

Regular Session, 2013

HOUSE BILL NO. 654

BY REPRESENTATIVES JIM MORRIS AND ST. GERMAIN AND SENATOR ADLEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TRANSPORTATION: Provides with respect to toll violations

1 AN ACT

2 To amend and reenact R.S. 47:820.5.4(F) and (G)(1)(a) and 7013(F) and (G)(1) and to enact
3 R.S. 47:820.5.4(B)(8) and (9), and 7013(B)(8) and (9), relative to toll violations; to
4 provide with respect to appeal procedures for toll violations; to provide for notice
5 requirements for appeal of toll violations; to provide for late charges associated with
6 toll violations; to provide for effectiveness; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1(A). R.S. 47:820.5.4(F) and (G)(1)(a) are hereby amended and reenacted
9 and R.S. 47:820.5.4(B)(8) and (9) are hereby enacted to read as follows:

10 §820.5.4. LA 1 Project toll violations

11 * * *

12 B. Terms as defined in R.S. 32:1 shall retain such definitions, unless such
13 term or terms are specifically defined in this Subsection. As used in this Section,
14 unless the context otherwise indicates, the following terms shall have the following
15 meanings:

16 * * *

17 (8) "Electronic mail" means a message, file, or other information that is
18 transmitted through a local, regional, or global computer network.

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

3 * * *

4 F. The following procedures shall be taken for the collection of tolls,
5 administrative fees, and late charges under this Section:

6 (1) The LTA shall send a violation notice by first-class mail to a person
7 alleged to be liable as a registered owner of the vehicle at the address shown on the
8 records of the Louisiana Department of Public Safety and Corrections, office of
9 motor vehicles. The LTA may aggregate multiple violations in one violation notice.
10 A manual or automatic record of the mailing prepared in the ordinary course of
11 business of the LTA is prima facie evidence of the mailing of the notice.

12 (2) The violation notice shall include the name and address of the person
13 alleged to be liable as a registered owner for the failure to pay a toll or tolls under
14 this Section, the amount of the toll or tolls not paid, the registration number of the
15 vehicle or trailer involved, the date and the approximate time of the failure or failures
16 to pay the toll or tolls, the administrative fees due, an electronic mail address and
17 physical or post office box mailing address to which an appeal may be sent to, and
18 such other information as the LTA may deem appropriate.

19 (3) The violation notice shall also include a warning that the registered
20 owner must pay the toll or tolls and administrative fees stated in the notice or appeal
21 the violation by making a request for a hearing to the LTA within thirty days after
22 issuance and describe the means and content of the response for payment or appeal.
23 The violation notice shall also include a statement notifying the registered owner that
24 he may waive his right to a hearing by notifying the LTA that he is waiving this right
25 and appealing the violation by request for a written disposition. The failure of the
26 registered owner to appeal the violation in ~~the manner~~ one of the manners provided
27 and within the delays allowed shall be deemed to be an admission of liability and a
28 waiver of available defenses.

1 (4) Within thirty calendar days after the date of the issuance of the violation
2 notice, the registered owner to whom the violation notice is issued must either pay
3 the tolls and administrative fees provided by this Section, ~~send a written dispute by~~
4 ~~mail~~ or appeal the violation as provided by this Section, ~~or request a hearing as~~
5 ~~provided by this Section.~~

6 (5) The registered owner may, ~~without waiving the right to a hearing as~~
7 ~~provided by this Section, and also,~~ without waiving judicial review, appeal a
8 violation notice by notifying the LTA in writing, by either mail or electronic mail,
9 that he is waiving his right to a hearing and wants to receive a review and written
10 disposition of the violation from a LTA violation clerk by mail or electronic mail.
11 This appeal ~~by mail~~ must contain a signed statement from the registered owner
12 explaining the basis for the appeal. The signed statement must be accompanied by
13 signed statements from witnesses, police officers, government officials, or other
14 relevant parties or photographs, diagrams, maps, or other relevant documents that the
15 registered owner determines to submit. Statements or materials sent to a violation
16 clerk for review must have attached to them the name, ~~and address,~~ and electronic
17 mail address of the registered owner as well as the number of the violation notice and
18 the date of the violation. All information submitted by the registered owner becomes
19 part of the violation record. The violation clerk shall, within sixty days of receipt of
20 such material, review the material and dismiss or uphold the violation and notify the
21 registered owner of the disposition of the violation hearing in writing by mail or
22 electronic mail. If the appeal ~~by mail by request for written disposition~~ is denied, the
23 violation clerk shall explain the reasons for the determination. The violation clerk
24 shall have the authority to waive the administrative fees, in whole or in part, for good
25 cause shown.

