

## RÉSUMÉ DIGEST

ACT 361 (HB 567)

2019 Regular Session

Larvadain

Existing 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.

New 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.

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

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

New law defines "electronic toll collection" or "ETC" as 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.

New 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.

New 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.

New 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.

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

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

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

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

New 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. New 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.

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

New 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 calendar days after issuance. New 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 calendar days after issuance with the violation clerk notifying the La. office of motor vehicles of this delinquency.

New 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.

New 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.

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

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

New law authorizes the department to contract with an operating entity to carry out the provisions of new law.

Effective June 11, 2019.

(Adds R.S. 48:250.4.1)