

SECOND REGULAR SESSION

SENATE BILL NO. 793

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARTLE.

Pre-filed December 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3129S.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Section A. Sections 226.010, 226.200, and 226.220, RSMo, are repealed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;**

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

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

16 **(6) "Engineer", the chief engineer of the [highways and transportation**
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,**
32 **including bridges, tunnels, grade separations, interchanges, entrance**
33 **and exit plazas, approaches, access roads, service roads, any interest**
34 **or easement in real property, highways, toll houses, any administration,**
35 **storage, or service facilities, parking areas, rest stops, parks, and any**
36 **other 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
47 highways and transportation department fund, but shall be funded from general
48 revenue or any other applicable source. Any current funding from the highways

49 and transportation department fund used for activities not related to enforcing
50 state motor vehicle laws or traffic regulations shall expire on June 30, 2007. The
51 state auditor shall annually audit and examine the appropriations made to the
52 highway patrol to determine whether such appropriations are actually being used
53 for 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
60 administration for department of transportation employee fringe benefits and
61 OASDHI payments, or to appropriations to the department of revenue for motor
62 vehicle fuel tax refunds under chapter 142, RSMo, or to appropriations to the
63 department of revenue for refunds [or] **of** overpayments or erroneous payments
64 from the state 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] **the**
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
2 **"State 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
13 to 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,
20 but 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
31 to pay the authorized costs of subsection 2 of this section, the
32 commission shall transfer amounts periodically as necessary from the
33 state road 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
35 time 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
38 toll facilities authorized by the general assembly under section
39 226.1205, the principal and interest payments on all outstanding state
40 toll facility revenue bonds and refunding bonds, and all transfers from
41 the state road fund for such toll facilities have been repaid. Any
42 balance in the state toll facility fund in excess of the amount needed to
43 pay the costs outlined in subsection 2 of this section shall then be paid
44 or transferred 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
47 such 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**
57 **facility revenue bonds and refunding bonds, the United States**
58 **government, the state road fund, and from any other source to be**
59 **expended toward the costs of toll facilities authorized by the general**
60 **assembly in section 226.1205, and the payment of principal and interest**
61 **on any outstanding state toll facility revenue bonds and revenue**
62 **refunding bonds. The commission is authorized to administer these**
63 **moneys and proceeds by deposit in various banks or trust companies**
64 **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**
18 **by the general assembly under section 226.1205, and if they are not**
19 **required by [section 226.200] law to be transferred to [the state highway**
20 **department] any 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] **section 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**
49 **shall 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,**
7 **or local governmental agency or authority within and along the borders**

8 of this state, across the borders of this state and another state, and
9 across a river or stream comprising the boundary or a portion of the
10 boundary 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
16 on all bonds issued to finance or refinance any portion of such toll
17 facilities as the same become due and payable, and to create reserves
18 for all such purposes. The commission may impose tolls, fees, rents,
19 and other charges for transit over an existing free public highway
20 incorporated into a state toll facility as authorized by the general
21 assembly under section 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
28 of the general assembly, any department, commission, board, bureau,
29 or 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
35 business entity, or any federal, state, or local governmental agency or
36 authority, and charge rents or fees for the construction, operation, and
37 maintenance of facilities for lodging, food service, and vehicle service
38 upon property acquired for a toll facility. Such contracts shall be
39 entered into after public advertisement and the receipt of sealed bids,
40 and the contract shall be awarded to the bidder which the commission
41 determines has submitted the bid most advantageous to the
42 commission. The commission shall require the contractor to furnish
43 such bonds as it deems necessary to assure compliance with the terms
44 of the contract;

45 **(6) Issue state toll facility revenue bonds to finance any toll**
46 **facility project authorized by the general assembly. Such bonds shall**
47 **not be an obligation of the state and may be issued without the consent**
48 **of the general assembly or any other department, commission, board,**
49 **bureau, or agency of the state and refund any outstanding state toll**
50 **facility revenue bonds at any time by the issuance of state toll facility**
51 **revenue refunding bonds without the consent of the general assembly**
52 **or any other department, commission, board, bureau, or agency of the**
53 **state in any amount the commission may deem necessary, but shall not**
54 **exceed the amount sufficient to refund the principal of the state toll**
55 **facility revenue bonds to be refunded plus any unpaid interest thereon**
56 **and any premiums, commissions, service fees, reserve funds, and other**
57 **expenses necessary to be paid in connection with the refunding and the**
58 **issuance of such state toll facility revenue refunding bonds. The**
59 **proceeds from the sale of the state toll facility revenue refunding bonds**
60 **may be applied to the payment of the state toll facility revenue bonds**
61 **being refunded, or the state toll facility revenue refunding bonds may**
62 **be exchanged for the state toll facility revenue bonds being**
63 **refunded. The state toll facility revenue refunding bonds may be issued**
64 **regardless of whether the state toll facility revenue bonds proposed to**
65 **be refunded shall be payable on the same date or different dates or**
66 **shall be due serially or otherwise.**

