

CHAPTER 186
SB 160-FN-A – FINAL VERSION

03/07/13 0470s
22May2013... 1586h

2013 SESSION

13-0842
06/01

SENATE BILL ***160-FN-A***

AN ACT relative to turnpikes and electronic toll collection.

SPONSORS: Sen. Rausch, Dist 19; Sen. Stiles, Dist 24; Sen. Boutin, Dist 16; Sen. Gilmour, Dist 12; Rep. Graham, Hills 7; Rep. Chandler, Carr 1

COMMITTEE: Transportation

AMENDED ANALYSIS

This bill:

- I. Changes certain terminology for the toll collection system.
- II. Changes certain penalties for failure to pay a highway toll.
- III. Modifies the sums appropriated for carrying out certain highway projects.
- IV. Requires legislative approval for the installation of all electronic tolling.

This bill is a request of the department of transportation.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to turnpikes and electronic toll collection.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 186:1 Evasion of Tolls and Charges; Electronic Toll Collection. Amend RSA 236:31, I(c) and (d)
2 to read as follows:

3 (c) “Electronic toll collection [system]” means [~~a system for~~] ***the collection of tolls or***
4 ***charges by*** electronically transmitting information from a device on a motor vehicle to receiving
5 equipment located in a toll collection facility, in order to charge a valid electronic toll account holder
6 the appropriate toll or charge for use of the highway or bridge.

7 (d) “[~~Electronic~~] Toll collection monitoring system” means a system [~~whereby a vehicle~~
8 ~~sensor is placed in a location to work in conjunction with an electronic toll collection system to~~
9 ~~produce~~] ***that produces*** at least one photograph, microphotograph, videotape, recorded image, or
10 written record of a portion of the vehicle when the vehicle is used or operated [~~in violation of the~~
11 ~~electronic~~] ***contrary to the*** toll collection system rules ***or when there is no cash option in the toll***
12 ***lanes.*** [~~“Electronic toll collection monitoring system” shall also include any other technology that~~
13 ~~identifies a vehicle by a photographic, electronic, or other method.~~]

14 186:2 New Subparagraph; Definition; Toll Collection System. Amend RSA 236:31, I by inserting
15 after subparagraph (h) the following new subparagraph:

16 (i) “Toll collection system” means a system for collecting tolls or charges, including but
17 not limited to cash and electronic or image-based tolls or charges, for the use of the highway or
18 bridge.

19 186:3 Toll Collection Monitoring System. Amend RSA 236:31, II to read as follows:

20 II. No person shall fail, neglect, or refuse to pay the toll or charge for the use of any bridge,
21 highway, or part thereof; or use, or attempt to use, any device or method which results in [~~an~~
22 ~~electronic~~] ***a*** toll collection monitoring system being unable to accurately assess or collect the toll or
23 charge due or to detect the non-payment of the toll or charge. Any person violating this section shall
24 be subject to the provisions of this section and to an order of suspension pursuant to RSA 263:56-f.

25 186:4 Evasion of Tolls and Charges. Amend the introductory paragraph of RSA 236:31, IV to
26 read as follows:

27 IV. Notwithstanding RSA 237:16-d, the department shall adopt rules under RSA 541-A for
28 the implementation of a system to detect, record, verify, and administratively enforce violations of

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1 this section, *or collect payment when there is no cash payment option in the toll lanes*. The
2 rules shall include:

3 186:5 Electronic Toll Customers. Amend RSA 236:31, IV(b) to read as follows:

4 (b) A procedure to promptly resolve inadvertent violations in the accounts of electronic
5 toll ~~[system]~~ customers otherwise in good standing.

6 186:6 Toll Collection System. Amend RSA 236:31, IV(d) to read as follows:

7 (d) A schedule of administrative fees to be imposed upon those who violate this section.
8 Such administrative fees shall be set from time to time in an amount sufficient to permit the
9 department to fully recover its costs, and the costs incurred by the department of safety, to
10 administer, maintain, and upgrade the violation enforcement system. All funds received under this
11 section shall be deposited in the turnpike fund. The department of transportation may, with the
12 approval of the fiscal committee of the general court and the governor and council, draw from the
13 turnpike fund to administer the ~~[electronic]~~ toll **collection** system.

