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H.P. 682

House of Representatives, March 18, 2015

**An Act To Suspend the Right of an Out-of-state Toll Violator To
Operate a Motor Vehicle on Maine Roads**

Reference to the Committee on Transportation suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative McLEAN of Gorham.
Cosponsored by Senator COLLINS of York.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 23 MRSA §1980, sub-§2-A, ¶C**, as amended by PL 2011, c. 476, §5, is
3 further amended to read:

4 C. The following procedures must be followed for the collection of tolls,
5 administrative fees and civil penalties under this subsection.

6 (1) The authority shall send a notice of liability by first class mail to a person
7 alleged to be liable as a registered owner under this subsection. The notice must
8 be sent to the address of the registered owner on record with the authority if the
9 registered owner is an electronic toll collection patron of the authority or, if no
10 such record exists, the address of the registered owner on record with the
11 Secretary of State. If the motor vehicle is registered in another jurisdiction and
12 the registered owner's address is not known by the authority, the notice may be
13 sent to the motor vehicle registry of the jurisdiction that issued the registration.
14 A written statement by the authority that the notice of liability has been mailed is
15 prima facie evidence of the mailing of the notice.

16 (2) A notice of liability must include ~~the name and address of the person alleged~~
17 ~~to be liable as a registered owner for the failure to pay a toll under this~~
18 ~~subsection,~~ the amount of the unpaid toll ~~not paid~~, the registration number of the
19 vehicle involved, the toll collection facility at which the failure to pay occurred
20 and the date and the approximate time of the failure. The notice must also
21 include the name, address and telephone number of the violation clerk
22 responsible for enforcing the penalty for the failure to pay.

23 (3) A notice of liability must ~~include information advising the person liable~~
24 ~~under this subsection of the manner and time in which~~ state how the alleged
25 liability alleged in the notice may be contested and must identify the statutory
26 defenses described in paragraph E. The notice must also include a warning that
27 failure to contest in the manner and time provided is an admission of liability and
28 a waiver of ~~available~~ defenses and that failure to pay or respond may result in
29 revocation of the registration certificate and plates issued for ~~the~~ a motor vehicle
30 registered in the State or suspension of the right to operate the motor vehicle in
31 this State if it is registered in another jurisdiction.

32 (4) Within 30 calendar days after the date of ~~the~~ issuance of the notice of
33 liability, the registered owner ~~to whom the notice is issued must~~ shall:

34 (a) Pay the amount of the toll for which the person is liable, the civil penalty
35 or penalties provided for in paragraph A and an administrative fee of \$20 for
36 each unpaid toll for which the person is liable ~~but has not paid~~;

37 (b) Send a written dispute by mail to the violation clerk named in the notice,
38 as provided by paragraph I; or

39 (c) Request a hearing with the violation clerk named in the notice as
40 provided by paragraph J.

41 **Sec. 2. 23 MRSA §1980, sub-§2-A, ¶G**, as amended by PL 2011, c. 476, §6, is
42 further amended to read:

1 G. The authority shall notify the Secretary of State, who shall, in accordance with
2 Title 29-A, section 154, subsection 6, suspend the registration certificate and plates
3 issued for the vehicle involved in the alleged failure to pay if that vehicle is registered
4 in this State or, if that vehicle is registered in another jurisdiction, suspend the right to
5 operate the motor vehicle in accordance with Title 29-A, section 2461 if a registered
6 owner:

7 (1) Does not dispute a notice of liability or pay the tolls, administrative fees and
8 civil penalties as required by paragraph C, subparagraph (4);

9 (2) Does not pay the required tolls, administrative fees and civil penalties within
10 30 days of a final ~~decision of a violation clerk~~ determination of liability as
11 provided in paragraphs I and J; or

12 ~~(3) Does not pay the required tolls, administrative fees and civil penalties within~~
13 ~~30 days of final adjudication of liability under paragraph K; or~~

14 (4) Does not pay the required tolls, administrative fees or civil penalties within
15 30 days of a final ~~adjudication~~ determination of liability by an away agency with
16 whom the authority has a reciprocal collection arrangement under subsection
17 2-C.

