

FIRST REGULAR SESSION

SENATE BILL NO. 26

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARTLE.

Pre-filed December 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

0139S.011

AN ACT

To repeal sections 226.010, 226.200, and 226.220, RSMo, and to enact in lieu thereof thirteen new sections relating to the authority to construct, maintain, and operate toll facilities, with a contingent effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 226.010, 226.200, and 226.220, RSMo, are repealed
2 and thirteen new sections enacted in lieu thereof, to be known as sections
3 226.010, 226.200, 226.205, 226.220, 226.1200, 226.1205, 226.1210, 226.1215,
4 226.1220, 226.1225, 226.1230, 226.1235, and 226.1240, to read as follows:

226.010. Whenever in sections [226.010 to 226.190] **226.005 to 226.270,**
2 **sections 226.500 to 226.910, or section 226.1115,** or any proceeding
3 thereunder, the following words or terms are used, they shall be deemed and
4 taken to have the meaning ascribed to them as follows:

5 (1) "Civil subdivision", a county, township, road district or other political
6 subdivision of the state or quasi public corporation having legal jurisdiction of the
7 construction and maintenance of public roads;

8 (2) "Commission", the state highways and transportation commission
9 created [under the provisions of sections 226.010 to 226.190] **in section 29,**
10 **article IV, Constitution of Missouri;**

11 (3) "Commissioner", one of the members of the commission;

12 (4) **"Department", the department of highways and transportation**
13 **created in article IV, section 29, Constitution of Missouri, which, under**
14 **section 226.005, is to be known as the department of transportation;**

15 (5) **"Director", the director of the department of transportation;**

16 (6) "Engineer", the chief engineer of the [highways and transportation

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 commission] **department of transportation;**

18 [(5)] (7) "Hard-surfaced road", a highway surfaced with concrete,
19 comparable types, macadam, properly bound gravel, or the equivalent of properly
20 bound gravel, to be approved by the commission and meeting the federal
21 requirements;

22 [(6)] (8) "Municipality" includes a city, town or village;

23 [(7)] (9) "State highway", a highway constructed or maintained at the
24 cost of the state, or constructed with the aid of state funds, **the funds of any**
25 **other state, [or the] United States government funds, or any highway or toll**
26 **facility** included by authority of law in the state highway system;

27 (10) "Toll facility", **includes any facility designed, acquired,**
28 **constructed, maintained, improved, reconstructed, or operated under**
29 **article IV, section 30(d), Constitution of Missouri, and this chapter that**
30 **is to be paid for in whole or in part from revenues collected from tolls,**
31 **fees, rents, or other charges imposed for the use of the facility, including**
32 **bridges, tunnels, grade separations, interchanges, entrance and exit**
33 **plazas, approaches, access roads, service roads, any interest or easement**
34 **in real property, highways, toll houses, any administration, storage, or**
35 **service facilities, parking areas, rest stops, parks, and any other**
36 **facilities, structures, or appurtenances deemed necessary by the**
37 **commission for the acquisition, construction, maintenance,**
38 **improvement, reconstruction, and operation of any toll facility project.**

226.200. 1. There is hereby created **in the state treasury** a "State
2 Highways and Transportation Department Fund" into which shall be paid or
3 transferred all state revenue derived from highway users as an incident to their
4 use or right to use the highways of the state, including all state license fees and
5 taxes upon motor vehicles, trailers, and motor vehicle fuels, and upon, with
6 respect to, or on the privilege of the manufacture, receipt, storage, distribution,
7 sale or use thereof (excepting the sales tax on motor vehicles and trailers, and all
8 property taxes), and all other revenue received or held for expenditure by or
9 under the department of transportation or the state highways and transportation
10 commission, except:

11 (1) Money arising from the sale of **state road bonds, state road**
12 **refunding bonds, state toll facility revenue bonds, or state toll facility**
13 **revenue refunding bonds; or**

14 (2) Money received from the United States government; or

15 (3) Money received for some particular use or uses other than for the

16 payment of principal and interest on outstanding state road bonds **or state road**
17 **refunding bonds.**