26 (6) A registered owner issued a violation notice may make a written
27 statement for an appeal hearing before an agent designated by the LTA. The
28 violation clerk shall, within thirty days of receipt of a request for an appeal, notify
29 the registered owner in writing by first-class mail of the date, time, and place of the

1 hearing. The hearing shall be informal, the rules of evidence shall not apply, the
2 Administrative Procedure Act shall not apply, and the decision of the agent shall be
3 final, subject to a judicial review. The parties to the appeal hearing shall be notified
4 in person or by mail or by electronic mail of the decision following the hearing.
5 Each written appeal decision shall contain a statement of reasons for the decision,
6 including a determination of each issue of fact necessary to the decision. Failure to
7 appear at the date, time, and place specified on the hearing notice shall automatically
8 result in denial of the appeal. The hearing agent shall have the authority to waive
9 administrative fees, in whole or in part, for good cause shown.

10 (7) Electronic mail sent by the registered owner to the address provided in
11 the violation notice shall be presumptive evidence of receipt by the LTA. Electronic
12 mail sent by the LTA to the address provided by the registered owner shall be
13 presumptive evidence of receipt by the registered owner.

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

16 (a) The LTA may assess the following late charges for late payment, for
17 failure to pay, or for otherwise failing to respond or both against the registered
18 owner:

19 (i) A registered owner who fails to pay the administrative fees specified in
20 a violation notice and who fails to appeal a violation notice as provided by this
21 Section within thirty calendar days after the date of the issuance of the violation
22 notice shall incur a late charge of five dollars. A registered owner who fails to
23 respond to a violation notice within sixty calendar days after the date of issuance of
24 the violation notice shall not be able to renew his driver's license until after all
25 matters regarding the alleged toll violation are disposed of in accordance with law.

26 The violation clerk shall notify the registered owner by first-class mail of ~~this first~~
27 ~~notice of delinquency~~ this delinquency and consequences thereof.

28 (ii) ~~A registered owner who fails to respond to a violation notice as provided~~
29 ~~by this Section within forty-five days after the date of the issuance of the violation~~

1 notice ~~shall incur an additional late charge of fifteen dollars.~~ The violation clerk
2 ~~shall notify the registered owner by first-class mail of this notice of delinquency.~~

3 (iii) A registered owner who fails to respond to a violation notice as provided
4 by this Section within sixty calendar days after the date of the issuance of the
5 violation notice shall ~~incur an additional late charge of twenty dollars~~ be prohibited
6 from renewing his driver's license. The violation clerk shall notify ~~the registered~~
7 ~~owner by first-class mail of this notice of delinquency and, in addition, notify the~~
8 Louisiana office of motor vehicles of this delinquency. Upon notice from a violation
9 clerk of the LTA, the office of motor vehicles shall place the matter on record and
10 shall not renew the driver's license of the registered owner or the registration of the
11 vehicle until after notice from the violation clerk that the matters have been disposed
12 of in accordance with law.

13 * * *

14 Section 1(B). R.S. 47:7013(F) and (G)(1) are hereby amended and reenacted and
15 R.S. 7013(B)(8) and (9) are hereby enacted to read as follows:

16 §7013. Crescent City Connection toll violations

17 * * *

18 B. Definitions of terms included in R.S. 32:1 apply to terms used in this
19 Chapter which are not specifically defined in this Subsection. As used in this
20 Section, unless the context otherwise indicates, the following terms shall have the
21 following meanings:

22 * * *

23 (8) "Electronic mail" means a message, file, or other information that is
24 transmitted through a local, regional, or global computer network.

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

27 * * *

28 F. The following procedures shall be taken for the collection of tolls,
29 administrative fees, and late charges under this Section:

1 (1) A violation notice shall be sent by first class mail to a person alleged to
2 be liable as a registered owner at the address shown on the records of the Department
3 of Public Safety and Corrections, office of motor vehicles. Multiple violations may
4 be aggregated in one violation notice. A manual or automatic record of the mailing
5 prepared in the ordinary course of business shall be prima facie evidence of the
6 mailing of the notice.

