

AMENDED IN SENATE MAY 3, 2012
AMENDED IN ASSEMBLY MARCH 28, 2012
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1890

Introduced by Assembly Member Solorio
(Coauthor: Assembly Member Jeffries)
(Coauthor: Senator Cannella)

February 22, 2012

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1890, as amended, 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 5 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.
- 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 as
24 long as the transponder or device is able to be read by the toll
25 operator's detection equipment:
- 26 (A) Place the transponder or other electronic toll payment device
27 in the motorcyclist's pocket.
- 28 (B) Place the transponder or other electronic toll payment device
29 inside a cycle net that drapes over the gas tank of the motorcycle.
- 30 (C) Mount the transponder or other electronic toll payment
31 device on license plate devices provided by the toll operator, if the
32 toll operator provides those devices.
- 33 (D) Keep the transponder or other electronic toll payment device
34 in the glove or storage compartment of the motorcycle.

1 (E) Mount the transponder or other electronic toll payment
2 device on the windshield of the motorcycle.

3 (b) For vehicular crossings and toll highways that use electronic
4 toll collection as the only method of paying tolls or other charges,
5 it is prima facie evidence of a violation of this section for a person
6 to enter the vehicular crossing or toll highway without a
7 transponder or other electronic toll payment device associated with
8 a valid Automatic Vehicle Identification account with a balance
9 sufficient to pay those tolls.

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

16 (1) Lawful money of the United States in the person's immediate
17 possession in an amount sufficient to pay the prescribed tolls or
18 other charges due from that person.

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

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

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

37 (e) As used in this article, "pay-by-plate toll payment" means
38 an issuing agency's use of on-road vehicle license plate
39 identification recognition technology to accept payment of tolls
40 in accordance with policies adopted by the issuing agency.

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

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