

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1784

By: Boren

AS INTRODUCED

An Act relating to the Oklahoma Electronic Toll Collection Act; amending 47 O.S. 2021, Section 11-1401.2, as amended by Section 96, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2023, Section 11-1401.2), which relates to the imposition of toll evasion penalties; placing certain limit on certain fees; removing method of collection for certain fees; updating statutory language; updating statutory references; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 47 O.S. 2021, Section 11-1401.2, as amended by Section 96, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2023, Section 11-1401.2), is amended to read as follows:

Section 11-1401.2. A. For purposes of this section:

1. "Authority" means the Oklahoma Turnpike Authority;
2. "Department" means the Department of Public Safety;
3. "Electronic toll collection system" means a system of collecting tolls or charges which is capable of charging an account holder the appropriate toll or charge by transmission of information from an electronic device on a motor vehicle to the toll lane, which

1 information is used to charge the account the appropriate toll or  
2 charge;

3 4. "Owner" means any person, corporation, partnership, firm,  
4 agency, association, or organization who, at the time of the  
5 violation and with respect to the vehicle identified in the notice  
6 of toll evasion violation:

- 7 a. is the beneficial or equitable owner of the vehicle,
- 8 b. has title to the vehicle,
- 9 c. is the registrant or coregistrant of the vehicle which  
10 is registered with Service Oklahoma or a similar  
11 registering agency of any other state, territory,  
12 district, province, nation, or other jurisdiction,
- 13 d. uses the vehicle in its vehicle renting businesses, or
- 14 e. is a person entitled to the use and possession of a  
15 vehicle subject to a security interest in another  
16 person;

17 5. "Photo-monitoring system" means a vehicle sensor installed  
18 to work in conjunction with a toll collection facility which  
19 automatically produces one or more photographs, one or more  
20 microphotographs, a videotape, or other recorded images of each  
21 vehicle at the time it is used or operated on the turnpikes under  
22 the Authority's jurisdiction;

23 6. "Toll collection regulations" means those rules and  
24 regulations of the Oklahoma Turnpike Authority or statutes providing

1 for and requiring the payment of tolls and/or charges prescribed by  
2 the Authority for the use of turnpikes under its jurisdiction or  
3 those rules and regulations of the Authority or statutes making it  
4 unlawful to refuse to pay or to evade or to attempt to evade the  
5 payment of all or part of any toll and/or charge for the use of  
6 turnpikes under the jurisdiction of the Authority;

7 7. "Toll evasion violation" means a failure to comply with the  
8 Authority's toll collection regulations, including the failure to  
9 pay an invoice submitted by the Authority via its video toll  
10 collection system;

11 8. "Vehicle" means every device in, upon or by which a person  
12 or property is or may be transported or drawn upon a highway, except  
13 devices used exclusively upon stationary rails or tracks;

14 9. "Video toll collection system" means a photo-monitoring  
15 system used to charge and collect tolls from owners of vehicles  
16 imaged using the turnpike system. The owner of a vehicle imaged by  
17 the photo-monitoring system may or may not be an Authority account  
18 holder; and

19 10. "Video toll collection system account" means the  
20 administrative assignment of all vehicles registered to an owner to  
21 an account for efficient billing of the appropriate toll or charge  
22 to an owner.

23 B. 1. Notwithstanding any other provision of law, there shall  
24 be imposed monetary liability on the owner of a vehicle for failure

1 of an operator thereof to comply with the toll collection  
2 regulations of the Oklahoma Turnpike Authority in accordance with  
3 the provisions of this section.

4 2. An owner's vehicle shall be registered with Service Oklahoma  
5 or a similar registering agency of this state or any other state,  
6 territory, district, province, nation, or other jurisdiction that  
7 permits access to owner registration information upon request by or  
8 agreement with the Authority for the purpose of carrying out the  
9 Authority's governmental functions. If a registering agency does  
10 not permit access to the Authority, an owner may comply by direct  
11 registration with the Authority.

12 3. a. The owner of a vehicle shall be liable for a civil  
13 penalty imposed pursuant to this section if the  
14 vehicle was used or operated with the permission of  
15 the owner, express or implied, in violation of the  
16 toll collection regulations, and such violation is  
17 evidenced by information obtained from a photo-  
18 monitoring system.

19 b. No owner of a vehicle shall be liable for a penalty  
20 imposed pursuant to this section where the operator of  
21 the vehicle has been convicted of failing to pay a  
22 cash toll, in violation of toll collection  
23 regulations, for the same incident.  
24

1 c. An owner or operator of a vehicle is subject to a  
2 charge by the Department or other law enforcement  
3 agency for an owner's failure to timely pay an invoice  
4 for tolls and/or charges submitted by the Authority  
5 through its video toll collection system.