7 (2) The violation notice shall include the name and address of the person
8 alleged to be liable as a registered owner for the failure to pay a toll or tolls under
9 this Section, the amount of the toll or tolls not paid, the registration number of the
10 vehicle or trailer involved, the date and the approximate time of the failure or failures
11 to pay the toll or tolls, the administrative fees due, an electronic mail address and
12 physical or post office mailing address to which an appeal may be sent to, and such
13 other information deemed appropriate.

14 (3) The violation notice shall also include a warning that the registered
15 owner must pay the toll or tolls and administrative fees stated in the notice or appeal
16 the violation by making a request for a hearing within thirty days after issuance and
17 describe the means and content of the response for payment or appeal. The violation
18 notice shall also include a statement notifying the registered owner that he may
19 waive his right to a hearing by giving notification that he is waiving this right and
20 appealing the violation by request for a written disposition. The failure of the
21 registered owner to appeal the violation in one of the manners ~~manner~~ provided and
22 within the delays allowed shall be deemed to be an admission of liability and a
23 waiver of available defenses.

24 (4) Within thirty calendar days after the date of the issuance of the violation
25 notice, the registered owner to whom the violation notice is issued must either pay
26 the tolls and administrative fees provided by this Section, ~~send a written dispute by~~
27 ~~mail as provided by this Section, or request a hearing~~ appeal the violation as
28 provided by this Section.

1 (5) The registered owner may, ~~without waiving the right to a hearing as~~
2 ~~provided by this Section, and also~~ without waiving judicial review, appeal a violation
3 notice by sending notice in writing, by either mail or electronic mail, that he is
4 waiving his right to a hearing and wants to receive a review and written disposition
5 of the violation from a violation clerk by mail or electronic mail. The appeal ~~by mail~~
6 must contain a signed statement from the registered owner explaining the basis for
7 the appeal. The signed statement may be accompanied by signed statements from
8 witnesses, police officers, government officials, or other relevant parties or
9 photographs, diagrams, maps, or other relevant documents that the registered owner
10 determines to submit. Statements or materials sent to a violation clerk for review
11 must have attached to them the name, ~~and address, and electronic mail address~~ of the
12 registered owner as well as the number of the violation notice and the date of the
13 violation. All information submitted by the registered owner becomes part of the
14 violation record. The violation clerk shall, within sixty days of receipt of such
15 material, review the material and dismiss or uphold the violation and notify the
16 registered owner of the disposition of the ~~hearing violation~~ in writing by mail or by
17 electronic mail. If the appeal by ~~mail request for written disposition~~ is denied, the
18 violation clerk shall explain the reasons for the determination. The violation clerk
19 shall have the authority to waive administrative fees, in whole or in part, for good
20 cause shown.

21 (6) A registered owner issued a violation notice may make a written request
22 for an appeal hearing before a designated agent. The violation clerk shall, within
23 thirty days of receipt of a request for an appeal, notify the registered owner in writing
24 by first class mail of the date, time, and place of the hearing. The hearing shall be
25 informal, the rules of evidence shall not apply, the Administrative Procedure Act
26 shall not apply, and the decision of the agent shall be final, subject to judicial review.
27 The parties to the appeal hearing shall be notified in person ~~or~~ by mail, or electronic
28 mail of the decision following the hearing. Each written appeal decision shall
29 contain a statement of reasons for the decision including a determination of each

1 issue of fact necessary to the decision. Failure to appear at the date, time, and place
2 specified on the hearing notice shall automatically result in the denial of the appeal.

3 The hearing agent shall have the authority to waive administrative fees, in whole or
4 in part, for good cause shown.

5 (7) These provisions do not apply to traffic citations and moving violations
6 issued by law enforcement personnel.

7 (8) Electronic mail sent by the register owner to the address provided in the
8 violation notice shall be presumptive evidence of receipt by the issuer of the
9 violation notice. Electronic mail sent by the issuer of the notice of the violation to
10 the address provided by the registered owner shall be presumptive evidence of
11 receipt by the registered owner.