18 2. Subject to the limitations of subsection 3 of this section, from [said] **the**
19 fund shall be paid or credited the cost:

20 (1) Of collection of all said state revenue derived from highway users as
21 an incident to their use or right to use the highways of the state, **except the**
22 **cost of collection of revenue received from toll facilities;**

23 (2) Of maintaining the state highways and transportation commission;

24 (3) Of maintaining the [state transportation] department **of**
25 **transportation;**

26 (4) Of any workers' compensation for state transportation department
27 employees;

28 (5) Of the share of the [transportation] department **of transportation**
29 in any retirement program for state employees, only as may be provided by law;
30 and

31 (6) Of administering and enforcing any state motor vehicle laws or traffic
32 regulations.

33 3. Beginning in fiscal year 2004, the total amount of appropriations from
34 the state highways and transportation department fund for all state offices and
35 departments, except for the highway patrol, and actual costs incurred by the
36 office of administration for or on behalf of the highway patrol and employees of
37 the department of transportation, shall not exceed the total amount appropriated
38 for such offices and departments from said fund for fiscal year
39 2001. Appropriations to the highway patrol from the state highways and
40 transportation department fund shall be made in accordance with article IV,
41 section 30(b) of the Missouri Constitution. Appropriations allocated from the
42 state highways and transportation department fund to the highway patrol shall
43 only be used by the highway patrol to administer and enforce state motor vehicle
44 laws or traffic regulations. Beginning July 1, 2007, any activities or functions
45 conducted by the highway patrol not related to enforcing or administering state
46 motor vehicle laws or traffic regulations shall not be funded by the state highways
47 and transportation department fund, but shall be funded from general revenue
48 or any other applicable source. Any current funding from the **state** highways and
49 transportation department fund used for activities not related to enforcing state
50 motor vehicle laws or traffic regulations shall expire on June 30, 2007. The state
51 auditor shall annually audit and examine the appropriations made to the highway
52 patrol to determine whether such appropriations are actually being used for

53 administering and enforcing state motor vehicle laws and traffic regulations
54 pursuant to the constitution. The state auditor shall submit its annual findings
55 to the general assembly by January fifteenth of each year.

56 4. The provisions of subsection 3 of this section shall not apply to
57 appropriations from the state highways and transportation department fund to
58 the [highways and transportation commission and the state transportation]
59 department **of transportation** or to appropriations to the office of administration
60 for department of transportation employee fringe benefits and OASDHI payments,
61 or to appropriations to the department of revenue for motor vehicle fuel tax
62 refunds under chapter 142, RSMo, or to appropriations to the department of
63 revenue for refunds [or] **of** overpayments or erroneous payments from the state
64 highways and transportation department fund.

65 5. All interest earned upon the state highways and transportation
66 department fund shall be deposited in and to the credit of such fund.

67 6. Any balance remaining in [said] **the** fund after payment of [said] **such**
68 costs shall be transferred to the state road fund.

69 7. Notwithstanding the provisions of subsection 2 of this section to the
70 contrary, any funds raised as a result of increased taxation [pursuant to sections
71 142.025 and 142.372] **under section 142.803**, RSMo, after April 1, 1992, shall
72 not be used for administrative purposes or administrative expenses of the
73 [transportation] department **of transportation**.

**226.205. 1. There is hereby created in the state treasury the "State
2 Toll Facility Fund" which shall stand appropriated without any
3 legislative action for the following purposes, and no other purpose, and
4 into which shall be paid or credited all moneys and proceeds derived
5 from:**

6 (1) Tolls, fees, rentals, and other charges imposed and collected
7 for the use of all toll facilities;

8 (2) The sale of state toll facility revenue bonds and state toll
9 facility revenue refunding bonds;

10 (3) The United States government, including, but not limited to,
11 the United States Department of Transportation and the Federal
12 Highway Administration, which are intended or which are authorized to
13 be used for state toll facility purposes or funding;

14 (4) The state road fund under section 226.220; and

15 (5) Any other source authorized for expenditure on state toll
16 facility projects.

