
SENATE COMMITTEE AMENDMENTS

2019 Regular Session

Amendments proposed by Senate Committee on Transportation, Highways and Public
Works to Reengrossed House Bill No. 567 by Representative Larvadain

AMENDMENT NO. 1

On page 1, delete lines 2 through 6 and insert the following:

"To enact R.S. 48:250.4., relative to toll collection and enforcement; to provide with respect to the collection of tolls and enforcement on a state-owned toll facility by the Department of Transportation and Development; to provide for definitions; to provide for procedures; and to provide for related matters."

AMENDMENT NO. 2

On page 1, delete lines 8 through 20 and delete pages 2 through 7 and insert the following:

"Section 1. R.S. 48:250.4.1 is hereby enacted to read as follows:

§48:250.4.1. State-owned toll facilities; toll collection and enforcement

A. Pursuant to R.S. 48:250.4, the department may exercise so much of the police powers of the state as shall be necessary to maintain the peace and accomplish the orderly handling of authority, subject to the provisions of this Section. The department's exercise of these powers shall extend to any state-owned toll facility. The department may delegate the exercise of these powers to any private entity acting on its behalf in the operation of a toll facility.

B. Terms as defined in R.S. 32:1 shall retain such definitions, except as specifically defined in this Subsection. As used in this Section, unless the context indicates otherwise, the following terms have the following meanings:

(1) "Electronic mail" means a message, file, or other information transmitted through a local, regional, or global computer network.

(2) "Electronic mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.

(3) "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.

(4) "Pay" means 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.

(5) "Photo-monitoring system" means 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.

(6) "Toll" or "tolls" means any fee, or charge imposed, revised, and adjusted from time to time for the use of a state-owned transportation facility.

(7) "Toll tag" means an electronic device issued for use with an ETC on any state-owned toll transportation facility.

(8) "Valid toll-tag account" means a toll-tag account with the department that has a balance of not less than fifty cents.

(9) "Operating entity" means any entity operating a toll facility subject to

1 the requirements of this Section.

2 (10) "Private entity" means a corporation, limited partnership, general
 3 partnership, limited liability company, joint venture, business trust, or other business
 4 entity.

5 C. No motor vehicle shall be driven and no motor vehicle or trailer shall be
 6 towed through any state-owned toll collection facility without payment of the proper
 7 toll. If the proper toll is not paid, as evidenced by video or electronic recording, the
 8 registered owner of such vehicle or trailer shall be liable to make prompt payment
 9 to the department of the proper toll and an administrative fee of twenty-five dollars
 10 to recover the cost of collecting the toll.

11 D. The registered owner is prima facie responsible for the payment of the
 12 toll, administrative fees, and late charges that the department may assess pursuant
 13 to this Section. It is not a defense to liability for payment under this Section that a
 14 registered owner was not operating the motor vehicle or trailer at the time of the
 15 failure to pay the toll, except that the registered owner shall not be liable under this
 16 Section when the registered owner makes a report to a law enforcement officer or
 17 agency that the motor vehicle or trailer was stolen before the failure to pay a toll
 18 occurs or within forty-eight hours after the registered owner becomes aware of the
 19 theft.

20 E. The department shall adopt policies and procedures for the collection of
 21 tolls, administrative fees, and late charges authorized pursuant to this Section, in
 22 accordance with the Administrative Procedure Act.

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

25 (a) The department may assess the following penalties for late payment, for
 26 failure to pay, or for otherwise failing to respond, or both, against the registered
 27 owner:

28 (i) A registered owner who fails to pay the administrative fees specified in
 29 a violation notice and who fails to appeal a violation notice as provided by this
 30 Section within thirty calendar days after the date of the issuance of the violation
 31 notice shall incur a late charge of five dollars. A registered owner who fails to
 32 respond to a violation notice within sixty calendar days after the date of issuance of
 33 the violation notice shall not be able to renew his driver's license until all matters
 34 regarding the alleged toll violation are disposed of in accordance with law. The
 35 violation clerk shall notify the registered owner by first-class mail of this
 36 delinquency and consequences thereof.

37 (ii) A registered owner who fails to respond to a violation notice as provided
 38 by this Section within sixty calendar days after the date of the issuance of the
 39 violation notice shall be prohibited from renewing his driver's license. The violation
 40 clerk shall notify the Louisiana office of motor vehicles of this delinquency. Upon
 41 notice from a violation clerk of the department, the office of motor vehicles shall
 42 place the matter on record and shall not renew the driver's license of the registered
 43 owner or the registration of the vehicle until after notice from the violation clerk that
 44 the matters have been disposed of in accordance with law.

45 (b) After a notice to the office of motor vehicles provided in Item (a)(ii) of
 46 this Paragraph, the department shall not be required to send violation notices of
 47 delinquency to registered owners with ten or more toll violations. However, the tolls
 48 and administrative fees of such registered owner shall continue to accumulate.

49 (2) The department may pursue such civil and criminal action as it deems
 50 appropriate to collect the tolls and administrative fees assessed in the violation notice
 51 as well as such subsequent late charges assessed in accordance with this Section.

52 G.(1) A photograph, microphotograph, videotape, or other recorded image
 53 produced by a photo-monitoring device is admissible in a proceeding to collect a toll
 54 or other charge of the department, to collect criminal penalties imposed, or to impose
 55 criminal liability for a failure to pay the toll or charge.

1 (2) An original or facsimile of a certificate, sworn to or affirmed by an agent
2 of the department that states that a failure to pay has occurred and states that it is
3 based upon a personal inspection of a photograph, microphotograph, videotape, or
4 other recorded image produced by a photo-monitoring system, as defined in this
5 Section, is prima facie evidence of the facts contained in the certificate.

6 (3) Notwithstanding any other provision of law to the contrary, a photograph,
7 microphotograph, videotape, or other recorded image prepared for enforcement of
8 tolls is for the exclusive use of the department in the discharge of its duties under this
9 Section.

10 H. The department shall from time to time designate one or more violation
11 clerks and agents to perform the functions specified in this Section at the pleasure
12 of the department and for such finite or indefinite period as the department deems
13 desirable. The department shall supervise and coordinate the processing of violation
14 notices in accordance with this Section. The department may hire or designate such
15 personnel and organize such sections as the department may consider necessary to
16 carry out the provisions of this Section.

17 I. The department may contract with an operating entity to carry out the
18 provisions of this Section.

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