

House Bill 1190

By: Representatives Wilkinson of the 52nd, Willard of the 49th, Geisinger of the 48th, Jones of the 46th, and Ashe of the 56th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 32-10-64 of the Official Code of Georgia Annotated, relating to the
2 toll powers of the State Road and Tollway Authority, so as to modify and clarify the
3 processes by which collection of unpaid tolls may be accomplished; to alter the fees and
4 penalties which may be assessed for failure to pay the proper toll; to provide for related
5 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 32-10-64 of the Official Code of Georgia Annotated, relating to the toll powers
9 of the State Road and Tollway Authority, is amended by striking subsection (c) in its entirety
10 and inserting in its place the following:

11 "(c)(1) No motor vehicle shall be driven or towed through a toll collection facility, where
12 appropriate signs have been erected to notify traffic that it is subject to the payment of
13 tolls beyond such sign, without payment of the proper toll. In the event of nonpayment
14 of the proper toll, as evidenced by video or electronic recording, the registered owner of
15 such vehicle shall be liable to make prompt payment to the authority of the proper toll
16 and an administrative fee of \$25.00 per violation to recover the cost of collecting the toll.
17 The authority or its authorized agent shall provide notice to the registered owner of a
18 vehicle, and a reasonable time to respond to such notice, of the authority's determination
19 of a violation of this subsection. Upon failure of the registered owner of a vehicle to pay
20 the proper toll and administrative fee to the authority after notice thereof and within the
21 time designated in such notice, ~~the registered owner shall be cited for a violation of this~~
22 ~~subsection and, upon conviction, shall be subject to the payment of a fine of not less than~~
23 ~~\$50.00 nor more than \$100.00 for each and every violation of this subsection and any~~
24 ~~other fine or penalty that may be prescribed by law for such violations. In the prosecution~~
25 ~~of an offense, proof that the vehicle was operated in violation of this subsection, together~~
26 ~~with proof that the defendant was at the time of such violation the registered owner of the~~

1 ~~vehicle, shall constitute in evidence a rebuttable presumption that such registered owner~~
 2 ~~of the vehicle was the person who committed the violation. Such presumption shall be~~
 3 ~~rebutted if the registered owner of the vehicle testifies in open court under oath that he~~
 4 ~~was not the operator of the vehicle at the time of the violation. The court of the local~~
 5 ~~jurisdiction in which the violation occurred shall be authorized to assess and collect such~~
 6 ~~fine, in addition to any court costs, provided that the court shall also collect the proper toll~~
 7 ~~and administrative fee and forward such toll and fee to the authority. the authority may~~
 8 ~~proceed to seek collection of the proper toll and the administrative fee as debts owing to~~
 9 ~~the authority, in such manner as the authority deems appropriate and as permitted under~~
 10 ~~law. If the authority determines that multiple violations of this subsection have occurred~~
 11 ~~involving the same vehicle, the authority may request the Office of State Administrative~~
 12 ~~Hearings to conduct a hearing as to whether violations of this subsection have occurred.~~
 13 ~~If the Office of State Administrative Hearings makes a determination that a registered~~
 14 ~~owner of a vehicle has committed multiple violations of this subsection, such registered~~
 15 ~~owner shall be subject to imposition of, in addition to any unpaid tolls and administrative~~
 16 ~~fees, a civil monetary penalty payable to the authority of not more than \$100.00 per~~
 17 ~~violation. Actions taken by the authority under this subsection shall be made in~~
 18 ~~accordance with policies and procedures approved by the members of the authority.~~

19 (2) The registered owner of a vehicle which is observed being driven or towed through
 20 a toll collection facility without payment of the proper toll may avoid liability under this
 21 subsection by presenting to the authority a certified copy of a police report showing that
 22 the vehicle had been reported to the police as stolen prior to the time of the alleged
 23 violation.

24 (3) For purposes of this subsection, for any vehicle which is registered to an entity other
 25 than a natural person, the term 'registered owner' shall be deemed to refer to the natural
 26 person who is the operator of such motor vehicle at the time of the violation of this
 27 subsection, but only if the entity to which the vehicle is registered has supplied to the
 28 authority, within 60 days following notice from the authority or its authorized agent,
 29 information in the possession of such entity which is sufficient to identify and give notice
 30 to the natural person who was the operator of the motor vehicle at the time of the
 31 violation of this subsection."

32 SECTION 2.

33 This Act shall become effective on July 1, 2006.

34 SECTION 3.

35 All laws and parts of laws in conflict with this Act are repealed.