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

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

78 **(c) Bonds issued under this subdivision of this subsection shall**
79 **not be deemed to constitute a debt or liability of the state or a pledge**
80 **of the full faith and credit of the state, and the principal and interest**
81 **on such bonds shall be payable solely from the state toll facility fund**

82 under section 226.205;

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

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

92 3. Prior to the commencement of any toll facility project, the
93 commission shall obtain a study or studies of the proposed toll facility
94 project by one or more qualified independent consultants. If the
95 commission determines, based upon the study or studies, that the
96 proposed toll facility project is in the best interest of the state, the
97 commission shall then be required to obtain approval of the toll facility
98 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
3 the boundaries between the state of Missouri and the state of Illinois
4 located within a city not within a county and, proceeding westward and
5 terminating when such interstate reaches the boundaries of the state
6 of Kansas and the state of Missouri located in a home rule city with
7 more than four hundred thousand inhabitants and located in more than
8 one 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
12 of 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
18 conform 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
2 and 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
10 account 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
14 not be seized sooner than thirty days after the date the department has
15 sent 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
18 without stopping, to mitigate congestion at toll collection locations, to
19 enhance traffic flow, and to otherwise increase efficiency of operations.

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

226.1220. The operator of a motor vehicle other than an
2 authorized emergency vehicle that is driven or towed through a toll
3 collection facility shall pay the proper toll. The operator of a motor
4 vehicle who operates or tows a vehicle through a toll facility and does
5 not pay the proper toll is guilty of an infraction punishable by a fine
6 not to exceed two hundred dollars. In this section, "emergency vehicle"
7 shall have the 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
5 violations, the commission may use automated enforcement technology
6 that it determines is necessary, including automatic vehicle license
7 plate identification photography and video surveillance, by electronic
8 imaging or photographic copying.

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

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

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

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

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

37 NOTICE: FAILURE TO PAY THE REQUIRED TOLL IS A

38 **TRAFFIC VIOLATION. TOLL OPERATORS WILL REPORT**
39 **ANY FAILURE TO PAY REQUIRED TOLLS TO TOLL**
40 **ENFORCEMENT OFFICIALS OR LAW ENFORCEMENT**
41 **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**
6 **contract with the commission to operate a toll facility, may respectively**
7 **impose and collect a collection fee, not to exceed one hundred dollars,**
8 **to recover the cost of collecting an unpaid toll. The commission or**
9 **entity operating the toll facility shall send a written notice of**
10 **nonpayment to the registered owner of the vehicle at that owner's**
11 **address as shown in the motor vehicle registration records of the**
12 **department of revenue by first-class mail and may require payment not**
13 **sooner than the thirtieth day after the date the notice was mailed. The**
14 **registered owner shall pay a separate toll and collection fee for each**
15 **event of nonpayment under 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**
19 **collection fee within the time specified by the notice of nonpayment is**
20 **guilty of an infraction. Each failure to pay a toll or collection fee under**
21 **this 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**
26 **the 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**

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

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

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

70 8. A conviction under subsection 7 of this section may be

71 enforced by the court through the following:

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

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

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

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

86 10. The commission or the entity operating a toll facility may
87 contract with any person or business entity to collect the proper toll
88 and a required collection fee before filing a complaint charging an
89 offense 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
4 was not paid is admissible in any proceeding to enforce the collection
5 of the proper toll and the toll collection fee, subject to foundation
6 evidence to establish the authenticity of the report, call, or
7 photographs. Photo monitoring system evidence which shows that the
8 operator of a motor vehicle has failed to pay a toll shall raise a
9 rebuttable presumption that the motor vehicle shown in the
10 photographic evidence was used in violation of section 226.1220. In the
11 event that charges are filed against multiple owners of a motor vehicle,
12 only one of the owners may be convicted and court costs may be
13 assessed against only one of the owners.

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

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

19 one of the following forms:

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

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

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

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

45 (4) The provisions of this section do not prohibit a law
46 enforcement officer from issuing a citation for any violation of traffic
47 regulations in accordance with normal traffic enforcement procedures,
48 nor does it grant toll enforcement officers authority to issue citations
49 for violations of traffic regulations on toll-free highways on the state
50 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

3 ninety-fourth general assembly, authorizing the state highway and transportation
4 commission to fund, acquire, construct, maintain, improve, reconstruct, and
5 operate toll facilities, and to issue state toll facility revenue and state toll facility
6 revenue refunding bonds for that purpose.

✓

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