

ASSEMBLY BILL

No. 1890

Introduced by Assembly Member Solorio

February 22, 2012

An act to amend Section 23302 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1890, as introduced, Solorio. Vehicles: toll highways: motorcycles.

Existing law prohibits any person, except as specified, from driving any motor vehicle with any object or material placed, displayed, installed, affixed, or applied in or upon the vehicle that obstructs or reduces the driver's clear view through the windshield or side windows. Existing law makes it unlawful for any person to refuse to pay tolls or other charges on any vehicular crossing or toll highway and requires, among other things, that if a transponder or other electronic toll payment device is used to pay tolls or other charges due, the device be located in or on the vehicle in a location so as to be visible for the purpose of enforcement at all times when the vehicle is located on the vehicular crossing or toll highway. A violation of these provisions is an infraction.

This bill would require a motorcyclist to instead use any one of 4 specified methods when using a transponder or other electronic toll payment device to pay tolls or other charges when entering a vehicle crossing or toll highway.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 23302 of the Vehicle Code is amended
2 to read:

3 23302. (a) (1) It is unlawful for a person to fail to pay tolls
4 or other charges on any vehicular crossing or toll highway. Except
5 as otherwise provided in subdivision (b), (c), or (d), it is prima
6 facie evidence of a violation of this section for a person to enter
7 upon any vehicular crossing without either lawful money of the
8 United States in the person’s immediate possession in an amount
9 sufficient to pay the prescribed tolls or other charges due from that
10 person or a transponder or other electronic toll payment device
11 associated with a valid Automatic Vehicle Identification account
12 with a balance sufficient to pay those tolls. ~~ff~~

13 (2) *Except as specified in paragraph (3), if a transponder or*
14 *other electronic toll payment device is used to pay tolls or other*
15 *charges due, the device shall be located in, or on the vehicle in a*
16 *location so as to be visible for the purpose of enforcement at all*
17 *times when the vehicle is located on the vehicular crossing or toll*
18 *highway. Where required by the operator of a vehicular crossing*
19 *or toll highway, this requirement applies even if the operator offers*
20 *free travel or nontoll accounts to certain classes of users.*

21 (3) *If a motorcyclist uses a transponder or other electronic toll*
22 *payment device to lawfully enter a vehicle crossing or toll highway,*
23 *the motorcyclist shall use any one of the following methods:*

24 (A) *Place the transponder or other electronic toll payment*
25 *device in the motorcyclist’s pocket.*

26 (B) *Place the transponder or other electronic toll payment*
27 *device inside a cycle net that drapes over the gas tank of the*
28 *motorcycle.*

29 (C) *Mount the transponder or other electronic toll payment*
30 *device on license plate devices provided by the toll operator.*

31 (D) *Keep the transponder or other electronic toll payment device*
32 *in the glove compartment of the motorcycle.*

33 (b) For vehicular crossings and toll highways that use electronic
34 toll collection as the only method of paying tolls or other charges,
35 it is prima facie evidence of a violation of this section for a person
36 to enter the vehicular crossing or toll highway without a
37 transponder or other electronic toll payment device associated with

1 a valid Automatic Vehicle Identification account with a balance
2 sufficient to pay those tolls.

3 (c) For vehicular crossings and toll highways where the issuing
4 agency, as defined in Section 40250, permits pay-by-plate payment
5 of tolls and other charges in accordance with policies adopted by
6 the issuing agency, it is prima facie evidence of a violation of this
7 section for a person to enter the vehicular crossing or toll highway
8 without at least one of the following:

9 (1) Lawful money of the United States in the person’s immediate
10 possession in an amount sufficient to pay the prescribed tolls or
11 other charges due from that person.

12 (2) A transponder or other electronic toll payment device
13 associated with a valid Automatic Vehicle Identification account
14 with a balance sufficient to pay those tolls.

15 (3) Valid vehicle license plates properly attached pursuant to
16 Section 4850.5 or 5200 to the vehicle in which that person enters
17 onto the vehicular crossing or toll highway.

18 (d) For vehicular crossings and toll highways where the issuing
19 agency, as defined in Section 40250, permits pay-by-plate payment
20 of tolls and other charges in accordance with policies adopted by
21 the issuing agency, and where electronic toll collection is the only
22 other method of paying tolls or other charges, it is prima facie
23 evidence of a violation of this section for a person to enter the
24 vehicular crossing or toll highway without either a transponder or
25 other electronic toll payment device associated with a valid
26 Automatic Vehicle Identification account with a balance sufficient
27 to pay those tolls or valid vehicle license plates properly attached
28 to the vehicle pursuant to Section 4850.5 or 5200 in which that
29 person enters onto the vehicular crossing or toll highway.

30 (e) As used in this article, “pay-by-plate toll payment” means
31 an issuing agency’s use of on-road vehicle license plate
32 identification recognition technology to accept payment of tolls
33 in accordance with policies adopted by the issuing agency.

34 (f) This section does not require an issuing agency to offer
35 pay-by-plate toll processing as a method for paying tolls.

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