17 **2. From the state toll facility revenue fund shall be paid or**
18 **credited any costs associated with any state toll facility project**
19 **approved by the general assembly under section 226.1205, including, but**
20 **not limited to, the costs to pay:**

21 **(1) The principal of and interest on any outstanding state toll**
22 **facility revenue bonds and refunding bonds issued and the costs for**
23 **issuing state toll facility revenue bonds and refunding bonds;**

24 **(2) Collection of revenue received from the toll facilities, and the**
25 **cost of operation and maintenance of the toll facilities;**

26 **(3) Studies for any state toll facility projects and the costs for**
27 **acquisition, construction, improvement, and reconstruction of state toll**
28 **facility projects authorized by the general assembly under section**
29 **226.1205.**

30 **3. If the revenues in the state toll facility fund are insufficient to**
31 **pay the authorized costs of subsection 2 of this section, the commission**
32 **shall transfer amounts periodically as necessary from the state road**
33 **fund under section 226.220 to keep the state toll facility fund**
34 **solvent. Such transfers shall be repaid to the state road fund in the time**
35 **and manner as determined by the commission.**

36 **4. The commission shall continue to collect tolls, fees, rents, and**
37 **other charges on all toll facilities it operates until all costs related to toll**
38 **facilities authorized by the general assembly under section 226.1205, the**
39 **principal and interest payments on all outstanding state toll facility**
40 **revenue bonds and refunding bonds, and all transfers from the state**
41 **road fund for such toll facilities have been repaid. Any balance in the**
42 **state toll facility fund in excess of the amount needed to pay the costs**
43 **outlined in subsection 2 of this section shall then be paid or transferred**
44 **to the state road fund.**

45 **5. All interest earned upon the sums within the accounts in the**
46 **state toll facility fund shall be deposited within and to the credit of such**
47 **accounts.**

48 **6. The commission may direct the establishment of separate**
49 **reserve funds and escrow accounts and may direct the transfer of**
50 **moneys between the various funds set forth in this chapter. The**
51 **commission may prescribe the terms for contracting with a corporate**
52 **trustee for the administration of any fund or account.**

53 **7. Notwithstanding the provisions in subsection 1 of this section,**

54 **the commission is authorized to collect, accept, and receive as trustee**
55 **the moneys and proceeds derived from the tolls, fees, rents, and other**
56 **charges imposed on users of the toll facility, the sale of state toll facility**
57 **revenue bonds and refunding bonds, the United States government, the**
58 **state road fund, and from any other source to be expended toward the**
59 **costs of toll facilities authorized by the general assembly in section**
60 **226.1205, and the payment of principal and interest on any outstanding**
61 **state toll facility revenue bonds and revenue refunding bonds. The**
62 **commission is authorized to administer these moneys and proceeds by**
63 **deposit in various banks or trust companies throughout the state.**

226.220. 1. There is [hereby] created [and set up] **in article IV, section**
2 **30(b), Constitution of Missouri, and hereby established in the state**
3 **treasury, the "State Road Fund", which shall receive all moneys and credits**
4 **from:**

5 (1) The sale of state road bonds;

6 (2) The United States government [and] intended for highway purposes
7 **other than a toll facility authorized by the general assembly under**
8 **section 226.1205;**

9 (3) **The state highways and transportation department fund as**
10 **provided in section 226.200;**

11 (4) **The state toll facility fund, but only at the time and in the**
12 **manner provided in section 226.205;**

13 [(3)] (5) The state road bond and interest sinking fund as provided in
14 section 226.210; and

15 [(4)] (6) Any other source if they are held for expenditure by or under the
16 department of transportation [or the state highways and transportation
17 commission] **for highway purposes other than a toll facility authorized by**
18 **the general assembly under section 226.1205, and if they are not required**
19 **by [section 226.200] law to be transferred to [the state highway department] any**
20 **other fund.**

21 2. The **following** costs and expenses **shall be** withdrawn from the state
22 **treasury and paid from the state road fund upon warrants and vouchers**
23 **preapproved and certified for payment by the commissioner of**
24 **administration and by the commission, acting through such of its**
25 **employees as may be designated by it:**

26 (1) For locating, relocating, establishing, acquiring, reimbursing for,
27 constructing, improving and maintaining state highways in the systems specified