12 G. Failure to comply with the requirements of this Sections shall result in the
13 following late charges or sanctions or both against the registered owner:

14 (1) The following late charges for late payment, failure to pay, or for
15 otherwise failing to respond to a violation notice as provided by this Section may be
16 assessed:

17 (a) A registered owner who fails to pay the administrative fees specified in
18 a violation notice and who fails to appeal a violation notice as provided by this
19 Section within thirty calendar days after the date of the issuance of the violation
20 notice shall incur a late charge of five dollars. A registered owner who fails to
21 respond to a violation notice within sixty calendar days after the date of issuance of
22 the violation notice shall not be able to renew his driver's license until after all
23 matters regarding the alleged toll violation are disposed of in accordance with law.

24 The violation clerk shall notify the registered owner by first class mail of this ~~first~~
25 ~~notice of delinquency and consequences thereof.~~

26 (b) ~~A registered owner who fails to respond to a violation notice as provided~~
27 ~~by this Section within forty-five calendar days after the date of the issuance of the~~
28 ~~violation notice shall incur an additional late charge of fifteen dollars. The violation~~

1 ~~clerk shall notify the registered owner by first class mail of this notice of~~
2 ~~delinquency.~~

3 ~~(e)~~ A registered owner who fails to respond to a violation notice as provided
4 by this Section within sixty calendar days after the date of the issuance of the
5 violation notice shall ~~incur an additional late charge of twenty dollars~~ be prohibited
6 from renewing his driver's license. The violation clerk shall notify ~~the registered~~
7 ~~owner by first class mail of this notice of delinquency and, in addition, notify the~~
8 office of motor vehicles of this delinquency. Upon notice from a violation clerk, the
9 office of motor vehicles shall place the matter on record and shall not renew the
10 driver's license of the registered owner or the registration of the vehicle until after
11 notice from the violation clerk that the matters have been disposed of in accordance
12 with law.

13 (c) After a notice to the office of motor vehicles provided in Subparagraph
14 (c) of this Paragraph, violation notices or a notices of delinquency to registered
15 owners with ten or more toll violations shall not be required to be mailed. However,
16 the tolls and administrative fees of such registered owner shall continue to
17 accumulate.

18 * * *

19 Section 2. Section 1(B) of this Act shall become effective only if the election
20 ordered by Judge William Morvant, to be held on May 5, 2013, in the suit entitled "Michael
21 J. Teachworth v. Bobby Jindal, in his official capacity as Governor of Louisiana, and Tom
22 Schedler, in his official capacity as the Louisiana Secretary of State" bearing Case No. 617-
23 828, Section "23" on the docket of the Nineteenth Judicial District, parish of East Baton
24 Rouge, state of Louisiana, results in the collection of tolls on the Crescent City Connection.

25 Section 3. Sections 1(A) and (2) and this Section of this Act shall become effective
26 upon signature of this Act by the governor or, if not signed by the governor, upon expiration
27 of the time for bills to become law without signature by the governor, as provided by Article
28 III, Section 18 of the Constitution of Louisiana.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Jim Morris

HB No. 654

Abstract: Provides with respect to method of notice of toll violations and delinquencies. Removes certain late charges. Allows for communication regarding toll violations to be made by electronic mail.

Present law provides that no motor vehicle shall be driven and no motor vehicle shall be towed through a toll collection facility on the LA 1 Project or the Crescent City Connection without payment of the proper toll.

Present law further provides that in the event of the nonpayment of the proper tolls on either the LA 1 Project and the Crescent City Connection, the registered owner of such vehicle or trailer shall be liable to make prompt payment of the proper toll and, in certain circumstances, an administrative fee of twenty-five dollars to recover the cost of collecting the toll.

Present law provides that for alleged toll violations on either the LA 1 Project and the Crescent City Connection, a notice violation is sent to a person alleged to be liable as the registered owner of the vehicle and for basic requirements for the contents of the violation notice.

Proposed law retains present law.

Proposed law defines "electronic mail" and "electronic mail" address for purposes of toll violations associated with the Crescent City Connection or the LA 1 Project.

Proposed law provides that the notice violation required to be sent to persons alleged to be liable for toll violations on the LA 1 Project or the Crescent City Connection, contain, in addition to the basic requirements in present law, an electronic mail address and physical or post office mailing address to which an appeal may be sent.

Present law requires that the notice violation, for toll violations alleged to have occurred on the LA 1 Project or the Crescent City Connection, also include a warning that the registered owner pay the toll and administrative fees stated in the notice or appeal the violation within 30 days after the issuance of the notice.

Proposed law retains present law.