18 When notifying the Secretary of State under this paragraph, the authority shall send a
19 notice by first class mail informing the registered owner of the pending suspension.
20 If the motor vehicle is registered in another jurisdiction and the registered owner's
21 address is not known by the authority, the notice may be sent to the motor vehicle
22 registry of the jurisdiction that issued the registration.

23 **Sec. 3. 23 MRSA §1980, sub-§2-A, ¶K**, as enacted by PL 2003, c. 591, §2, is
24 amended to read:

25 K. Any decision by a violation clerk under this section is subject to judicial review of
26 final agency action in the manner provided by Title 5, chapter 375, subchapter 7. If a
27 registered owner ~~files an appeal pursuant to this subsection~~ appeals, the authority ~~may~~
28 ~~not notify the Secretary of State to suspend the registration certificate and plate issued~~
29 ~~for the vehicle involved in the alleged failure to pay until agency action becomes~~
30 final after the appeal is resolved.

31 **Sec. 4. 29-A MRSA §154, sub-§6**, as amended by PL 2003, c. 591, §4, is further
32 amended to read:

33 **6. Recovery of turnpike tolls.** Upon receipt of notice from the Maine Turnpike
34 Authority in accordance with Title 23, section 1980, subsection 2-A, paragraph G, the
35 Secretary of State, in accordance with section 2482, shall mail the required 10-day notice
36 and suspend the registration certificate and plates issued for the vehicle in question. If the
37 motor vehicle is registered in another jurisdiction, the Secretary of State shall suspend the
38 owner's right to operate the motor vehicle in this State and provide notice of the
39 suspension either to the owner, if known, or to the motor vehicle registry of the
40 jurisdiction that issued the registration. The Secretary of State may not reinstate the
41 registration certificate and plates or restore the owner's right to operate the motor vehicle
42 in the State until the Maine Turnpike Authority provides notice notifies the Secretary of

1 State that the toll and applicable ~~fin~~ fees and penalties have been paid.
2 Notwithstanding any other provision of law, Title 5, section 9052, subsection 1 does not
3 apply to a notice of suspension issued pursuant to this subsection.

4 **Sec. 5. 29-A MRSA §2069, sub-§3**, as amended by PL 2009, c. 493, §1, is
5 further amended to read:

6 **3. Vehicle used in connection with a crime or operating after suspension traffic**
7 **infraction.** A law enforcement officer may cause the removal to a suitable parking place
8 of a vehicle connected with ~~the arrest of the operator or owner of a vehicle or with the~~
9 ~~issuance of a summons for a traffic infraction as described in section 2412-A, subsection~~
10 ~~8 or used in connection with the commission of a crime.;~~

11 A. The arrest of the operator or owner of that vehicle;

12 B. The issuance of a summons for a traffic infraction as described in section 2412-A,
13 subsection 8;

14 C. A suspended registration pursuant to Title 23, section 1980 or the suspension of
15 the owner's right to operate the vehicle pursuant to section 2461 for failure to pay a
16 toll; or

17 D. The commission of a crime.

18 When a vehicle has been removed pursuant to paragraph C, the vehicle may be released
19 only after the tolls, fees and penalties have been paid and the vehicle's registration has
20 been reinstated or the owner's right to operate the vehicle has been restored.

21 SUMMARY

22 This bill permits the Maine Turnpike Authority, in the case of a vehicle registered in
23 another jurisdiction that is involved in a toll violation and when the authority knows only
24 the license plate of a toll violator and not the identity of the registered owner, to send a
25 notice of violation to the motor vehicle registry of the jurisdiction that issued the
26 registration. The notice must contain a warning that if tolls are not paid, the owner's right
27 to operate the motor vehicle in Maine may be suspended.

28 If the registered owner of a vehicle from another jurisdiction fails to pay or contest
29 the notice of liability, the authority is directed to notify the Secretary of State. The
30 Secretary of State then suspends the right of the owner to operate the vehicle in Maine
31 and notifies the owner, if known, or the motor vehicle registry of the jurisdiction that
32 issued the registration.

33 The bill also authorizes a law enforcement officer to remove a vehicle to a suitable
34 parking place if it is being operated under a registration that is suspended for failure to
35 pay tolls.