28 in article IV, [section 30(b), of the constitution] **sections 30(b) and (d),**
29 **Constitution of Missouri;**

30 (2) For acquiring materials, equipment, and buildings; [and]

31 (3) For other purposes and contingencies relating and appertaining to the
32 construction and maintenance of said highways [shall be paid from the state road
33 fund upon warrants drawn by the state auditor, based upon bills of particulars
34 and vouchers preapproved and certified for payment by the commissioner of
35 administration and by the state highways and transportation commission acting
36 through such of their employees as may be designated by them]; **and**

37 (4) **For payments or transfers made by the commission from the**
38 **state road fund to the state toll facility fund for the purposes and in the**
39 **time and manner provided in sections 30(b) and (d) of article IV,**
40 **Constitution of Missouri, and in section 226.205.**

41 3. No payments or transfers shall ever be made from the state road fund
42 except for an expenditure made:

43 (1) Under the supervision and direction of the state highways and
44 transportation commission; and

45 (2) For a purpose set out in [subparagraph] **subdivision (1), (2), (3), (4),**
46 **[or] (5), (6), or (7) of subsection 1 of section 30(b)[,] of article IV[,]** of the
47 **Missouri** constitution.

48 4. **All interest earned upon the moneys in the state road fund shall**
49 **be deposited within and to the credit of the state road fund.**

226.1200. 1. The commission may:

2 (1) **Conduct feasibility studies for toll facilities;**

3 (2) **Finance, acquire, construct, maintain, improve, reconstruct,**
4 **and operate toll facilities authorized by the general assembly under**
5 **section 226.1205 on the state highway system, either alone or in**
6 **conjunction with any person or business entity, or any federal, state, or**
7 **local governmental agency or authority within and along the borders of**
8 **this state, across the borders of this state and another state, and across**
9 **a river or stream comprising the boundary or a portion of the boundary**
10 **between this state and another state;**

11 (3) **Fix, revise, and collect tolls, fees, rents, and other charges for**
12 **the use of toll facilities authorized by the general assembly as are**
13 **required in order to provide funds sufficient with other funds of the**
14 **commission to pay the cost of maintaining, improving, repairing, and**
15 **operating such state toll facilities, to pay the principal of and interest on**

16 all bonds issued to finance or refinance any portion of such toll facilities
17 as the same become due and payable, and to create reserves for all such
18 purposes. The commission may impose tolls, fees, rents, and other
19 charges for transit over an existing free public highway incorporated into
20 a state toll facility as authorized by the general assembly under section
21 226.1205;

22 (4) Contract with any person or business entity, or any federal,
23 state, or local governmental agency or authority for the installation and
24 maintenance of utility lines, pipes, conduits, towers, railroads, mass
25 transit facilities, and other facilities upon property acquired for the
26 construction, operation, and maintenance of toll facilities. The
27 commission is authorized to charge, without supervision or approval of
28 the general assembly, any department, commission, board, bureau, or
29 agency of the state, rents, fees, or other charges for the installation,
30 maintenance, and use of the utility lines, pipes, conduits, towers,
31 railroads, mass transit facilities, and other facilities provided such
32 facilities are located outside of the commission's approved utility
33 corridor location;

34 (5) Contract as necessary or desirable with any person or business
35 entity, or any federal, state, or local governmental agency or authority,
36 and charge rents or fees for the construction, operation, and maintenance
37 of facilities for lodging, food service, and vehicle service upon property
38 acquired for a toll facility. Such contracts shall be entered into after
39 public advertisement and the receipt of sealed bids, and the contract
40 shall be awarded to the bidder which the commission determines has
41 submitted the bid most advantageous to the commission. The commission
42 shall require the contractor to furnish such bonds as it deems necessary
43 to assure compliance with the terms of the contract;

44 (6) Issue state toll facility revenue bonds to finance any toll
45 facility project authorized by the general assembly. Such bonds shall not
46 be an obligation of the state and may be issued without the consent of the
47 general assembly or any other department, commission, board, bureau,
48 or agency of the state and refund any outstanding state toll facility
49 revenue bonds at any time by the issuance of state toll facility revenue
50 refunding bonds without the consent of the general assembly or any
51 other department, commission, board, bureau, or agency of the state in
52 any amount the commission may deem necessary, but shall not exceed the

