

2019 Regular Session

HOUSE BILL NO. 567

BY REPRESENTATIVES LARVADAIN AND JAMES

1 AN ACT

2 To enact R.S. 48:250.4.1, relative to toll collection and enforcement; to provide with respect
3 to the collection of tolls and enforcement on a state-owned toll facility by the
4 Department of Transportation and Development; to provide for definitions; to
5 provide for procedures; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

8 §250.4.1. State-owned toll facilities; toll collection and enforcement

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

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

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

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

22 (3) "Electronic toll collection" or "ETC" means a system of collecting tolls
23 or charges capable of charging an account holder for the appropriate toll by

1 transmission of information between a device on a motor vehicle and a toll collection
2 facility.

3 (4) "Pay" means paying a toll by cash, by permitting a charge against a valid
4 toll-tag account with the department, or by any other means of payment approved by
5 the department.

6 (5) "Photo-monitoring system" means a motor vehicle sensor installed to
7 work in conjunction with a toll collection facility that automatically produces a
8 photograph, microphotograph, videotape, or other recorded image of a motor vehicle
9 or trailer when the operator of the motor vehicle fails to pay a toll.

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

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

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

16 (9) "Operating entity" means any entity operating a toll facility subject to the
17 requirements of this Section.

18 (10) "Private entity" means a corporation, limited partnership, general
19 partnership, limited liability company, joint venture, business trust, or other business
20 entity.

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

27 D. The registered owner is prima facie responsible for the payment of the
28 toll, administrative fees, and late charges that the department may assess pursuant
29 to this Section. It is not a defense to liability for payment under this Section that a
30 registered owner was not operating the motor vehicle or trailer at the time of the

1 failure to pay the toll, except that the registered owner shall not be liable under this
2 Section when the registered owner makes a report to a law enforcement officer or
3 agency that the motor vehicle or trailer was stolen before the failure to pay a toll
4 occurs or within forty-eight hours after the registered owner becomes aware of the
5 theft.

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

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

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

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

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

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

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

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

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

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

21 **H. The department shall from time to time designate one or more violation**
22 **clerks and agents to perform the functions specified in this Section at the pleasure**
23 **of the department and for such finite or indefinite period as the department deems**
24 **desirable. The department shall supervise and coordinate the processing of violation**
25 **notices in accordance with this Section. The department may hire or designate such**
26 **personnel and organize such sections as the department may consider necessary to**
27 **carry out the provisions of this Section.**

28 **I. The department may contract with an operating entity to carry out the**
29 **provisions of this Section.**

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____