

Regular Session, 2013

HOUSE BILL NO. 654

BY REPRESENTATIVES JIM MORRIS AND ST. GERMAIN AND SENATOR ADLEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TRANSPORTATION: Provides with respect to toll violations

1 AN ACT

2 To amend and reenact R.S. 47:820.5.4(F) and (G)(1)(a) and to enact R.S. 47:820.5.4(B)(8)
3 and (9), relative to toll violations; to provide with respect to appeal procedures for
4 toll violations; to provide for notice requirements for appeal of toll violations; to
5 provide for late charges associated with toll violations; to provide for definitions; to
6 provide for effectiveness; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 47:820.5.4(F) and (G)(1)(a) are hereby amended and reenacted and
9 R.S. 47:820.5.4(B)(8) and (9) are hereby enacted to read as follows:

10 §820.5.4. LA 1 Project toll violations

11 * * *

12 B. Terms as defined in R.S. 32:1 shall retain such definitions, unless such
13 term or terms are specifically defined in this Subsection. As used in this Section,
14 unless the context otherwise indicates, the following terms shall have the following
15 meanings:

16 * * *

17 (8) "Electronic mail" means a message, file, or other information that is
18 transmitted through a local, regional, or global computer network.

19 (9) "Electronic mail address" means a destination, commonly expressed as
20 a string of characters, to which electronic mail may be sent or delivered.

21 * * *

1 F. The following procedures shall be taken for the collection of tolls,
2 administrative fees, and late charges under this Section:

3 (1) The LTA shall send a violation notice by first-class mail to a person
4 alleged to be liable as a registered owner of the vehicle at the address shown on the
5 records of the Louisiana Department of Public Safety and Corrections, office of
6 motor vehicles. The LTA may aggregate multiple violations in one violation notice.
7 A manual or automatic record of the mailing prepared in the ordinary course of
8 business of the LTA is prima facie evidence of the mailing of the notice.

9 (2) The violation notice shall include the name and address of the person
10 alleged to be liable as a registered owner for the failure to pay a toll or tolls under
11 this Section, the amount of the toll or tolls not paid, the registration number of the
12 vehicle or trailer involved, the date and the approximate time of the failure or failures
13 to pay the toll or tolls, the administrative fees due, an electronic mail address and
14 physical or post office box mailing address to which an appeal may be sent, and such
15 other information as the LTA may deem appropriate.

16 (3) The violation notice shall also include a warning that the registered
17 owner must pay the toll or tolls and administrative fees stated in the notice or appeal
18 the violation by making a request for a hearing to the LTA within thirty days after
19 issuance and describe the means and content of the response for payment or appeal.
20 The violation notice shall also include a statement notifying the registered owner that
21 he may waive his right to a hearing by notifying the LTA that he is waiving this right
22 and appealing the violation by request for a written disposition. The failure of the
23 registered owner to appeal the violation in ~~the manner~~ one of the manners provided
24 and within the delays allowed shall be deemed to be an admission of liability and a
25 waiver of available defenses.

26 (4) Within thirty calendar days after the date of the issuance of the violation
27 notice, the registered owner to whom the violation notice is issued must either pay
28 the tolls and administrative fees provided by this Section, ~~send a written dispute by~~

1 ~~mail or appeal the violation~~ as provided by this Section, ~~or request a hearing as~~
2 ~~provided by this Section.~~

3 (5) The registered owner may, ~~without waiving the right to a hearing as~~
4 ~~provided by this Section, and also,~~ without waiving judicial review, appeal a
5 violation notice by notifying the LTA in writing, by either mail or electronic mail,
6 that he is waiving his right to a hearing and ~~receive~~ requests a review and written
7 disposition of the violation from a LTA violation clerk by mail or electronic mail.

8 This appeal ~~by mail~~ must contain a signed statement from the registered owner
9 explaining the basis for the appeal. The signed statement must be accompanied by
10 signed statements from witnesses, police officers, government officials, or other
11 relevant parties or photographs, diagrams, maps, or other relevant documents that the
12 registered owner determines to submit. Statements or materials sent to a violation
13 clerk for review must have attached to them the name, ~~and address,~~ and electronic
14 mail address of the registered owner as well as the number of the violation notice and
15 the date of the violation. All information submitted by the registered owner becomes
16 part of the violation record. The violation clerk shall, within sixty days of receipt of
17 such material, review the material and dismiss or uphold the violation and notify the
18 registered owner of the disposition of the ~~violation hearing~~ in writing by mail or
19 electronic mail. If the appeal ~~by mail~~ by request for written disposition is denied, the
20 violation clerk shall explain the reasons for the determination. The violation clerk
21 shall have the authority to waive the administrative fees, in whole or in part, for good
22 cause shown.