53 amount sufficient to refund the principal of the state toll facility revenue
54 bonds to be refunded plus any unpaid interest thereon and any
55 premiums, commissions, service fees, reserve funds, and other expenses
56 necessary to be paid in connection with the refunding and the issuance
57 of such state toll facility revenue refunding bonds. The proceeds from
58 the sale of the state toll facility revenue refunding bonds may be applied
59 to the payment of the state toll facility revenue bonds being refunded, or
60 the state toll facility revenue refunding bonds may be exchanged for the
61 state toll facility revenue bonds being refunded. The state toll facility
62 revenue refunding bonds may be issued regardless of whether the state
63 toll facility revenue bonds proposed to be refunded shall be payable on
64 the same date or different dates or shall be due serially or otherwise.

65 (a) The commission shall offer such bonds at public sale or
66 negotiated sale. The bonds shall be for a period of not less than ten years
67 and not more than fifty years from their date of issuance and shall bear
68 interest at a rate or rates not exceeding the rate permitted by law;

69 (b) The proceeds of the sale or sales of any bonds shall be paid into
70 the state toll facility fund to be expended for the purpose specified under
71 section 226.205. The proceeds of sale or sales of any state toll facility
72 revenue refunding bonds shall be expended for the purpose of refunding
73 state toll facility revenue bonds as directed by the commission;

74 (c) Bonds issued under this subdivision of this subsection shall not
75 be deemed to constitute a debt or liability of the state or a pledge of the
76 full faith and credit of the state, and the principal and interest on such
77 bonds shall be payable solely from the state toll facility fund under
78 section 226.205;

79 (d) Bonds issued under this subdivision of this subsection, the
80 interest thereon, or any proceeds from such bonds, shall be exempt from
81 taxation in the state of Missouri for all purposes except for the state
82 estate tax.

83 2. Any person or business entity, or any federal, state, or local
84 governmental agency or authority, which fails to pay any toll, fee, rent,
85 or other charge established by the commission under this section shall
86 be guilty of an infraction for each violation and, upon conviction thereof,
87 shall be punished under section 226.1230.

88 3. Prior to the commencement of any toll facility project, the
89 commission shall obtain a study or studies of the proposed toll facility

90 project by one or more qualified independent consultants. If the
91 commission determines, based upon the study or studies, that the
92 proposed toll facility project is in the best interest of the state, the
93 commission shall then be required to obtain approval of the toll facility
94 project by the general assembly.

226.1205. 1. The general assembly authorizes the following state
2 toll facility project: the entire portion of Interstate 70 commencing at the
3 boundaries between the state of Missouri and the state of Illinois located
4 within a city not within a county and, proceeding westward and
5 terminating when such interstate reaches the boundaries of the state of
6 Kansas and the state of Missouri located in a home rule city with more
7 than four hundred thousand inhabitants and located in more than one
8 county.

9 2. The toll for traversing the entire length of Interstate 70 from
10 one end of the state to the other shall not exceed five dollars. The
11 commission may annually adjust this maximum toll based on the rate of
12 inflation according to the consumer price index.

13 3. The commission is authorized, as an alternative to the
14 requirements and procedures specified by sections 227.040 and 227.100,
15 RSMo, to construct the toll facility projects authorized in this section
16 using the design-build project delivery system. Any toll facility project
17 constructed using the design-build project delivery system shall conform
18 to the provisions of section 227.107, RSMo.

226.1210. The commission may enter into funding or financing
2 arrangements or any other contract or agreement with any person or
3 business entity, or any federal, state, or local government agency or
4 authority deemed necessary or desirable to fund, finance, or effectuate
5 any toll facility authorized by the general assembly under section
6 226.1205, including without limitation, credit enhancement, credit
7 support, or interest rate agreements.

226.1215. 1. The commission may use any method for imposing and
2 collecting tolls authorized under section 226.1200, including but not
3 limited to, toll tickets, barrier toll facilities, billing accounts, commuter
4 passes, and electronic recording or identification devices, including
5 transponders.

