Regular Session, 2014 **ENROLLED**

SENATE BILL NO. 500

BY SENATOR HEITMEIER

AN ACT

To enact R.S. 9:154.3 and R.S. 47:7019.2, relative to collection of tolls and fees; to provide for the refund of monies paid by certain persons for a toll violation during the amnesty period to the Department of Transportation and Development; to provide with respect to such refunds; to declare certain funds as abandoned unclaimed property; to provide for the disposition of certain abandoned unclaimed funds; to create the Crescent City Amnesty Refund Fund as a special fund in the state treasury and provide for the disposition of monies in the fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:154.3 is hereby enacted to read as follows:

§154.3. Crescent City Connection amnesty program; Crescent City Amnesty Refund Fund; disposition

A. Notwithstanding the provisions of R.S. 9:154 or any other provision of law to the contrary, the provisions of this Section shall apply to monies collected as a result of the amnesty program provided for in R.S. 47:7019.1 for those persons who failed to pay a toll to cross the Crescent City Connection Bridge, prior to January 1, 2013.

B. Notwithstanding the provisions of R.S. 48:1161.2(D)(c), and prior to appropriation of any monies to the New Orleans Regional Planning Commission, on July 1, 2014, one hundred twenty-eight thousand six hundred eighty-one dollars of monies on deposit in the Crescent City Transition Fund shall be deemed abandoned funds for the purposes of treatment as unclaimed property in accordance with the provisions of this Section.

C. Funds that are deemed abandoned funds pursuant to this Section shall be immediately transferred from the Crescent City Transition Fund by the

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state treasurer in his capacity as administrator of the Uniform Unclaimed Property Act. The state treasurer shall deposit these funds into the Crescent City Amnesty Refund Fund as provided in this Section, and shall provide for the return of such funds to their owners in accordance with the Uniform Unclaimed Property Act during the term set forth in R.S. 47:7019.2. The state treasurer shall further provide for the payment of all unexpended and unencumbered funds remaining in the Crescent City Amnesty Refund Fund as of July 1, 2015, in accordance with the provisions of this Section.

D.(1) There is hereby created the Crescent City Amnesty Refund Fund as a special fund in the state treasury, hereinafter referred to as the "fund". The source of monies for the fund shall be the monies transferred from the Crescent City Transition Fund as provided for this Section.

(2) After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund, an amount equal to that deposited into the state treasury from the foregoing sources shall be deposited in and credited to the fund. The monies in the fund shall be invested by the treasurer in the same manner as the state general fund, and interest earnings shall be deposited into the fund.

(3) All unexpended and unencumbered monies remaining in the fund on July 1, 2015, shall be appropriated as follows:

(a) An amount not to exceed thirty percent of the monies in the fund shall be appropriated to the Department of Transportation and Development for operational and maintenance costs for the New Orleans ferries, formerly operated by its Crescent City Connection Division.

(b) The balance of the monies in the fund as of July 1, 2015, shall be appropriated to the New Orleans Regional Planning Commission for lighting of the eastbank and westbank approaches to the Crescent City Connection Bridge, including General DeGaulle and the Westbank Expressway approach through ground level, improvements to ingress and egress points, lighting, maintenance, grass cutting, and landscaping of the Westbank Expressway and

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its connecting arteries.

(4) The state treasurer shall be relieved of all liability which may arise with respect to such distribution of funds.

E. All data associated with monies deposited into the Crescent City Transition Fund that was collected by the Department of Transportation and Development pursuant to R.S. 47:7013.1 shall be transferred by such department to the state treasurer pursuant to this Section and shall be provided by such department to the Unclaimed Property Division in an electronic format as designated by such division.

F. For the purposes of this Section, holder requirements under R.S. 9:159 shall be deemed waived.

G. The state treasurer in his capacity as administrator of the Uniform Unclaimed Property Act may establish policies and procedures as necessary to implement the provisions of this Section.

H. All books, papers, and records transferred to the state treasurer pursuant to this Section shall be retained for a period of no less than five years following such transfer.

I. The provisions of this Section shall supersede and control to the extent of conflict with any other provision of law.

Section 2. R.S. 47:7019.2 is hereby enacted to read as follows:

§7019.2. Collection of tolls, fees, and charges on Crescent City Connection Bridge; amnesty program; refunds

A. Any person, who availed themselves of the toll violation amnesty program as provided in R.S. 47:7019.1 and made payment for a toll violation to the Department of Transportation and Development during the amnesty period shall be entitled to a refund of such monies paid if he applies to the state treasurer, as administrator of the Uniform Unclaimed Property Act, for the refund within the refund time period provided for in this Section and if he satisfies one of the following circumstances:

(1) Such person possessed a valid toll tag and payment account, but due

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to no fault of his own, his toll payment account was not accessed for payment.

(2) Such person did not possess a valid toll tag and made payment for fewer than five toll violations.

B.(1) The state treasurer, as administrator of the Uniform Unclaimed Property Act, shall establish a program to refund monies collected during the amnesty period for a toll violation from any person who satisfies one of the circumstances provided in Subsection A of this Section and who contacts the state treasurer for a refund and provides the state treasurer with sufficient proof of the payment made that satisfied the circumstances of Subsection A of this Section. Any refund payment shall be made by the treasurer from the Crescent City Amnesty Refund Fund as provided in R.S. 9:154.3.

(2)(a) The state treasurer shall begin conducting the program no later than October 1, 2014, and shall terminate the program on June 30, 2015.

(b) The state treasurer shall publicize the program in order to maximize the public awareness of and participation in the program.

(c) After June 30, 2015, the state treasurer, as administrator of the Uniform Unclaimed Property Act, shall have no obligation to refund monies collected during the amnesty period for a toll violation which satisfies the circumstances of Subsection A of this Section.

C. The provisions of Subsections A and B of this Section shall terminate on June 30, 2015.

D. Notwithstanding the provisions of R.S. 47:7019.1(C)(6)(b), or any other law to the contrary, no action shall be taken to collect a toll violation from any person who possessed a valid toll tag and payment account but, due to no fault of his own, the toll payment account was not accessed for payment.

E. Notwithstanding the provisions of any other law to the contrary, the Department of Transportation and Development, the attorney general, or the Department of Revenue, office of debt recovery, as applicable, shall provide the state treasurer with the records in each department's possession of all payments made during the amnesty period for toll violations which satisfied the

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circumstances of Subsection A of this Section.

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

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PRESIDENT OF THE SENATE

_____
SPEAKER OF THE HOUSE OF REPRESENTATIVES

_____
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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