

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIFTEEN

—
H.P. 682 - L.D. 987

An Act To Suspend the Right of an Out-of-state Toll Violator To Operate a Motor Vehicle on Maine Roads

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 23 MRSA §1980, sub-§2-A, ¶C, as amended by PL 2011, c. 476, §5, is further amended to read:

C. The following procedures must be followed for the collection of tolls, administrative fees and civil penalties under this subsection.

(1) The authority shall send a notice of liability by first class mail to a person alleged to be liable as a registered owner under this subsection. The notice must be sent to the address of the registered owner on record with the authority if the registered owner is an electronic toll collection patron of the authority or, if no such record exists, the address of the registered owner on record with the Secretary of State. If no address is on record with the authority or the Secretary of State, the notice may be sent to an address for the registered owner obtained by the authority through other reasonable means, including but not limited to through databases compiled by law enforcement or other government agencies. A written statement by the authority that the notice of liability has been mailed is prima facie evidence of the mailing of the notice.

(2) A notice of liability must include ~~the name and address of the person alleged to be liable as a registered owner for the failure to pay a toll under this subsection,~~ the amount of the unpaid toll ~~not paid~~, the registration number of the vehicle involved, the toll collection facility at which the failure to pay occurred and the date and the approximate time of the failure. The notice must also include the name, address and telephone number of the violation clerk responsible for enforcing the penalty for the failure to pay.

(3) A notice of liability must ~~include information advising the person liable under this subsection of the manner and time in which~~ state how the alleged liability alleged in the notice may be contested and must identify the statutory defenses described in paragraph E. The notice must also include a warning that

failure to contest in the manner and time provided is an admission of liability and a waiver of ~~available~~ defenses and that failure to pay or respond may result in revocation of the registration certificate and plates issued for the a motor vehicle registered in the State or suspension of the right to operate the motor vehicle in this State if it is registered in another jurisdiction.

(4) Within 30 calendar days after the date of ~~the~~ issuance of the notice of liability, the registered owner ~~to whom the notice is issued must~~ shall:

(a) Pay the amount of the toll for which the person is liable, the civil penalty or penalties provided for in paragraph A and an administrative fee of \$20 for each unpaid toll for which the person is liable ~~but has not paid~~;

(b) Send a written dispute by mail to the violation clerk named in the notice, as provided by paragraph I; or

(c) Request a hearing with the violation clerk named in the notice as provided by paragraph J.

Sec. 2. 23 MRSA §1980, sub-§2-A, ¶G, as amended by PL 2011, c. 476, §6, is further amended to read:

G. The authority shall notify the Secretary of State, who shall, in accordance with Title 29-A, section 154, subsection 6, suspend the registration certificate and plates issued for the vehicle involved in the alleged failure to pay if that vehicle is registered in this State or, if that vehicle is registered in another jurisdiction, suspend the right to operate the motor vehicle in accordance with Title 29-A, section 2461 if a registered owner:

(1) Does not dispute a notice of liability or pay the tolls, administrative fees and civil penalties as required by paragraph C, subparagraph (4);

(2) Does not pay the required tolls, administrative fees and civil penalties within 30 days of a final ~~decision of a violation clerk~~ determination of liability as provided in paragraphs I and J; or

~~(3) Does not pay the required tolls, administrative fees and civil penalties within 30 days of final adjudication of liability under paragraph K; or~~

(4) Does not pay the required tolls, administrative fees or civil penalties within 30 days of a final ~~adjudication~~ determination of liability by an away agency with whom the authority has a reciprocal collection arrangement under subsection 2-C.

When notifying the Secretary of State under this paragraph, the authority shall send a notice by first class mail informing the registered owner of the pending suspension.

Sec. 3. 29-A MRSA §154, sub-§6, as amended by PL 2003, c. 591, §4, is further amended to read:

6. Recovery of turnpike tolls. Upon receipt of notice from the Maine Turnpike Authority in accordance with Title 23, section 1980, subsection 2-A, paragraph G, the Secretary of State, ~~in accordance with section 2482,~~ shall ~~mail the required 10-day notice~~

and suspend the registration certificate and plates issued for the vehicle in question. If the motor vehicle is registered in another jurisdiction, the Secretary of State shall suspend the owner's right to operate the motor vehicle in this State in accordance with section 2461. The Secretary of State shall mail a notice of suspension to the registered owner at the last name and address on record with the Secretary of State, which may include an address obtained by reasonable means under Title 23, section 1980, subsection 2-A, paragraph C. The suspension takes effect on the date specified in the notice, which may not be less than 10 days after the mailing of the notification. The Secretary of State may not reinstate the registration certificate and plates or restore the owner's right to operate the motor vehicle in the State until the Maine Turnpike Authority ~~provides notice~~ notifies the Secretary of State that the toll and applicable ~~fin~~ fees and penalties have been paid. Notwithstanding any other provision of law, Title 5, section 9052, subsection 1 does not apply to a notice of suspension issued pursuant to this subsection.

Sec. 4. 29-A MRSA §2069, sub-§3, as amended by PL 2009, c. 493, §1, is further amended to read:

3. Vehicle used in connection with a crime or operating after suspension traffic infraction. A law enforcement officer may cause the removal to a suitable parking place of a vehicle connected with ~~the arrest of the operator or owner of a vehicle or with the issuance of a summons for a traffic infraction as described in section 2412-A, subsection 8 or used in connection with the commission of a crime.;~~

A. The arrest of the operator or owner of that vehicle;

B. The issuance of a summons for a traffic infraction as described in section 2412-A, subsection 8;

C. A suspended registration pursuant to Title 23, section 1980 or the suspension of the owner's right to operate the vehicle pursuant to section 2461 for failure to pay a toll; or

D. The commission of a crime.

When a vehicle has been removed pursuant to paragraph C, the vehicle may be released only after the tolls, fees and penalties have been paid and the vehicle's registration has been reinstated or the owner's right to operate the vehicle has been restored.