6 2. For the purposes of this section, a "transponder" is a device
7 placed on or within a motor vehicle that is capable of transmitting

8 information used to assess or collect tolls. A transponder is
9 "insufficiently funded" when there are no remaining funds in the account
10 in connection with which the transponder was issued.

11 3. Any peace officer of this state may seize a stolen or
12 insufficiently funded transponder and return it to the department of
13 transportation, except that an insufficiently funded transponder may not
14 be seized sooner than thirty days after the date the department has sent
15 a notice of delinquency to the holder of the account.

16 4. The commission is authorized to offer motor vehicle operators
17 using a toll facility the option of using a transponder to pay tolls without
18 stopping, to mitigate congestion at toll collection locations, to enhance
19 traffic flow, and to otherwise increase efficiency of operations.

20 5. The display of a recording or identification device, including a
21 transponder, issued or authorized by the commission for these purposes
22 on or near the windshield of a motor vehicle shall not be a violation of
23 any law or administrative rule in the state of Missouri, unless the device
24 is attached in a way that obstructs the operator's clear view of the
25 highway or an intersecting highway.

226.1220. The operator of a motor vehicle other than an authorized
2 emergency vehicle that is driven or towed through a toll collection
3 facility shall pay the proper toll. The operator of a motor vehicle who
4 operates or tows a vehicle through a toll facility and does not pay the
5 proper toll is guilty of an infraction punishable by a fine not to exceed
6 two hundred dollars. In this section, "emergency vehicle" shall have the
7 same meaning as defined in section 304.022, RSMo.

226.1225. 1. The commission may enforce the payment of tolls
2 against the operator of a motor vehicle for the failure to pay the toll
3 imposed by the director of transportation for the use of the toll facility.
4 To aid in the collection of tolls and in the enforcement of toll violations,
5 the commission may use automated enforcement technology that it
6 determines is necessary, including automatic vehicle license plate
7 identification photography and video surveillance, by electronic imaging
8 or photographic copying.

9 2. Automated enforcement technology approved by the commission
10 under subsection 1 of this section may be used only for the purpose of
11 producing, depicting, photographing, or recording an image of a license
12 plate attached to the front or rear of a vehicle and does not authorize the

13 use of automated enforcement technology for any other purpose.

14 3. Evidence obtained from technology approved by the department
15 of transportation under subsection 1 of this section may not be used in
16 the prosecution of any offense other than the offenses provided in
17 sections 226.1220 and 226.1230.

18 4. Additional enforcement mechanisms include the creation of toll
19 enforcement officers who shall be authorized to enforce toll collection
20 violations on toll facilities.

21 5. The commission shall promulgate administrative rules under
22 chapter 536, RSMo, establishing procedures for the imposition, collection,
23 and enforcement of tolls on any toll facility. Any rule or portion of a
24 rule, as that term is defined in section 536.010, RSMo, that is created
25 under the authority delegated in this section shall become effective only
26 if it complies with and is subject to all of the provisions of chapter 536,
27 RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
28 536, RSMo, are nonseverable and if any of the powers vested with the
29 general assembly under chapter 536, RSMo, to review, to delay the
30 effective date, or to disapprove and annul a rule are subsequently held
31 unconstitutional, then the grant of rulemaking authority and any rule
32 proposed or adopted after August 28, 2006, shall be invalid and void.

33 6. The commission shall post notice on or around a toll facility in
34 plain view of operators of motor vehicles which reads as follows:

35 NOTICE: FAILURE TO PAY THE REQUIRED TOLL IS A
36 TRAFFIC VIOLATION. TOLL OPERATORS WILL REPORT
37 ANY FAILURE TO PAY REQUIRED TOLLS TO TOLL
38 ENFORCEMENT OFFICIALS OR LAW ENFORCEMENT
39 OFFICIALS WHO SHALL ISSUE A TRAFFIC CITATION.

226.1230. 1. In the event of nonpayment of the proper toll as
2 required by section 226.1220 on issuance of a written notice of
3 nonpayment, the registered owner of the nonpaying vehicle is liable for
4 the payment of both the proper toll and a collection fee.