6 4. A certificate, sworn to or affirmed by an agent of the  
7 Authority, or facsimile thereof, based upon inspection of  
8 photographs, microphotographs, videotape, or other recorded images  
9 produced by a photo-monitoring system shall be prima facie evidence  
10 of the facts contained therein and shall be admissible in any  
11 proceeding charging a violation of toll collection regulations. The  
12 photographs, microphotographs, videotape, or other recorded images  
13 evidencing such a violation shall be available for inspection and  
14 admission into evidence in any proceeding to adjudicate the  
15 liability for the violation. Each photo-monitoring system shall be  
16 checked bimonthly for accuracy, and shall be maintained, adjusted,  
17 or replaced if necessary to ensure the systems are operating  
18 properly.

19 5. An owner found liable for a violation of toll collection  
20 regulations pursuant to this section shall be liable for a monetary  
21 penalty of Twenty-five Dollars (\$25.00) for each violation.  
22 Liability for this monetary penalty does not abrogate an owner's  
23 obligation to pay toll charges associated with the violation, and  
24 the Authority may pursue collection of such unpaid toll charges

1 pursuant to this section. Such monetary penalties levied shall not  
2 exceed Fifty Dollars (\$50.00) in total on each owner per year.

3 6. An imposition of liability pursuant to this section shall be  
4 based upon a preponderance of evidence as submitted. An imposition  
5 of liability pursuant to this section shall not be deemed a  
6 conviction as an operator and shall not be made part of the motor  
7 vehicle operating record of the person upon whom such liability is  
8 imposed nor shall it be used for insurance purposes in the provision  
9 of motor vehicle insurance coverage.

10 7. a. A notice of toll evasion violation shall be sent by  
11 regular first-class mail to each person alleged to be  
12 liable as an owner for a violation of toll collection  
13 regulations. The notice shall be mailed no later than  
14 forty-five (45) days after the alleged violation. A  
15 manual or automatic record of mailing prepared in the  
16 ordinary course of business shall be prima facie  
17 evidence of the receipt of the notice.

18 b. A notice of toll evasion violation shall contain the  
19 name and address of the person alleged to be liable as  
20 an owner for a violation of toll collection  
21 regulations pursuant to this section, the registration  
22 or the license tag number of the vehicle involved in  
23 the violation, the location where the photo-monitoring  
24 system recorded the vehicle's image, the date and time

1 of the image, the identification number of the photo-  
2 monitoring system which recorded the image or other  
3 document locator number and the nature of the  
4 violation.

5 c. Notice of toll evasion violation shall be prepared and  
6 mailed by the Authority or its agents and shall  
7 contain information advising the person of the  
8 applicable monetary penalty and method of payment  
9 thereof and the manner and the time in which the  
10 person may contest the liability alleged in the  
11 notice. The notice of toll evasion violation shall  
12 contain, or be accompanied with, an affidavit of  
13 nonliability and information of what constitutes  
14 nonliability, information as to the effect of  
15 executing the affidavit and instructions for returning  
16 the affidavit to the Authority and shall also contain  
17 a warning to advise the persons charged that failure  
18 to contest in the manner and time provided shall be  
19 deemed an admission of liability and that the penalty  
20 shall be imposed and may be collected as authorized by  
21 law. In addition to the notice required by  
22 subparagraph a of this paragraph, the Authority may  
23 elect to send a subsequent notice of toll evasion  
24 violation by certified mail or other comparable form

1 of private or public delivery service. Such notice  
2 shall contain a statement to the registered owner  
3 that, unless the registered owner pays the toll  
4 evasion penalty or contests the notice within twenty-  
5 one (21) days after receipt of the certified mail  
6 notice of toll evasion violation or completes and  
7 files the affidavit of nonliability, the renewal of  
8 the vehicle registration shall be contingent upon  
9 compliance with the notice of toll evasion violation.

10 d. If the toll evasion penalty is received by the  
11 Authority and there is no contest as to that toll  
12 evasion violation, the proceedings under this section  
13 shall terminate.

14 e. If the registered owner fails to pay the toll evasion  
15 penalty as required in this section, or fails to  
16 contest the notice of toll evasion violation issued  
17 pursuant to subparagraph c of this paragraph as  
18 provided in subparagraph a of paragraph 8 of this  
19 subsection, the registered owner shall be deemed  
20 liable for the violation by operation of law. The  
21 toll evasion penalty and any administrative fees or  
22 charges shall be considered a debt due and owing the  
23 Authority by the registered owner and the Authority



1 may proceed to collect such penalty, fees, or charges  
2 under paragraph 10 of this subsection.