23 (6) A registered owner issued a violation notice may make a written
24 statement for an appeal hearing before an agent designated by the LTA. The
25 violation clerk shall, within thirty days of receipt of a request for an appeal, notify
26 the registered owner in writing by first-class mail of the date, time, and place of the
27 hearing. The hearing shall be informal, the rules of evidence shall not apply, the
28 Administrative Procedure Act shall not apply, and the decision of the agent shall be
29 final, subject to a judicial review. The parties to the appeal hearing shall be notified

1 in person or by mail or electronic mail of the decision following the hearing. Each
2 written appeal decision shall contain a statement of reasons for the decision,
3 including a determination of each issue of fact necessary to the decision. Failure to
4 appear at the date, time, and place specified on the hearing notice shall automatically
5 result in denial of the appeal. The hearing agent shall have the authority to waive
6 administrative fees, in whole or in part, for good cause shown.

7 (7) Electronic mail sent by the registered owner to the address provided in
8 the violation notice shall be presumptive evidence of receipt by the LTA. Electronic
9 mail sent by the LTA to the address provided by the registered owner shall be
10 presumptive evidence of receipt by the registered owner.

11 G.(1) Failure to comply with the requirements of this Section shall result in
12 the following late charges or sanctions, or both, against the registered owner:

13 (a) The LTA may assess the following ~~late charges~~ penalties for late
14 payment, for failure to pay, or for otherwise failing to respond or both against the
15 registered owner:

16 (i) A registered owner who fails to pay the administrative fees specified in
17 a violation notice and who fails to appeal a violation notice as provided by this
18 Section within thirty calendar days after the date of the issuance of the violation
19 notice shall incur a late charge of five dollars. A registered owner who fails to
20 respond to a violation notice within sixty calendar days after the date of issuance of
21 the violation notice shall not be able to renew his driver's license until all matters
22 regarding the alleged toll violation are disposed of in accordance with law. The
23 violation clerk shall notify the registered owner by first-class mail of ~~this first notice~~
24 of delinquency this delinquency and consequences thereof.

25 (ii) ~~A registered owner who fails to respond to a violation notice as provided~~
26 ~~by this Section within forty-five days after the date of the issuance of the violation~~
27 ~~notice shall incur an additional late charge of fifteen dollars. The violation clerk~~
28 ~~shall notify the registered owner by first-class mail of this notice of delinquency.~~

1 (iii) A registered owner who fails to respond to a violation notice as provided
 2 by this Section within sixty calendar days after the date of the issuance of the
 3 violation notice shall ~~incur an additional late charge of twenty dollars~~ be prohibited
 4 from renewing his driver's license. The violation clerk shall notify ~~the registered~~
 5 ~~owner by first-class mail of this notice of delinquency and, in addition, notify the~~
 6 Louisiana office of motor vehicles of this delinquency. Upon notice from a violation
 7 clerk of the LTA, the office of motor vehicles shall place the matter on record and
 8 shall not renew the driver's license of the registered owner or the registration of the
 9 vehicle until after notice from the violation clerk that the matters have been disposed
 10 of in accordance with law.

11 * * *

12 Section 2. This Act shall become effective upon signature of the governor or, if not
 13 signed by the governor, upon expiration of time for bills to become law without signature
 14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 15 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 16 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Jim Morris

HB No. 654

Abstract: Provides with respect to method of notice of toll violations and delinquencies. Removes certain late charges. Allows for communication regarding toll violations to be made by electronic mail.

Present law provides that no motor vehicle shall be driven and no motor vehicle shall be towed through a toll collection facility on the LA 1 Project without payment of the proper toll.

Present law further provides that in the event of the nonpayment of the proper tolls on the LA 1 Project, the registered owner of such vehicle or trailer shall be liable to make prompt payment of the proper toll and, in certain circumstances, an administrative fee of \$25 to recover the cost of collecting the toll.

Present law provides that for alleged toll violations on the LA 1 Project, a notice violation is sent to a person alleged to be liable as the registered owner of the vehicle and for basic requirements for the contents of the violation notice.

Proposed law retains present law.

Proposed law defines "electronic mail" and "electronic mail address" for purposes of toll violations associated with the LA 1 Project.