5 2. The commission by administrative rule, or an entity by contract
6 with the commission to operate a toll facility, may respectively impose
7 and collect a collection fee, not to exceed one hundred dollars, to recover
8 the cost of collecting an unpaid toll. The commission or entity operating
9 the toll facility shall send a written notice of nonpayment to the
10 registered owner of the vehicle at that owner's address as shown in the

11 motor vehicle registration records of the department of revenue by
12 first-class mail and may require payment not sooner than the thirtieth
13 day after the date the notice was mailed. The registered owner shall pay
14 a separate toll and collection fee for each event of nonpayment under
15 section 226.1220.

16 3. The registered owner of a motor vehicle for which the proper
17 toll was not paid who is mailed a written notice of nonpayment under
18 subsection 2 of this section and fails to pay the proper toll and collection
19 fee within the time specified by the notice of nonpayment is guilty of an
20 infraction. Each failure to pay a toll or collection fee under this
21 subsection is a separate offense.

22 4. It is an exception to the application of subsection 1 or 3 of this
23 section if the registered owner of the motor vehicle is a lessor of the
24 vehicle and, not later than the thirtieth day after the date the notice of
25 nonpayment is mailed, provides to the commission or entity operating the
26 toll facility a copy of the rental, lease, or other contract document
27 covering the vehicle on the date of the nonpayment under section
28 226.1220 with the name and address of the lessee clearly legible. If the
29 lessor provides the required information within the period prescribed,
30 the director of transportation or entity operating the toll facility may
31 send a notice of nonpayment to the lessee at the address shown on the
32 contract document by first-class mail before the thirtieth day after the
33 date of receipt of the required information from the lessor. The lessee of
34 the vehicle for which the proper toll was not paid who is mailed a written
35 notice of nonpayment under this subsection and fails to pay the proper
36 toll and collection fee within the time specified by the notice of
37 nonpayment is guilty of an infraction. The lessee shall pay a separate toll
38 and collection fee for each event of nonpayment under section
39 226.1220. Each failure to pay a toll or collection fee under section
40 226.1220 and this subsection is a separate offense.

41 5. It is an exception to the application of subsection 1 or 3 of this
42 section if the registered owner of the motor vehicle transferred
43 ownership of the motor vehicle to another person before the event of
44 nonpayment under section 226.1220 occurred, and, before the thirtieth
45 day after the date the notice of nonpayment is mailed, provides to the
46 commission or entity operating the toll facility the name and address of
47 the person to whom the motor vehicle was transferred. If the former

48 owner of the motor vehicle provides the required information within the
49 period prescribed, the commission or entity operating the toll facility
50 may send a notice of nonpayment to the person to whom ownership of the
51 motor vehicle was transferred at the address provided by the former
52 owner by first-class mail before the thirtieth day after the date of receipt
53 of the required information from the former owner. The subsequent
54 owner of the motor vehicle for which the proper toll was not paid who is
55 mailed a written notice of nonpayment under this subsection and fails to
56 pay the proper toll and collection fee within the time specified by the
57 notice of nonpayment is guilty of an infraction. The subsequent owner
58 of the vehicle shall pay a separate toll and collection fee for each event
59 of nonpayment under section 226.1220. Each failure to pay a toll or
60 collection fee under section 226.1220 and this subsection is a separate
61 offense.

62 6. Any person who pleads or is found guilty of nonpayment of tolls
63 under sections 226.1220 and 226.1230 is guilty of an infraction and upon
64 conviction is punishable by a fine not to exceed two hundred dollars.

65 7. The court in which a person is convicted of an offense under
66 sections 226.1220 and 226.1230 shall also collect, in addition to the fine,
67 the proper toll and toll collection fee and forward the toll and fee to the
68 commission or entity operating the toll facility.

69 8. A conviction under subsection 7 of this section may be enforced
70 by the court through the following:

71 (1) Issuing an order to install a device on the motor vehicle that
72 was used in the act of the nonpayment of the toll under section 226.1220
73 that prohibits movement of the motor vehicle;

74 (2) Imposing an additional fine for each offense if the fine, toll,
75 and toll collection fee for each offense is not paid within a specified time;
76 or

77 (3) Issuing an order and submitting such order to the director of
78 the department of revenue which voids the registration of the motor
79 vehicle and prohibits subsequent registration of such motor vehicle until
80 the toll, collection fee, and all fines and penalties have been paid.

