

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1361

S.P. 417

In Senate, March 5, 2001

**An Act to Allow the Maine Turnpike Authority to Levy an
Administrative Fee against Toll Evaders.**

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator SAVAGE of Knox.
Cosponsored by Representative McNEIL of Rockland and
Senator O'GARA of Cumberland, Representative: COLLINS of Wells.

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

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4 **Sec. 1. 23 MRSA §1980, sub-§2-A, ¶A**, as enacted by PL 1993, c. 698, §2, is amended to read:

6 A. If an operator of a vehicle fails to pay a toll, the registered owner of that vehicle is liable for payment of the toll and an administrative fee. If the registered owner fails to pay the toll, the registered owner is subject to a civil penalty as follows:

12 (1) Fifty dollars, except as provided in subparagraph (2) or (3);

14 (2) One hundred dollars, if a failure to pay occurs within 18 months of a prior failure to pay; or

16 (3) One hundred fifty dollars, if a failure to pay occurs within 18 months of 2 or more prior failures to pay.

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22 **Sec. 2. 23 MRSA §1980, sub-§2-A, ¶B**, as amended by PL 1995, c. 65, Pt. A, §64 and affected by §153 and Pt. C, §15, is further amended to read:

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26 B. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings.

28 (1) "Electronic toll collection system" means a system of collecting tolls or charges that is 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.

30 (2) "Pay" means paying a toll by cash, by permitting a charge against a valid account with the authority or by another means of payment approved by the authority at the time.

32 (3) "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 when the operator of the motor vehicle fails to pay a toll.

34 (4) "Registered owner" means a person in whose name a motor vehicle is registered under the law of a jurisdiction, including a person issued a dealer or transporter registration plate, except as provided in

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paragraph E, and a person deemed to be a registered owner under the provisions of paragraph E.

(5) "Toll" or "tolls" means tolls or charges prescribed by the authority for the use of the turnpike.

(6) "Administrative fee" means the fee imposed pursuant to paragraph C, subparagraph (3).

Definitions of terms included in Title 29-A, section 101 apply to terms used in this subsection that are not specifically defined in this subsection.

Sec. 3. 23 MRSA §1980, sub-§2-A, ¶C, as enacted by PL 1993, c. 698, §2, is amended to read:

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

(1) The authority shall send a notice of liability by first class mail to a person alleged to be liable as a registered owner under this subsection no later than 60 days after the alleged failure to pay. A manual or automatic record of the mailing prepared in the ordinary course of business of the authority is prima facie evidence of the mailing of the notice.

(2) A notice of liability must include the name and address of the person alleged to be liable as a registered owner for the failure to pay a toll under this subsection, the amount of the toll not paid, the registration number of the vehicle involved, the toll collection facility at which the failure occurred and the date and the approximate time of the failure.

(3) A notice of liability must include information advising the person liable under this subsection of the manner and the time in which the liability alleged in the notice may be contested and the statutory defenses described in paragraph E. The notice must also include a warning that failure to contest in the manner and time provided is an admission of liability and a waiver of available defenses, resulting in the entry of a default judgment of liability for the failure to pay and revocation of the registration certificate and plates issued for the vehicle. The notice must also include information advising that the person may avoid further prosecution by paying, within 90 days of the notice of liability sent pursuant to subparagraph (1),

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the amount of the toll for which the person is liable and an administrative fee of \$20 for each toll for which the person is liable but has not paid.

(4) The authority may collect a toll, administrative fee and a civil penalty that is not paid by a registered owner who is liable under this subsection within 120 days after mailing the notice of liability by civil action commenced in the District Court or Superior Court in the county in which the alleged failure to pay occurred. Adjudication of liability under this subsection is based upon a preponderance of the evidence.

(5) The registered owner has the burden of proving that a toll and administrative fee have been paid. A receipt issued by the authority or a cancelled check made out to the authority constitutes prima facie evidence of payment.

SUMMARY

This bill gives the Maine Turnpike Authority the authority to levy and collect from the owner of a vehicle the operator of which fails to pay a toll an administrative fee of \$20 per toll not paid. This bill also places the burden for proving that the toll and administrative fee have been paid upon the registered owner.