3 8. a. Within twenty-one (21) days after receipt of a notice  
4 of toll evasion violation a person may contest a  
5 notice of toll evasion violation. In that case, the  
6 Authority shall do the following:

7 (1) the Authority shall investigate the circumstances  
8 of the notice with respect to the contestant's  
9 written explanation of reasons for contesting the  
10 toll evasion violation. If, based upon the  
11 results of the investigation, the Authority is  
12 satisfied that the violation did not occur or  
13 that the registered owner was not responsible for  
14 the violation, the Authority shall maintain an  
15 adequate record of the findings of the  
16 investigation. Within thirty (30) days of  
17 receipt of a notice of contest the Authority  
18 shall complete such investigation and mail the  
19 results of the investigation to the person who  
20 contested the notice of toll evasion violation,  
21 and

22 (2) if the person contesting a notice of toll evasion  
23 violation is not satisfied with the results of  
24 the investigation provided for in division (1) of

1 this subparagraph, the person may, within fifteen  
2 (15) days of the mailing of the results of the  
3 investigation, deposit the amount of the toll  
4 evasion penalty and request an administrative  
5 review. An administrative review shall be held  
6 within ninety (90) calendar days following the  
7 receipt of a request for an administrative  
8 review, excluding any continuance time. The  
9 person requesting the review may request and  
10 shall be allowed one continuance, not to exceed  
11 twenty-one (21) calendar days.

12 b. The administrative review procedure shall consist of  
13 the following:

14 (1) the person requesting an administrative review  
15 shall indicate to the Authority his or her  
16 election for a review by mail or personal  
17 conference and may provide materials in support  
18 of the contest of the results of the  
19 investigation,

20 (2) upon ten (10) days' written notice mailed to the  
21 contestant, the administrative review shall be  
22 conducted before an examiner designated to  
23 conduct the review by the Authority's governing  
24 body or Director of the Oklahoma Turnpike

1 Authority. In addition to any other requirements  
2 of employment, an examiner shall demonstrate  
3 those qualifications, training, and objectivity  
4 prescribed by the Authority's governing body or  
5 Director as are necessary and which are  
6 consistent with the duties and responsibilities  
7 set forth in this section and Section 11-1401.1  
8 et seq. of this title,

- 9 (3) the officer or person authorized to issue a  
10 notice of toll evasion violation shall be  
11 required to participate in an administrative  
12 review. The Authority shall not be required to  
13 produce any evidence other than the notice of  
14 toll evasion violation or copy thereof, a  
15 photograph of the rear of the vehicle,  
16 information received from Service Oklahoma  
17 identifying the registered owner of the vehicle,  
18 and a notarized statement from the person  
19 reporting the violations. The documentation in  
20 proper form shall be considered prima facie  
21 evidence of the violation, and
- 22 (4) the review shall be conducted in accordance with  
23 ~~paragraph 6~~ the provisions of this subsection and  
24 in accordance with the written procedure

1 established by the Authority which shall ensure  
2 fair and impartial review of contested toll  
3 evasion violations. The examiner's final  
4 decision shall be in writing and shall be  
5 delivered personally or by registered mail to the  
6 contestant within ten (10) days of the review. A  
7 manual or automatic record of mailing prepared in  
8 the ordinary course of business shall be prima  
9 facie evidence of the receipt of such decision.

- 10 9. a. Within twenty (20) days after receipt of the final  
11 decision described in division (4) of subparagraph b  
12 of paragraph 8 of this subsection, the contestant may  
13 seek review by filing an appeal to the district court  
14 having jurisdiction in the county in which the  
15 contestant lives, where the same shall be heard on the  
16 record. A copy of the notice of appeal shall be  
17 served in person or by first-class mail upon the  
18 Authority by the contestants. For purposes of  
19 computing the twenty-day period, ~~the Code of Civil~~  
20 ~~Procedure,~~ provisions of Section 2006 of Title 12 of  
21 the Oklahoma Statutes, shall be applicable.
- 22 b. The conduct of the hearing on appeal under this  
23 section is a subordinate judicial duty which may be  
24 performed by referees, masters, or other subordinate

1 judicial officials at the direction of the district  
2 court.

3 c. If no notice of appeal of the Authority's decision is  
4 filed within the period set forth in subparagraph a of  
5 this paragraph, the examiner's decision shall be  
6 deemed final.