Present law provides that a registered owner, for toll violations alleged to have occurred on both the LA 1 Project and the Crescent City Connection, may appeal an alleged toll violation by, without waiving his right to a hearing, by receiving a review and written disposition within 60 days of receipt of all required material. This appeal may be made without waiving a right to a hearing as provided in present law.

Present law provides that a registered owner may, for toll violations alleged to have occurred on the LA 1 Project or the Crescent City Connection, appeal a violation notice by making a written statement for an appeal hearing before a designated agent. The parties are notified of the decision following the hearing in person or by mail.

Proposed law requires that the notice violation, for toll violations alleged to have occurred on the LA 1 Project or the Crescent City Connection, include a warning that the registered

owner pay the toll and administrative fees stated in the notice appeal the violation by making a request for a hearing within 30 days after the issuance of the notice. Proposed law requires the violation notice to contain a statement notifying the registered owner that he may waive his right to a hearing by giving notification that he is doing so and appealing the violation by request for written disposition.

Proposed law provides that a registered owner, for toll violations alleged to have occurred on the LA 1 Project or the Crescent City Connection, may waive his right to a hearing, by notification by either mail or electronic mail, and appeal an alleged toll violation by receiving a review and written disposition within 60 days of receipt of all required material. This appeal may be made without waiving a right to a hearing as provided in present law.

Present law provides that a registered owner may, for toll violations alleged to have occurred on the LA 1 Project or the Crescent City Connection, appeal a violation notice by making a written statement for an appeal hearing before a designated agent.

Proposed law provides that a registered owner may, for toll violations alleged to have occurred on the LA 1 Project or the Crescent City Connection, appeal a violation notice by making a written statement for an appeal hearing before a designated agent. The parties are notified of the decision following the hearing in person, by mail, or electronic mail.

Proposed law provides that, for communications about toll violations alleged to have occurred on the LA 1 Project or the Crescent City Connection, electronic mail sent by the registered owner to the address provided in the violation notice shall be presumptive evidence of receipt. Electronic mail sent to the address provided by the registered owner shall be presumptive evidence of receipt by the registered owner.

Present law provides that, for toll violations alleged to have occurred on the LA 1 Project or the Crescent City Connection, a registered owner who fails to pay the administrative fees stated in a violation notice and to appeal a violation notice within 30 days of its issuance shall incur a later charge of five dollars and that the owner shall be notified of this by first-class mail.

Proposed law retains present law for toll violations alleged to have occurred on the LA 1 Project or the Crescent City Connection.

Present law provides, for toll violations alleged to have occurred on the LA 1 Project or the Crescent City Connection, that a registered owner who fails to respond to a violation notice within 45 days after the date of issuance of the violation notice shall incur an additional late charge of \$15 dollars and that the registered owner shall be notified of this by mail.

Proposed law removes the present law, including the imposition of the \$15 additional late fee.

Present law provides, for toll violations alleged to have occurred on the LA 1 Project or the Crescent City Connection, that registered owners who fail to respond to a violation notice within 60 calendar days after the issuance of the notice shall incur an additional late charge of \$20. The registered owner and the office of motor vehicles shall be notified of this delinquency. The office of motor vehicles shall place the matter on record and not renew the driver's license of the registered owner until notice that all matters regarding the alleged toll violation have been disposed of in accordance with law.

Proposed law removes, for toll violations alleged to have occurred on the LA 1 Project or the Crescent City Connection, the additional late charge of \$20 and requirement that a notice of delinquency be sent to the registered owner 60 days after the date of the issuance of the violation.

Proposed law provides that a registered owner who fails to respond to a violation notice, issued for toll violations alleged to have occurred on the LA 1 Project or the Crescent City Connection, within sixty calendar days after the date of the issuance of the violation notice shall be prohibited from renewing his driver's license. This shall be communicated to the registered owner in the notice of delinquency sent 30 days after the issuance of the notice of violation. The office of motor vehicles shall be notified of this delinquency. Upon notice from a violation clerk, the office of motor vehicles shall place the matter on record and shall not renew the driver's license of the registered owner or the registration of the vehicle until after notice from the violation clerk that the matters have been disposed of in accordance with law.

Proposed law as it pertains to toll violations on the Crescent City Connection is only effective if tolls are collected on that bridge.

(Amends R.S. 47:820.5.4(F) and (G)(1)(a) and 7013(F) and (G)(1); Adds R.S. 47:820.5.4(B)(8) and (9) and 7013(B)(8) and (9))