

**State of Rhode Island and Providence Plantations
Rhode Island Turnpike and Bridge Authority**

Public Notice of Proposed Rule-Making

Pursuant to the provisions of section 24-2-12-37 of the Rhode Island General Laws and in accordance with the Administrative Procedures Act Chapter 42-35 of the Rhode Island General Laws, the Rhode Island Turnpike and Bridge Authority (the "Authority") hereby gives notice of its intent to adopt its Rules and Regulations Governing the Nonpayment of Tolls.

The proposed rules and regulations are being adopted by the Authority as a result of statutory amendments to section 24-12-37 of the Rhode Island General Laws which imposes certain penalties on motor vehicle operators who fail to pay toll when crossing the Claiborne Pell Bridge in Jamestown, Rhode Island. The proposed rules and regulations outline the procedural steps which will be taken by the Authority in the event a motor vehicle operator fails to pay a toll at the time they cross the Claiborne Pell Bridge. Adoption of these rules and regulations will ensure the proper administration of section 24-12-37 of the Rhode Island General Laws and will substantially clarify the procedural process the Authority will take in the event a motor vehicle operator fails to pay a toll when due.

The proposed rule are available for public inspection at www.sos.ri.gov/ProposedRules/, in person at the Administrative office of the Authority located at One East Shore Road, Jamestown, Rhode Island 02835, on the Authority's website at www.ritba.org, or by contacting Jo-Ann Head at (401) 423-0800 or jhead@ritba.org.

In the development of the proposed adoption, consideration was given to (1) alternative approaches, (2) overlap or duplication with other statutory and regulatory provisions, and (3) significant impact on small business. No alternative approach, duplication or overlap was identified based upon available information.

All interested parties are invited to submit written comments concerning the proposed rules and regulations by Wednesday, January 9, 2011 to Jo-Ann Head, Rhode Island Turnpike and Bridge Authority, One East Shore Road, Jamestown, Rhode Island 02835, (401) 423-0800, or jhead@ritba.org.

In accordance with section 42-35-3 of the Rhode Island General Laws, a public hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for public hearing must be made within thirty (30) days of this notice.

Earl J. Croft III, Executive Director
Rhode Island Turnpike and Bridge Authority

Rhode Island Turnpike and Bridge Authority



Rules and Regulations Governing the Nonpayment of Tolls

Proposed December 2010

SECTION 1 – AUTHORIZATION AND PURPOSE

1.1 Authorization for Regulations

The following rules and regulations (“Rules and Regulations”) concerning the nonpayment of tolls were promulgated by the Rhode Island Turnpike and Bridge Authority in accordance with Title 24, Chapter 12, Section 37 of the Rhode Island General Laws.

1.2 Purpose

These Rules and Regulations are intended to provide patrons with information regarding the procedures associated with the nonpayment of tolls on the Claiborne Pell Bridge and the issuance of penalties for failure or refusal to pay tolls required for use of the Bridge.

SECTION 2 – DEFINITIONS

2.1 Authority

Authority means the Rhode Island Turnpike and Bridge Authority, created by the act constituting Chapter 12 of Title 24 of the Rhode Island General Laws, as amended.

2.2 Bridge

Bridge means the Claiborne Pell Bridge, as defined by the Authority’s Rules and Regulations Governing the Use of the Claiborne Pell Bridge and Mount Hope Bridge.

2.3 Calendar Year

Calendar Year means a twelve (12) month period of time containing 365 or 366 days, as applicable, from the date of a Nonpayment of Toll.

2.4 Division of Motor Vehicles

Division of Motor Vehicles means the Rhode Island Division of Motor Vehicles.

2.5 Nonpayment of Toll

Nonpayment of Toll means the failure to pay the Toll due at the time of crossing or use of the Bridge as a result of:

- (a) having an insufficient amount of cash or legal tender in order to pay the amount of Toll due; or,
- (b) intentionally not paying the Toll due or otherwise evading the obligation to pay the Toll due.

2.6 State

State means the State of Rhode Island.

2.7 State Police

State Police means the Rhode Island State Police.

2.8 Toll

Toll means such tolls and other charges collected by the Authority for use of the Bridge pursuant to Title 24, Chapter 12, Sections 26 and 27 of the Rhode Island General Laws. The current toll schedule is available on the Authority's website at www.ritba.org/nbtolls/html.

2.9 Unpaid Toll Report

Unpaid Toll Report means the notice issued by the Authority to a patron at the time of Nonpayment of Toll.

2.10 30-Day Period

30-Day Period means the period of time commencing on the date of the issuance of the Unpaid Toll Report and ending on the thirtieth (30th) calendar day thereafter. In the event the thirtieth (30th) day falls on a Sunday or holiday, such day shall mean the next business day.

