

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 567

2019 Regular Session

Larvadain

TRANSPORTATION: Provides relative to Louisiana Transportation Authority and Department of Transportation and Development toll violation enforcement

Synopsis of Senate Amendments

1. Extends the toll collection and enforcement authority of the La. Transportation Authority (LTA) and the Dept. of Transportation and Development (DOTD) to any state-owned facility.
2. Defines electronic mail, electronic mail address, electronic toll collection (ETC), pay, photo-monitoring system, toll or tolls, toll tag, valid toll-tag account, operating entity, and private entity.
3. Requires payment of a proper toll for a motor vehicle driven or towed, and a trailer towed through a state-owned toll facility, and provides a \$25 administrative fee for the cost of collection for failure to remit payment of a proper toll.
4. Authorizes the department to assess administrative fees and late charges to a registered owner responsible for failing to pay a toll, and preempts a defense by a registered owner that he was not operating the vehicle at the time of the failure to pay the toll, unless the registered owner makes a report to a law enforcement officer or agency that the motor vehicle or trailer was stolen before the failure to pay occurs or within 48 hours after the owner becomes aware of the theft.
5. Requires the department to adopt policies and procedures for the collection of tolls, administrative fees, and late charges.
6. Provides the department with options for administering late charges or sanctions, or both for registered owners who fail to comply with the requirements of proposed law.
7. Authorizes the department to pursue appropriate civil and criminal action to collect the tolls, administrative fees, and late charges assessed in the violation notice.
8. Provides that a photograph, microphotograph, videotape, or other recorded image produced by a photo-monitoring device is admissible in a proceeding to collect a toll or other charge of the department, to collect criminal penalties imposed, or to impose criminal liability for a failure to pay the toll or charge.
9. Authorizes an original or facsimile of a certificate, sworn to or affirmed by an agent of the department that states that a failure to pay has occurred and states that it is based upon a personal inspection of a photograph, microphotograph, videotape, or other recorded image produced by a photo-monitoring system to be used as prima facie evidence of the facts.
10. Provides that a photograph, microphotograph, videotape, or other recorded image prepared for enforcement of tolls is for the exclusive use of the department.
11. Authorizes the department to designate one or more violation clerks and agents to perform the functions provided for in proposed law at the Dept.'s discretion for as finite or indefinite a period as the department chooses.

12. Authorizes the department to contract with an operating entity to carry out the provisions of proposed law.
13. Adds a provision that proposed law will become effective upon signature of the governor.

Digest of Bill as Finally Passed by Senate

Present law authorizes the La. Transportation Authority (LTA) and the Dept. of Transportation and Development (DOTD) to impose and collect tolls, and exercise as much police power as necessary to maintain the peace and accomplish the orderly handling of authority.

Proposed law extends this authority to all state-owned toll facilities and allows the DOTD and the LTA to delegate this authority to any private entity acting on their behalf in the operation of a toll facility.

Proposed law defines "electronic mail" as message, file, or other information transmitted through a local, regional, or global computer network.

Proposed law defines "electronic mail address" as a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.

Proposed law defines "electronic toll collection" or "ETC" means a system of collecting tolls or charges capable of charging an account holder for the appropriate toll by transmission of information between a device on a motor vehicle and a toll collection facility.

Proposed law defines "pay" as paying a toll by cash, by permitting a charge against a valid toll-tag account with the department, or by any other means of payment approved by the department.

Proposed law defines "photo-monitoring system" as a motor vehicle sensor installed to work in conjunction with a toll collection facility that automatically produces a photograph, microphotograph, videotape, or other recorded image of a motor vehicle or trailer when the operator of the motor vehicle fails to pay a toll.

Proposed law defines "toll" or "tolls" as any fee, or charge imposed, revised, and adjusted from time to time for the use of a state-owned transportation facility.

Proposed law defines "toll tag" as an electronic device issued for use with an ETC on any state-owned toll transportation facility.

Proposed law defines "valid toll-tag account" as a toll-tag account with the department that has a balance of not less than fifty cents.

Proposed law defines "operating entity" as any entity operating a toll facility subject to the requirements of proposed law.

Proposed law defines "private entity" as a corporation, limited partnership, general partnership, limited liability company, joint venture, business trust, or other business entity.

Proposed law prohibits motor vehicles or trailers being towed from being driven or towed through any state-owned toll collection facility without payment of the proper toll. Proposed law further provides that in the event of nonpayment of a proper toll, the registered owner of such vehicle or trailer is liable to make prompt payment to the LTA of the proper toll and

in certain circumstances, an administrative fee of \$25 dollars to recover the cost of collecting the toll.

Proposed law provides procedures for the collection of tolls, administrative fees, and late charges by the department pursuant to proposed law.

Proposed law authorizes the department to penalize a registered owner five dollars for failure to pay the administrative fees specified in a violation notice and failure to appeal a violation notice within 30 calender days after issuance. Proposed law further authorizes the department to notify the La. office of motor vehicles to prohibit a registered owner from renewing their driver's license for failure to respond to a violation notice within 60 calender days after issuance with the violation clerk notifying the La. office of motor vehicles of this delinquency.

Proposed law provides that a photograph, microphotograph, videotape, or other recorded image produced by a photo-monitoring device is admissible in a proceeding to collect a toll or other charge of the department, to collect criminal penalties imposed, or to impose criminal liability for a failure to pay the toll or charge.

Proposed law authorizes an original or facsimile of a certificate, sworn to or affirmed by an agent of the department that states that a failure to pay has occurred and states that it is based upon a personal inspection of a photograph, microphotograph, videotape, or other recorded image produced by a photo-monitoring system to be used as prima facie evidence of the facts.

Proposed law provides that a photograph, microphotograph, videotape, or other recorded image prepared for enforcement of tolls is for the exclusive use of the department.

Proposed law authorizes the department to designate one or more violation clerks and agents to perform the functions provided for in proposed law at the department's discretion for as finite or indefinite a period as the department chooses.

Proposed law authorize the department to contract with an operating entity to carry out the provisions of proposed law.

(Adds R.S. 47:820.4.1)

Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Provide definitions for "operating entity" and "private entity".
3. Require the Dept. of Transportation and Development (DOTD), in consultation with a private entity, through comprehensive agreement, to set forth policies and procedures for the collection of tolls, administrative fees, and late charges authorized by present law for future state-owned toll facilities and makes the polices and procedures applicable to DOTD or a private entity.
4. Require DOTD, in consultation with a private entity, to set forth policies and procedures within the comprehensive agreement for a registered owner that fails to comply with the requirements of present law, such as late charges or sanctions, or both against the registered owner.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.