the time the [violation] travel  
4       occurred and that the vehicle had not been recovered by the  
5       time of the [violation] travel. For purposes of asserting the  
6       defense under this paragraph, it shall be sufficient that a  
7       certified copy of the police report on the stolen vehicle be  
8       sent by first class mail to the commission within 30 days  
9       after receiving the original [notice of violation] invoice.  
10      Failure to send the information within the time limit under  
11      this paragraph shall render the owner or lessor liable for  
12      the [penalty] tolls and fees assessed in the invoice as  
13      prescribed by this section.

14           (3) An owner that is a lessor of a vehicle as to which  
15      [a notice of violation] an invoice was issued under paragraph  
16      (1) shall not be liable for [a violation] tolls assessed in  
17      the invoice if the owner sends to the commission a copy of  
18      the rental, lease or other contract document covering the  
19      vehicle on the date of [the violation] travel, with the name  
20      and address of the lessee clearly legible to the commission,  
21      within 30 days after receiving the original [notice of  
22      violation] invoice. Failure to send the information within  
23      the time limit under this paragraph shall render the lessor  
24      liable for the [penalty] tolls and fees assessed in the  
25      invoice as prescribed by this section. If the lessor complies  
26      with the provisions of this section, the lessee of the  
27      vehicle on the date of [the violation] travel shall be deemed  
28      to be the owner of the vehicle for purposes of this section  
29      and shall be subject to liability for the [penalty] tolls and  
30      fees assessed in the invoice under this section.

1           (4) A certified report or a facsimile report of an  
2 authorized agent or employee of the commission reporting a  
3 violation of this section or regulations of the commission  
4 based upon the recorded information obtained from a  
5 [violation enforcement] toll collection system shall be prima  
6 facie evidence of the facts contained in the report and shall  
7 be admissible as an official record kept in the ordinary  
8 course of business in any proceeding charging a violation of  
9 this section or the toll collection regulations of the  
10 commission.

11           (5) Notwithstanding any other provision of law,  
12 videotapes, photographs, microphotographs, other recorded  
13 images, written records, reports or facsimiles prepared  
14 pursuant to this section shall be for the exclusive use of  
15 the commission, its authorized agents, its employees and law  
16 enforcement officials for the purpose of discharging duties  
17 under this section and the regulations of the commission. The  
18 information shall not be deemed a public record under the act  
19 of [June 21, 1957 (P.L.390, No.212), referred to as the  
20 Right-to-Know Law] February 14, 2008 (P.L.6, No.3), known as  
21 the Right-to-Know Law. The information shall not be  
22 discoverable by court order or otherwise; nor shall it be  
23 offered in evidence in any action or proceeding which is not  
24 directly related to a violation of this section, the  
25 regulations of the commission or indemnification for  
26 liability imposed pursuant to this section. The restrictions  
27 set forth in this paragraph:

28           (i) shall not be deemed to preclude a court of  
29 competent jurisdiction from issuing an order directing  
30 that the information be provided to law enforcement

1 officials if the information is reasonably described and  
2 is requested solely in connection with a criminal law  
3 enforcement action;

4 (ii) shall not be deemed to preclude the exchange of  
5 the information between any entities with jurisdiction  
6 over or which operate [an electronic] a toll collection  
7 system in this Commonwealth or any other jurisdiction;  
8 and

9 (iii) shall not be deemed to prohibit the use of  
10 information exclusively for the purpose of billing  
11 electronic toll collection [account holders] accounts,  
12 deducting toll charges from [the account of an account  
13 holder] accounts, enforcing toll collection laws and  
14 related regulations or enforcing the provisions of [an  
15 account holder agreement] accounts.

16 (6) An imposition of liability under this section must  
17 be based upon a preponderance of evidence.

18 (7) An imposition of liability pursuant to this section  
19 shall not be deemed a conviction of an owner and shall not be  
20 made part of the motor vehicle operating record of the person  
21 upon whom the liability is imposed, nor shall it be  
22 considered in the provision of motor vehicle insurance  
23 coverage.

24 (8) An owner that admits, is found liable or fails to  
25 [respond to the notice of violation for] pay the invoice  
26 resulting in a violation of this section shall be civilly  
27 liable to the commission for all of the following:

28 (i) Either:

29 (A) the amount of the toll evaded or attempted  
30 to be evaded if the amount can be determined; or



1 (B) the maximum toll from the farthest point of  
2 entry on the Pennsylvania Turnpike to the actual  
3 point of exit if the amount of the toll evaded or  
4 attempted to be evaded cannot be determined.

5 (ii) A reasonable administrative fee not to exceed  
6 \$35 per notification.

7 (9) Nothing in this section shall be construed to limit  
8 the liability of the operator of a vehicle for a violation of  
9 this section or of the regulations of the commission.