SECTION 3 – PENALTY FOR NONPAYMENT OF TOLLS

3.1 Issuance of an Unpaid Toll Report

An Unpaid Toll Report shall be issued by the Authority at the time of the occurrence of a Nonpayment of Toll. In the event the Authority is unable to issue an Unpaid Toll Report as a result of an intentional failure or evasion to pay the Toll, the Authority shall issue the Unpaid Toll Report, by first-class mail or by certified mail, return receipt requested, to the mailing address listed on the vehicle's registration with the Division of Motor Vehicles, or in the event the vehicle is registered out-of-State, the mailing address listed on the vehicle's registration on file with that state's motor vehicle department.

The Unpaid Toll Report shall state: the date the violation occurred; the name of the person issuing the Notice of Violation; the amount of Toll due; the reason for nonpayment; the name, address and phone number of the person operating the vehicle; the vehicle's registration number; and, the operator's drivers license number.

3.2 Payment of Toll

Upon issuance of an Unpaid Toll Report, a person shall remit the amount of Toll specified on the Unpaid Toll Report within the 30-Day Period. Payments shall be made by cash, money order or check made payable to the *Rhode Island Turnpike and Bridge Authority*. Payments can be made at anytime at the Administrative Building of the Authority located at One East Shore Road, Jamestown, Rhode Island 02835. Payments can also be made by mail at the following address:

Rhode Island Turnpike and Bridge Authority
P.O. Box 437
Jamestown, Rhode Island 02835

3.3 Penalties for Nonpayment of Toll

- (a) *First Occurrence* – In the event payment is not received within the 30-Day Period following the issuance of an Unpaid Toll Report as a result of the *first* occurrence of a Nonpayment of Toll within a Calendar Year, a penalty of Fifty Dollars (\$50.00) shall be assessed in addition to the amount of Toll due. Upon expiration of the 30-Day Period, the Authority shall send a letter by first-class mail or by certified mail, return receipt requested, indicating the fine assessed and the amount of Toll remaining outstanding. Payment of such fine and Toll shall be remitted to the Authority in the manner provided in Subsection 3.2 herein within ten (10) business days of receipt of the notice, excluding Saturdays, Sundays and holidays.
- (b) *Second Occurrence* – In the event payment is not received within the 30-Day Period following the issuance of the Unpaid Toll Report as a result of the *second* occurrence of a Nonpayment of Toll within a Calendar Year, a penalty of One

Hundred Dollars (\$100.00) shall be assessed in addition to the amount of Toll due. Upon expiration of the 30-Day Period, the Authority shall notify the State Police of the fine assessed and the amount of Toll outstanding. Thereafter, the State Police shall issue a traffic violation summons, which shall be subject to the jurisdiction of the Rhode Island Traffic Tribunal. Payments of such fine and Toll shall be made in the manner provided by the traffic violation summons.

- (c) *Third and Subsequent Occurrences* – In the event payment is not received within the 30-Day Period following the issuance of the Unpaid Toll Report as a result of the *third or subsequent* occurrence of a Nonpayment of Toll within a Calendar Year, a penalty of Two Hundred and Fifty Dollars (\$250.00) shall be assessed in addition to the amount of Toll due. Upon expiration of the 30-Day Period, the Authority shall notify the State Police of the fine assessed and the amount of Toll outstanding. Thereafter, the State Police shall issue a traffic violation summons, which shall be subject to the jurisdiction of the Rhode Island Traffic Tribunal. Payments of such fine and Toll shall be made in the manner provided by the traffic violation summons.

3.4 Notification to the Division of Motor Vehicles

In the event Toll or any assessed penalties are not remitted in accordance with the provisions of Subsection 3.3 herein, the Authority shall notify the administrator of the Rhode Island Division of Motor Vehicles of such nonpayment. The administrator of the Division of Motor Vehicles shall thereafter place the matter on record and shall not renew a license to operate a motor vehicle or the registration of any vehicle owned by the person, or both, until the matter has been disposed of in accordance with applicable law and regulations. If a person is found to be a resident of another state or jurisdiction, the administrator of the Division of Motor Vehicles shall revoke the right to operate a vehicle in the State until the matter has been disposed of in accordance with applicable law and regulations.

SECTION 4 – RESOLUTION OF DISPUTES

4.1 Procedure for Disputing a Notice of Violation

All disputes concerning the issuance of an Unpaid Toll Report or the Nonpayment of Toll shall be directed to the Authority within the 30-Day Period following the issuance of an Unpaid Toll Report. All disputes concerning the issuance of a traffic violation summons shall be made to the Rhode Island Traffic Tribunal and shall be made in the matter proscribed by rules and regulations promulgated by the Rhode Island Traffic Tribunal.