14 186:7 Toll Collection Monitoring Equipment. Amend RSA 236:31, V to read as follows:

15 V. Any ~~[electronic]~~ toll collection monitoring equipment acquired, operated by, or used by the
16 department, or its designee, shall be designed to make a record of the front, or rear, or both, portions of
17 the vehicle, including any registration plates affixed to the vehicle. Such equipment shall not be
18 designed to produce a photograph, microphotograph, videotape, or other recorded image of the face of
19 the operator or any passenger in the motor vehicle, unless the production of such image is unavoidable
20 because the operator or passenger is not in a passenger compartment, as on a motorcycle.

21 186:8 Toll Collection System. Amend RSA 236:31, VII to read as follows:

22 VII. The transponders and the monitoring system used in ~~[electronic]~~ **a** toll collection
23 **system** shall not be used to track or determine the location of a vehicle or be used to collect
24 information, including but not limited to the name, street address, post office box number, license, or
25 billing information, about the individual and vehicle associated with the transponder, except at each
26 point where a toll is collected or incurred.

27 186:9 Failure to Pay a Highway Toll. Amend RSA 236:31-a and RSA 236:31-b to read as follows:

28 236:31-a Failure to Pay a Highway Toll. Any person passing through a toll facility or any lane of
29 a toll facility that is not equipped with ~~[an electronic]~~ **a** toll collection monitoring system who fails,
30 neglects, or refuses to pay the toll or charge for the use of any bridge, highway, or part thereof shall
31 ~~[be guilty of a violation. In all other cases,]~~ **have an image taken of the vehicle registration**
32 **plate and be subject to the provisions of** RSA 236:31 ~~[shall apply]~~.

33 236:31-b Failure to Pay a Highway Toll. ~~[Notwithstanding the provisions of RSA 236:31,]~~ Any
34 person who fails, neglects, or refuses to pay the toll or charge for the use of any bridge, highway, or
35 part thereof ~~[shall be guilty of a violation. This section shall not apply to any person driving a~~
36 ~~vehicle equipped with a transponder using a lane equipped with an electronic toll collection~~

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1 ~~monitoring system; such person and vehicle shall be~~, **or utilizes a toll facility that is equipped**
2 **with a toll collection monitoring system without having an E-Z Pass transponder mounted**
3 **on the vehicle, shall have an image taken of the vehicle registration plate and be** subject to
4 the provisions of RSA 236:31. **When a cash payment is made, no such image shall be taken.**

5 186:10 Toll Collection System; Highway Surveillance Prohibited. Amend RSA 236:130, III(e) to
6 read as follows:

7 (e) Is undertaken for purposes of operation of the ~~[E-Z Pass]~~ **toll collection** system; or

8 186:11 Toll Collection System. Amend RSA 260:14, III-a to read as follows:

9 III-a. Except for a person's photograph, computerized image, and social security number,
10 motor vehicle records may be made available to the department of transportation for ~~the~~
11 ~~enforcement of the electronic toll~~ collection **of a toll as identified by a toll collection system**,
12 pursuant to RSA 236:31. Any records received under this paragraph shall not be further transferred
13 or otherwise made available to any **other** non-governmental agency that is not a contracting agent of
14 the department of transportation for ~~the enforcement of electronic~~ toll collection.

15 186:12 Toll Criteria. Amend RSA 237:11, V to read as follows:

16 V. Notwithstanding any other provision of law to the contrary, the discount on the
17 established tolls on any of the **New Hampshire** turnpikes in the system for vehicles **listed on a**
18 **New Hampshire E-Z Pass account and** using the regional electronic toll collection system **with a**
19 **New Hampshire E-Z Pass transponder** shall be 30 percent for passenger vehicles, including
20 motorcycles, and 10 percent for commercial vehicles.

21 186:13 Turnpike System; Funds Provided; Blue Star Memorial Highway. Amend RSA 237:7,
22 I(a) to read as follows:

23 (a) Improvements to the Blue Star

24 memorial highway. RSA 237:2, I, IX. [70,000,000] **68,800,000**

25 186:14 Turnpike System; Funds Provided; Noise Barriers. Amend RSA 237:7, I(s) to read as
26 follows:

27 (s) Construction of noise barriers

28 along I-95 in Portsmouth. [2,000,000] **\$3,200,000**

29 186:15 New Paragraph; Turnpike System; Authority Granted; Legislative Approval Required.
30 Amend RSA 237:7 by inserting after paragraph I the following new paragraph:

31 I-a. The department shall not proceed with the installation of all electronic tolling without
32 prior legislative approval.

33 186:16 Effective Date. This act shall take effect 60 days after its passage.

34
35 Approved; July 2, 2013

36 Effective Date: August 31, 2013