81 9. In this section, "registered owner" means the owner of a motor
82 vehicle as shown on the vehicle registration records of the department
83 of revenue or on the vehicle registration records of the department or
84 agency of another state or country.

85 **10. The commission or the entity operating a toll facility may**
86 **contract with any person or business entity to collect the proper toll and**
87 **a required collection fee before filing a complaint charging an offense**
88 **under section 226.1220 and this section.**

226.1235. 1. A written report or telephone call to a toll
2 **enforcement officer or law enforcement officer, or photo monitoring**
3 **system evidence that indicates a required toll under section 226.1220 was**
4 **not paid is admissible in any proceeding to enforce the collection of the**
5 **proper toll and the toll collection fee, subject to foundation evidence to**
6 **establish the authenticity of the report, call, or photographs. Photo**
7 **monitoring system evidence which shows that the operator of a motor**
8 **vehicle has failed to pay a toll shall raise a rebuttable presumption that**
9 **the motor vehicle shown in the photographic evidence was used in**
10 **violation of section 226.1220. In the event that charges are filed against**
11 **multiple owners of a motor vehicle, only one of the owners may be**
12 **convicted and court costs may be assessed against only one of the owners.**

13 **2. The following procedures must be taken for the collection of**
14 **tolls and issuance of traffic citations:**

15 **(1) Any toll facility operator witnessing a violation of the toll**
16 **collection regulations is authorized to report such violation to a toll**
17 **enforcement officer or law enforcement official. The report may be in**
18 **one of the following forms:**

19 **(a) A telephone call from the toll facility operator to a toll**
20 **enforcement officer or to a law enforcement official indicating a violation**
21 **and a reasonable description of the vehicle violating the toll enforcement**
22 **regulations including, but not limited to, the license plate of the vehicle,**
23 **the make, model, and color of the vehicle;**

24 **(b) A certificate or written report sworn to or affirmed by a toll**
25 **enforcement officer or law enforcement official which charged that the**
26 **violation occurred, or facsimile thereof, based upon inspection of**
27 **photographs, microphotographs, videotape, or other recorded images**
28 **produced by a photo monitoring system or a photo from a photo**
29 **monitoring system, shall be prima facie evidence of the facts contained**
30 **therein, subject to foundation evidence to establish the authenticity of**
31 **such photographs, microphotographs, videotape, or other recorded**
32 **images produced by a photo monitoring system, and shall be admissible**
33 **in any proceeding charging a violation of toll collection regulations,**

34 provided that any photographs, microphotographs, videotape, or other
35 recorded images evidencing such a violation shall be available for
36 inspection and admission into evidence in any proceeding to adjudicate
37 the liability for such violations;

38 (2) After a report has been given to a toll enforcement officer or
39 law enforcement agency, such officer or agency is authorized to issue a
40 traffic citation for failure to pay the required toll;

41 (3) The toll enforcement officer or law enforcement agency issuing
42 the traffic citation is responsible for further prosecution of such citation
43 through the appropriate court; and

44 (4) The provisions of this section do not prohibit a law
45 enforcement officer from issuing a citation for any violation of traffic
46 regulations in accordance with normal traffic enforcement procedures,
47 nor does it grant toll enforcement officers authority to issue citations for
48 violations of traffic regulations on toll-free highways on the state
49 highway system.

226.1240. For outdoor advertising and junkyard control purposes,
2 a toll facility may be designated by the commission as a part of the
3 national highway system, as appropriate.

Section B. Section A of this act shall become effective only upon approval
2 by the voters of a constitutional amendment submitted to them by the ninety-third
3 general assembly, authorizing the state highway and transportation commission
4 to fund, acquire, construct, maintain, improve, reconstruct, and operate toll
5 facilities, and to issue state toll facility revenue and state toll facility revenue
6 refunding bonds for that purpose.

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