7 10. Except as otherwise provided in paragraphs 11 and 12 of  
8 this subsection, the Authority shall proceed ~~under one or more of~~  
9 ~~the following options~~ to collect an unpaid toll evasion penalty:

10 a. ~~the Authority may file~~ by filing an itemization of  
11 unpaid toll evasion penalties and administrative and  
12 service fees with ~~the Commission~~ Service Oklahoma for  
13 collection at the time of registration of the vehicle  
14 pursuant to paragraph 19 of this subsection, ~~or~~

15 b. ~~the Authority may contract with a collection agency to~~  
16 ~~collect unpaid toll evasion penalties, fees, and~~  
17 ~~charges.~~

18 11. The Authority shall not file a civil judgment with the  
19 district court relating to a toll evasion violation which has been  
20 filed with Service Oklahoma unless the Authority has determined that  
21 the registration of the vehicle has not been renewed for sixty (60)  
22 days beyond the renewal date and the notice has not been mailed by  
23 Service Oklahoma pursuant to paragraph 19 of this subsection.

1 12. If an owner receives a notice of toll evasion violation  
2 pursuant to this paragraph for any time period during which the  
3 vehicle was reported to the police department as having been stolen,  
4 it shall be a valid defense to an allegation of liability for a  
5 violation of toll collection regulations that the vehicle had been  
6 reported to the police as stolen prior to the time the violation  
7 occurred and had not been recovered by such time. If an owner  
8 receives a notice of toll evasion violation pursuant to this  
9 paragraph for any time period during which the vehicle was stolen,  
10 but not yet reported to the police as having been stolen, it shall  
11 be a valid defense to an allegation of liability for a violation of  
12 toll collection regulations pursuant to this paragraph that the  
13 vehicle was reported as stolen within two (2) hours after the  
14 discovery of the theft by the owner. For purposes of asserting the  
15 defense provided by this ~~subsection~~ paragraph, it shall be  
16 sufficient that a certified copy of the police report of the stolen  
17 vehicle be sent by first-class mail to the Authority and the  
18 district court having jurisdiction.

19 13. Subject to the review procedures contained in paragraph 8  
20 of this subsection, an owner of a vehicle to which a notice of toll  
21 evasion violation was issued pursuant to paragraph 7 of this  
22 subsection shall not be liable for the violation of the toll  
23 collection regulations provided that the owner sends to the  
24 Authority the affidavit of nonliability described in paragraph 7 of

1 this subsection, within twenty-one (21) days after receiving the  
2 original notice of toll evasion violation. Failure to send such  
3 information within the time period shall render the owner liable for  
4 the penalty prescribed by this section.

5 14. In connection with the preparation and mailing of a notice  
6 of toll evasion violation, the Authority shall ensure adequate and  
7 timely notice to all video toll collection system and electronic  
8 toll collection system account holders to inform them when their  
9 accounts are delinquent. An owner who is an account holder under  
10 the video toll collection system or electronic toll collection  
11 system shall not be found liable for a violation of this section  
12 unless the Authority has first sent a notice of delinquency to the  
13 account holder and the account holder was in fact delinquent at the  
14 time of the violation.

15 15. Nothing in this section shall be construed to limit the  
16 liability of an operator of a vehicle for any violation of toll  
17 collection laws or regulations.

18 16. Notwithstanding any other provision of law, all  
19 photographs, microphotographs, videotape, or other recorded images  
20 prepared pursuant to this section shall be for the exclusive use of  
21 the Authority in the discharge of its duties under this section and  
22 shall not be open to the public nor be used in any court in any  
23 action or proceeding pending therein unless the action or proceeding  
24 relates to:

- 1 a. the imposition of or indemnification for liability  
2 pursuant to this section, or  
3 b. an investigation or prosecution for a criminal  
4 violation of the laws of ~~the State of Oklahoma~~ this  
5 state. Such records shall be available to a law  
6 enforcement officer or law enforcement agency for law  
7 enforcement purposes related to an investigation or  
8 prosecution of a criminal violation of the laws of ~~the~~  
9 ~~State of Oklahoma~~ this state pursuant to a duly issued  
10 search warrant, subpoena, or order of the court  
11 requiring such disclosure to a law enforcement officer  
12 or agency.

13 17. The Authority shall not sell, distribute, or make available  
14 in any way, the names and addresses of video toll collection system  
15 and electronic toll collection system account holders or Authority  
16 patrons, without the consent of the account holders or patrons, to  
17 any entity that will use the information for any commercial purpose.