Proposed law provides that the notice violation required to be sent to persons alleged to be liable for toll violations on the LA 1 Project contain, in addition to the basic requirements in present law, an electronic mail address and physical or post office mailing address to which an appeal may be sent.

Present law requires that the notice violation, for toll violations alleged to have occurred on the LA 1 Project, also include a warning that the registered owner pay the toll and administrative fees stated in the notice or appeal the violation within 30 days after the issuance of the notice.

Proposed law retains present law.

Present law provides that a registered owner, for toll violations alleged to have occurred on the LA 1 Project, may appeal an alleged toll violation by, without waiving his right to a hearing, by receiving a review and written disposition within 60 days of receipt of all required material. This appeal may be made without waiving a right to a hearing as provided in present law.

Present law provides that a registered owner may, for toll violations alleged to have occurred on the LA 1 Project, appeal a violation notice by making a written statement for an appeal hearing before a designated agent. The parties are notified of the decision following the hearing in person or by mail.

Proposed law requires that the notice violation, for toll violations alleged to have occurred on the LA 1 Project, include a warning that the registered owner pay the toll and administrative fees stated in the notice appeal the violation by making a request for a hearing within 30 days after the issuance of the notice. Proposed law requires the violation notice to contain a statement notifying the registered owner that he may waive his right to a hearing by giving notification that he is doing so and appealing the violation by request for written disposition.

Proposed law provides that a registered owner, for toll violations alleged to have occurred on the LA 1 Project, may waive his right to a hearing, by notification by either mail or electronic mail, and appeal an alleged toll violation by receiving a review and written disposition within 60 days of receipt of all required material. This appeal may be made without waiving a right to a hearing as provided in present law.

Present law provides that a registered owner may, for toll violations alleged to have occurred on the LA 1 Project, appeal a violation notice by making a written statement for an appeal hearing before a designated agent.

Proposed law provides that a registered owner may, for toll violations alleged to have occurred on the LA 1 Project, appeal a violation notice by making a written statement for an appeal hearing before a designated agent. The parties are notified of the decision following the hearing in person, by mail, or electronic mail.

Proposed law provides that, for communications about toll violations alleged to have occurred on the LA 1 Project, electronic mail sent by the registered owner to the address provided in the violation notice shall be presumptive evidence of receipt. Electronic mail sent to the address provided by the registered owner shall be presumptive evidence of receipt by the registered owner.

Present law provides that, for toll violations alleged to have occurred on the LA 1 Project, a registered owner who fails to pay the administrative fees stated in a violation notice and to appeal a violation notice within 30 days of its issuances shall incur a late charge of \$5 and that the owner shall be notified of this by first-class mail.

Proposed law retains present law for toll violations alleged to have occurred on the LA 1 Project.

Present law provides, for toll violations alleged to have occurred on the LA 1 Project, that a registered owner who fails to respond to a violation notice within 45 days after the date of issuance of the violation notice shall incur an additional late charge of \$15 dollars and that the registered owner shall be notified of this by mail.

Proposed law removes present law, including the imposition of the \$15 additional late fee.

Present law provides, for toll violations alleged to have occurred on the LA 1 Project, that registered owners who fail to respond to a violation notice within 60 calendar days after the issuance of the notice shall incur an additional late charge of \$20. The registered owner and the office of motor vehicles shall be notified of this delinquency. The office of motor vehicles shall place the matter on record and not renew the driver's license of the registered owner until notice that all matters regarding the alleged toll violation have been disposed of in accordance with law.

Proposed law removes, for toll violations alleged to have occurred on the LA 1 Project, the additional late charge of \$20 and requirement that a notice of delinquency be sent to the registered owner 60 days after the date of the issuance of the violation.

Proposed law provides that a registered owner who fails to respond to a violation notice, issued for toll violations alleged to have occurred on the LA 1 Project, within 60 calendar days after the date of the issuance of the violation notice shall be prohibited from renewing his driver's license. This shall be communicated to the registered owner in the notice of delinquency sent 30 days after the issuance of the notice of violation. The office of motor vehicles shall be notified of this delinquency. Upon notice from a violation clerk, the office of motor vehicles shall place the matter on record and shall not renew the driver's license of the registered owner or the registration of the vehicle until after notice from the violation clerk that the matters have been disposed of in accordance with law.

(Amends R.S. 47:820.5.4(F) and (G)(1)(a); Adds R.S. 47:820.5.4(B)(8) and (9))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill.

1. Made technical changes.
2. Removed amendments to statutory provision regarding toll violations on the Crescent City Connection.