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AB-2535 High-occupancy toll lanes: notice of toll evasion violation. (2017-2018)

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Assembly Bill No. 2535

CHAPTER 435

An act to amend Section 40254 of the Vehicle Code, relating to toll violations.

[Approved by Governor September 17, 2018. Filed with Secretary of State September 17, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2535, Obernolte. High-occupancy toll lanes: notice of toll evasion violation.

Existing law requires an issuing agency or a processing agency to forward a notice of toll evasion violation to the registered owner of a vehicle that is found, by automated devices, visual observation, or otherwise, to have evaded tolls on a toll road or toll bridge within 21 days of the violation, except as specified. Existing law requires the notice of toll evasion violation to set forth the violation, including reference to the code section violated, the approximate time thereof, and the location where the violation occurred. Existing law also requires the notice of toll evasion violation to include the vehicle license plate number, a clear and concise explanation of the procedures for contesting the violation and appealing an adverse decision, and, if practicable, the registration expiration date and the make of the vehicle.

This bill would also require the notice of toll evasion violation to include a copy of photographic evidence on which the toll evasion determination was based if the vehicle was found, by automated devices, to have evaded the toll through failure to meet occupancy requirements in a high-occupancy toll lane. Because this bill would require an issuing agency or a processing agency to include additional materials in the notice, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 40254 of the Vehicle Code is amended to read:

40254. (a) If a vehicle is found, by automated devices, visual observation, or otherwise, to have evaded tolls on a toll road or toll bridge, and subdivision (d) of Section 40250 does not apply, an issuing agency or a processing agency, as the case may be, shall, within 21 days of the violation, forward to the registered owner a notice of toll evasion violation setting forth the violation, including reference to the section violated, the approximate time thereof, and the location where the violation occurred. If accurate information concerning the identity and address of the registered owner is not available to the processing agency within 21 days

of the violation, the processing agency shall have an additional 45 calendar days to obtain such information and forward the notice of toll evasion violation. If the registered owner is a repeat violator, the processing agency shall forward the notice of toll evasion violation within 90 calendar days of the violation. "Repeat violator" means any registered owner for whom more than five violations have been issued pursuant to this section in any calendar month within the preceding 12-month period. The notice of toll evasion violation shall also set forth, if applicable, all of the following:

(1) The vehicle license plate number.

(2) If practicable, the registration expiration date and the make of the vehicle.

(3) If a vehicle is found, by automated devices, to have evaded the toll through failure to meet occupancy requirements in a high-occupancy toll lane, a copy of photographic evidence on which the determination was based.

(4) A clear and concise explanation of the procedures for contesting the violation and appealing an adverse decision pursuant to Sections 40255 and 40256.

(b) After the authorized person has notified the processing agency of a toll evasion violation, the processing agency shall prepare and forward the notice of violation to the registered owner of the vehicle cited for the violation. Any person, including the authorized person and any member of the person's department or agency, or any peace officer who, with intent to prejudice, damage, or defraud, is found guilty of altering, concealing, modifying, nullifying, or destroying, or causing to be altered, concealed, modified, nullified, or destroyed, the face of the original or any copy of a notice that was retained by the authorized person before it is filed with the processing agency or with a person authorized to receive the deposit of the toll evasion violation is guilty of a misdemeanor.

(c) If, after a copy of the notice of toll evasion violation has been sent to the registered owner, the issuing person determines that, due to a failure of proof of apparent violation, the notice of toll evasion violation should be dismissed, the issuing agency may recommend, in writing, that the charges be dismissed. The recommendation shall cite the reasons for the recommendation and shall be filed with the processing agency.

(d) If the processing agency makes a finding that there are grounds for dismissal, the notice of toll evasion violation shall be canceled pursuant to Section 40255.

(e) Under no circumstances shall a personal relationship with any law enforcement officer, public official, law enforcement agency, processing agency or toll operating agency or entity be grounds for dismissal of the violation.

(f) The processing agency shall use its best efforts to obtain accurate information concerning the identity and address of the registered owner for the purpose of forwarding a notice of toll evasion violation pursuant to subdivision (a).

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.