10 \* \* \*

11 (d) Privacy of electronic toll collection [account holder]  
12 information.--

13 (1) Except as set forth under paragraph (2),  
14 notwithstanding any other provision of law, all of the  
15 following apply to information kept by the commission, its  
16 authorized agents or its employees which is related to [the]  
17 an account [of an] for electronic toll collection [system  
18 account holder] and any information collected by a toll  
19 collection system:

20 (i) The information shall be for the exclusive use  
21 of the commission, its authorized agents, its employees  
22 and law enforcement officials for the purpose of  
23 discharging their duties pursuant to this section and the  
24 regulations of the commission. This subparagraph includes  
25 names, addresses, account numbers, account balances,  
26 personal financial information, vehicle movement records  
27 and other information compiled [from transactions with  
28 the account holders] by a toll collection system.

29 (ii) The information shall not be deemed a public  
30 record under the Right-to-Know Law, nor shall it be

1 discoverable by court order or otherwise or be offered in  
2 evidence in any action or proceeding which is not  
3 directly related to the discharge of duties under this  
4 section, the regulations of the commission or a violation  
5 of the terms in an account [holder agreement].

6 (2) Paragraph (1) shall not be deemed to do any of the  
7 following:

8 (i) Preclude a court of competent jurisdiction from  
9 issuing an order directing that the information be  
10 provided to law enforcement officials if the information  
11 is reasonably described and is requested solely in  
12 connection with a criminal law enforcement action.

13 (ii) Preclude the exchange of the information  
14 between any entities with jurisdiction over or which  
15 operate [an electronic] a toll collection system in this  
16 Commonwealth or any other jurisdiction.

17 (iii) Prohibit the use of the information  
18 exclusively for the purpose of billing electronic toll  
19 collection [account holders] accounts, deducting toll  
20 charges from [the] an account [of an account holder],  
21 enforcing toll collection laws and related regulations or  
22 enforcing the provisions of an account [holder  
23 agreement].

24 (d.1) Notice for posting video toll or flat video toll to  
25 customer account.--

26 (1) The commission shall indicate on an account  
27 statement if a video toll has been posted to the customer's  
28 account, including the date and the dollar amount of the  
29 video toll.

30 (2) The commission shall post notice on its publicly

1 accessible Internet website indicating an account may be  
2 charged a flat video toll if the commission is unable to  
3 match a license plate image.

4 (3) The commission shall notify the account upon the  
5 posting of the first flat video toll to the account in a  
6 calendar year in accordance with the preferences indicated in  
7 the account. The notification shall include:

8 (i) Information on proper placement of the  
9 electronic toll collection device.

10 (ii) Information regarding replacement of the  
11 electronic toll collection device.

12 (iii) Notice that failure to respond may result in  
13 additional flat video tolls and administrative fees  
14 posted to the account.

15 (iv) Other information as determined by the  
16 commission.

17 (4) The commission shall provide for an appeal process.

18 \* \* \*

19 Section 3. Section 8121 of Title 74 is amended to read:

20 § 8121. Annual hearing and reports.

21 (a) Duty to testify.--Upon request, at least one commission  
22 member shall testify at a public hearing before the  
23 Appropriations Committee of the Senate and the Appropriations  
24 Committee of the House of Representatives each year to present  
25 information on turnpike operations and coordination with other  
26 State agencies.

27 (b) Duty to report.--

28 (1) No later than October 1, 2022, and each October 1  
29 thereafter, the commission shall submit a report to the  
30 General Assembly summarizing toll revenues that are collected

1 and uncollected, and projected to be collected and  
2 uncollected, including the reasons that the toll revenues are  
3 uncollected, during the prior fiscal year.

4 (2) The report shall be submitted to the following:

5 (i) The chairperson and minority chairperson of the  
6 Transportation Committee of the Senate.

7 (ii) The chairperson and minority chairperson of the  
8 Transportation Committee of the House of Representatives.

9 (3) The report shall include the following information:

10 (i) The dollar amount of toll revenues collected and  
11 projected to be collected during the prior fiscal year.

12 (ii) The dollar amount and percentage of toll  
13 revenues collected and projected to be collected during  
14 the prior fiscal year by collection method.

15 (iii) The dollar amount and percentage of tolls  
16 uncollected and projected to be uncollected during the  
17 prior fiscal year.

18 (iv) A breakdown of uncollected tolls detailing the  
19 reason for failure to collect, including an unreadable or  
20 missing license plate, an undeliverable address or an  
21 unpaid invoice.

22 (c) Feasibility study.--

23 (1) The commission shall conduct a feasibility study to  
24 assess alternative electronic toll collection payment  
25 options. The study shall include:

26 (i) A review of third-party organizations that  
27 process accounts and transactions for toll collection  
28 through electronic funds transfer.

29 (ii) A review of electronic push notification alerts  
30 with the goal of posting a notification within 24 hours

1 of the transaction posting to a customer's account or as  
2 soon as practicable if a valid account is not recognized  
3 at the time of the transaction.