18 18. a. Except as provided in subparagraph c of this  
19 paragraph, Service Oklahoma shall refuse to renew the  
20 registration of any vehicle if the registered owner or  
21 lessee has been mailed by certified mail a notice of  
22 toll evasion violation as provided in subparagraph c  
23 of paragraph 7 of this subsection, the Authority has  
24 transmitted to Service Oklahoma an itemization of  
25



1 unpaid toll evasion penalties, including  
2 administrative fees, pursuant to paragraph 10 of this  
3 subsection, and the toll evasion penalty and  
4 administrative fee have not been paid pursuant to  
5 paragraph 9 of this subsection, unless the full amount  
6 of all outstanding toll evasion penalties and  
7 administrative fees, as shown by records of Service  
8 Oklahoma are paid to Service Oklahoma at the time of  
9 application for renewal.

10 b. The Authority shall issue a notice of disposition of  
11 toll evasion violation to a lessor, if the lessor  
12 provides the Authority with the name, address, and  
13 driver license number of the lessee at the time of the  
14 occurrence of the toll evasion violation.

15 c. Service Oklahoma shall renew the registration of any  
16 vehicle if the applicant provides Service Oklahoma  
17 with the notice of disposition of toll evasion  
18 violation issued pursuant to subparagraph b of this  
19 paragraph for clearing all outstanding toll evasion  
20 penalties, fees, and assessments, as shown by the  
21 records of Service Oklahoma, and the applicant has met  
22 all other requirements for registration.

23 19. Service Oklahoma shall include on each vehicle registration  
24 renewal notice issued for use at the time of renewal, or on an

1 accompanying document, an itemization of unpaid toll evasion  
2 penalties, fees, and assessments, showing the amount thereof and the  
3 date of toll evasion relating thereto, which the registered owner or  
4 lessee is required to pay pursuant to paragraph 18 of this  
5 subsection.

6 20. a. Except as provided in subparagraph b of this  
7 paragraph, Service Oklahoma shall remit all toll  
8 evasion penalties, fees, and assessments collected,  
9 after deducting the administrative fee authorized by  
10 paragraph 21 of this subsection, for each notice of  
11 toll evasion violation for which toll evasion  
12 penalties, fees, and assessments have been collected  
13 pursuant to paragraph 18 of this subsection, to the  
14 Authority. Within forty-five (45) days from the time  
15 penalties, fees, and assessments are paid to Service  
16 Oklahoma, Service Oklahoma shall inform the Authority  
17 which of its notices of toll evasion violation have  
18 been collected.

19 b. For each notice of toll evasion violation for which  
20 toll evasion penalties, fees, and assessments have  
21 been collected by Service Oklahoma pursuant to  
22 ~~paragraph 17~~ the provisions of this subsection, the  
23 Authority is due an amount equal to the sum of the  
24 unpaid toll, administrative fees, other costs incurred

1 by the Authority that are related to toll evasion,  
2 process service fees, and fees and collection costs  
3 related to civil debt collection. After deducting  
4 Service Oklahoma's administrative fee authorized by  
5 paragraph 21 of this subsection, Service Oklahoma  
6 shall promptly pay to the Authority the amounts due  
7 the Authority for unpaid tolls, administrative fees,  
8 other costs incurred by the Authority that are related  
9 to toll evasion, process service fees, and fees and  
10 collection costs related to civil debt collection.

11 21. Service Oklahoma shall assess a fee for the recording of  
12 the notice of toll evasion violation, which is given to Service  
13 Oklahoma pursuant to paragraph 10 of this subsection, in an amount,  
14 as determined by Service Oklahoma, that is sufficient to provide a  
15 total amount equal to at least its actual costs of administering  
16 paragraphs 18, 19, and 22 of this subsection.

17 22. Whenever a vehicle is transferred or not renewed for two  
18 renewal periods and the former registered owner or lessee of the  
19 vehicle owes a toll evasion penalty and administrative fees for a  
20 notice of toll evasion violation filed with Service Oklahoma  
21 pursuant to paragraph 10 of this subsection, Service Oklahoma shall  
22 notify the Authority of that fact and is not required thereafter to  
23 attempt collection of the toll evasion penalty and administrative  
24 fees.

1 This legislation shall not be construed to affect in any way the  
2 power which the Oklahoma Turnpike Authority possesses to establish  
3 tolls and other charges in connection with their turnpike  
4 facilities, including the authority to establish a one-way toll  
5 collection system for any of its facilities or a toll discount  
6 structure for certain classes of patrons using any of its  
7 facilities.

8 SECTION 2. This act shall become effective November 1, 2024.

9  
10 59-2-3240 MSBB 1/17/2024 2:31:04 PM

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25