

Is Failure to Pay a Toll a Crime?

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Growing up in North Carolina, the only time I saw toll roads was when my family took a road trip out of state. But now that I'm a middle-aged soccer mom, toll roads are an essential part of my weekend travel from soccer fields in one end of Wake County to another. (I know that the state is required to maintain alternate, comparable, non-toll routes, see [G.S. 136-89.197](#), but I can't make it from Knightdale to west Cary in 30 minutes without travelling on a toll road.)

The [Triangle Expressway](#), the state's first and only toll road, has an [open road tolling system](#). This means that drivers traveling on the road are warned that a toll will be assessed, but are not stopped on the highway—or provided a place to stop—to make a cash payment. Instead, motor vehicles entering the expressway travel underneath a camera system that records an electronic image of the vehicle's license plate. And don't get any bright ideas. Willfully covering any part of a registration plate to interfere with a toll collection system is an infraction punishable by a fine of up to \$100. [G.S. 20-63\(g\)](#).

If the vehicle is not equipped with an electronic toll collection transponder linked to an account with sufficient funds to pay the toll, a bill for the toll is then mailed to the registered owner. [G.S. 136-89.214](#). The bill must be mailed within 90 days of the travel. The bill states the date and time of the travel, the toll road traveled upon, and, to further jog the owner's memory, an image of the vehicle's registration plate.

The bill explains how a person may contest liability for the toll. The registered owner must pay unless he or she can establish that the motor vehicle was in the care, custody or control of someone else when it was driven on the toll road. [G.S. 136-89.212](#). This might be the case, for example, for vehicles that have been leased or recently sold. An owner who contends someone else is responsible for payment must submit a sworn affidavit to the [North Carolina Turnpike Authority](#). If the vehicle is leased, the affidavit must be supported by a copy of the lease agreement, and if the vehicle was sold before it was driven on the toll road, the owner must provide documentary evidence of the transfer.

I haven't invested in an [NC Quick Pass](#) toll transponder. My bills for trips down the Triangle Expressway generally arrive about a month after my travel. The Turnpike Authority sets [the rates](#), which vary depending upon where one travels on the road and the number of axles for the motor vehicle driven. Holders of pre-paid NC Quick Pass accounts pay lower rates.

What happens if you don't pay?

Processing fee. I found out the first response the hard way. I received a bill for approximately 80 cents, which I promptly forgot about and failed to pay within thirty days. The next bill was for the original 80 cents plus a \$5 processing fee. The Turnpike Authority is authorized to charge a processing fee of up to \$6, though a person may not be charged more than \$48 in processing fees in a 12-month period. [G.S. 136-89.215](#). Lesson learned here. I haven't paid late again.

Civil penalty. Things get worse for repeat offenders. A person who receives two or more toll bills that are not paid within thirty days is subject to a civil penalty of \$25.00. [G.S. 136-89.216](#). Only one such penalty may be assessed

every six months.

Registration block. If the person still fails to pay, the Turnpike Authority must notify DMV, which then must withhold the registration renewal of any motor vehicle registered in that person's name. [G.S. 20-54](#); [G.S. 136-89.217](#). The Turnpike Authority explains its collections process for delinquent Quick Pass holders [here](#).

It's not a crime. There is no criminal penalty for failure to pay a toll. However, displaying an expired registration plate (which could result from the inability to renew due to unpaid tolls) is a Class 3 misdemeanor. [G.S. 20-111\(2\)](#). So pay those tolls. North Carolina [needs the money](#).