

Regular Session, 2013

# ACT No. 206

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.

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 \* \* \*

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

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

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

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

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

29 (5) The registered owner may, ~~without waiving the right to a hearing as~~  
30 ~~provided by this Section, and also~~, without waiving judicial review, appeal a

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

19 (6) A registered owner issued a violation notice may make a written  
20 statement for an appeal hearing before an agent designated by the LTA. The  
21 violation clerk shall, within thirty days of receipt of a request for an appeal, notify  
22 the registered owner in writing by first-class mail of the date, time, and place of the  
23 hearing. The hearing shall be informal, the rules of evidence shall not apply, the  
24 Administrative Procedure Act shall not apply, and the decision of the agent shall be  
25 final, subject to a judicial review. The parties to the appeal hearing shall be notified  
26 in person or by mail or electronic mail of the decision following the hearing. Each  
27 written appeal decision shall contain a statement of reasons for the decision,  
28 including a determination of each issue of fact necessary to the decision. Failure to  
29 appear at the date, time, and place specified on the hearing notice shall automatically

1 result in denial of the appeal. The hearing agent shall have the authority to waive  
 2 administrative fees, in whole or in part, for good cause shown.

3 (7) Electronic mail sent by the registered owner to the address provided in  
 4 the violation notice shall be presumptive evidence of receipt by the LTA. Electronic  
 5 mail sent by the LTA to the address provided by the registered owner shall be  
 6 presumptive evidence of receipt by the registered owner.

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

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

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

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

25 (iii) A registered owner who fails to respond to a violation notice as provided  
 26 by this Section within sixty calendar days after the date of the issuance of the  
 27 violation notice shall ~~incur an additional late charge of twenty dollars~~ be prohibited  
 28 from renewing his driver's license. The violation clerk shall notify ~~the registered~~  
 29 ~~owner by first-class mail of this notice of delinquency and, in addition, notify the~~  
 30 Louisiana office of motor vehicles of this delinquency. Upon notice from a violation

1 clerk of the LTA, the office of motor vehicles shall place the matter on record and  
 2 shall not renew the driver's license of the registered owner or the registration of the  
 3 vehicle until after notice from the violation clerk that the matters have been disposed  
 4 of in accordance with law.

5 \* \* \*

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_