4 (iii) Review of the commission's existing customer  
5 payment application.

6 (iv) Recommendations from the commission.

7 (2) The study shall be completed within one year of the  
8 effective date of this subsection and copies shall be  
9 submitted to the following:

10 (i) The chairperson and minority chairperson of the  
11 Transportation Committee of the Senate.

12 (ii) The chairperson and minority chairperson of the  
13 Transportation Committee of the House of Representatives.

14 Section 4. Sections 1380(a)(1), (c)(2), (d), (e) and (h) and  
15 6110.1(c) and (f) of Title 75 are amended to read:

16 § 1380. Suspension of registration upon unpaid tolls.

17 (a) General rule.--

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

21 (i) failed to pay or defaulted in the payment of  
22 [six] four or more [violations] invoices issued under 74  
23 Pa.C.S. § 8116(a) (relating to collection and disposition  
24 of tolls and other revenue) or 8117(a)(1) (relating to  
25 electronic toll collection), including violation notices  
26 issued prior to March 16, 2020, or other law, regulation,  
27 ordinance or standard applicable to the toll collection  
28 or payment requirements for a tolling entity; or

29 (ii) incurred unpaid tolls or administrative fees or  
30 costs that collectively total a minimum of [\$500] \$250,

1           regardless of the number of [violations] unpaid invoices.

2           \* \* \*

3           (c) Notice to department.--

4           \* \* \*

5           (2) When a tolling entity has provided notice under this  
6 subsection and all of the [violations] unpaid invoices are  
7 subsequently paid, dismissed, reversed on appeal or canceled,  
8 the tolling entity shall notify the department electronically  
9 in a format prescribed by the department of the disposition  
10 of the [violation] unpaid invoice and shall provide the owner  
11 or registrant with a release from the suspension.

12          (d) Period of suspension.--A suspension under subsection (a)  
13 shall continue until the department receives notice from the  
14 tolling entity that the [violations] unpaid invoices are paid,  
15 dismissed, reversed on appeal or canceled or the owner or  
16 registrant enters into an agreement with the tolling entity to  
17 make installment payments for tolls, administrative fees and  
18 costs imposed and pays the fee prescribed in section 1960  
19 (relating to reinstatement of operating privilege or vehicle  
20 registration), provided that the suspension may be reimposed by  
21 the department if the owner or registrant fails to make regular  
22 installment payments.

23          (e) Additional suspension.--The department shall impose an  
24 additional period of registration suspension if, subsequent to  
25 the issuance of a suspension under subsection (a) but prior to  
26 the restoration of the registration, the department is notified  
27 by the tolling entity that the owner or registrant has failed to  
28 pay, failed to respond or defaulted in the payment of an  
29 additional [violation] invoice issued under 74 Pa.C.S. § 8116(a)  
30 (relating to collection and disposition of tolls and other

1 revenue) or 8117(a) (1).

2 \* \* \*

3 (h) [Three-year statute] Statute of limitations.--No  
4 suspension may be imposed based upon a violation of 74 Pa.C.S. §  
5 8117(a) (1) or similar provision from another state more than  
6 [three] five years after the violation is committed.

7 \* \* \*

8 § 6110.1. Fare evasion.

9 \* \* \*

10 (c) Construction.--Prosecution of a violation of this  
11 section shall not preclude prosecution under section 1332  
12 (relating to display of registration plate), 1380 (relating to  
13 suspension of registration upon unpaid tolls), 7122 (relating to  
14 altered, forged or counterfeit documents and plates) or 7124  
15 (relating to fraudulent use or removal of registration plate).

16 \* \* \*

17 (f) Definition.--As used in this section, the term  
18 "affirmative action" includes:

19 (1) [removing a license plate from a vehicle to impede  
20 electronic toll collection;] operating a vehicle without a  
21 license plate and valid vehicle registration;

22 (2) operating a vehicle without a valid electronic toll  
23 collection device and installing a mechanism which rotates,  
24 changes, blocks or otherwise mechanically alters the ability  
25 of a license plate to be read by a [violation enforcement  
26 system] toll collection system;

27 (3) installing a [mechanical apparatus] device upon a  
28 vehicle which serves the sole purpose of masking, hiding or  
29 manipulating the true weight of the vehicle as it appears to  
30 a mechanical scale;

1 (4) conspiring with an individual or group of  
2 individuals to alter, lower or evade payment of correct  
3 tolls; [and]

4 (5) unauthorized use of a Pennsylvania Turnpike private  
5 gate access or otherwise unauthorized movement entering or  
6 exiting the turnpike other than at approved [interchanges.]  
7 tolling points; and

8 (6) operating a vehicle without a valid electronic toll  
9 collection device and altering, obstructing, covering,  
10 distorting, manipulating or removing a license plate from a  
11 vehicle to impede electronic toll collection.

12 Section 5. This act shall take effect in 60 days.