

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 38

(Delegate Carr, *et al.*)

Environment and Transportation

Judicial Proceedings

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Vehicle Laws – Failure to Pay Video Toll – Penalties

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This bill repeals the authority of the Motor Vehicle Administration (MVA) to suspend the registration of a motor vehicle because the registered owner of the vehicle incurred a toll violation and failed to pay the toll and any associated civil penalties. **The bill takes effect June 1, 2020.**

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Fiscal Summary

**State Effect:** Nonbudgeted revenues for the Maryland Transportation Authority (MDTA) decrease to the extent fewer tolls and penalties are collected under the bill. Special fund revenues and expenditures for the Central Collection Unit (CCU) increase to the extent that additional toll and civil penalty debt is referred to and collected by CCU. General fund revenues may increase due to reversions from CCU.

**Local Effect:** The bill does not directly affect local governmental operations or finances.

**Small Business Effect:** Minimal.

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Analysis

**Current Law/Background:**

*Video Tolling and Toll Violations at Maryland Transportation Authority Facilities*

A motor vehicle incurs a video toll when the vehicle passes through an MDTA toll facility (such as the Chesapeake Bay Bridge or Intercounty Connector) but does not pay the toll using cash or an E-ZPass. MDTA is required to send the registered owner of a

motor vehicle that has incurred a video toll a notice of toll due. The owner then has 30 days to pay the toll amount. An owner who fails to pay the amount due is subject to a civil citation and civil penalty.

The civil penalty must be set by MDTA through regulations and is currently \$50; however, MDTA advises that its board recently adopted a new tiered civil penalty structure that is anticipated to take effect in the second quarter of fiscal 2021. Instead of each unpaid toll incurring a \$50 penalty, each of a person's first five simultaneous toll violations will incur a \$25 penalty and each toll violation beyond the first five will incur a \$50 penalty.

Chapter 122 of 2015 significantly altered the video tolling collection and toll violation process to allow more flexibility for motorists who incur a video toll, beginning in fiscal 2016. Among other things, Chapter 122 does not allow MDTA to assess a civil citation until 15 days after the toll violation occurs (a toll violation occurs 30 days after the notice of toll due is issued if a person does not pay the video toll by that date). Chapter 122 also authorizes MDTA to waive any portion of a video toll due or civil penalty assessed for a toll violation until the debt is referred to CCU.

#### *Civil Citations and Suspension of Vehicle Registration*

A person who receives an MDTA citation for failure to pay a toll (a toll violation) must either pay the toll and penalty in the allotted timeframe or elect to go to court. If a person fails to elect to stand trial or pay the prescribed video toll and civil penalty, is adjudicated to be liable after trial, or fails to appear at a trial after having elected to stand trial, MDTA may (1) collect the video toll and the civil penalty by any means of collection as provided by law and (2) notify MVA.

MVA must refuse to renew or suspend the registration of any motor vehicle incurring an electronic toll violation if notified by (1) MDTA that a registered owner has been served with a citation and has failed to pay a toll and civil penalty for the toll violation or has failed to contest liability for the toll violation within the time or in the manner specified in the citation or (2) MDTA or the District Court that a person who elected to contest liability for a toll violation failed to appear for trial or was found guilty of the toll violation and failed to pay the toll and penalty costs.

MDTA advises that in practice, it flags a registration for nonrenewal when the vehicle's license plate has one outstanding transaction or less than \$1,000 in unpaid tolls and penalties and that it flags a registration for suspension when the vehicle's license plate has \$1,000 or more in unpaid tolls and penalties.

## **State Fiscal Effect:**

### *Maryland Transportation Authority*

The bill's repeal of MVA's authority to suspend a vehicle registration when the vehicle owner incurs a toll violation and does not pay the toll and associated civil penalty may result in fewer of those tolls and penalties being collected overall, specifically from toll violators that have amassed significant amounts of unpaid tolls and penalties. Therefore, nonbudgeted revenues decrease to the extent that the bill results in fewer outstanding tolls and penalties being collected. Even so, MDTA has other means of enforcement (such as registration nonrenewal and referral to CCU) and the extent to which the loss of this enforcement tool affects MDTA's total collections is unclear.

*For illustrative purposes only*, MDTA advises that since the motor vehicle suspension program began in January 2015, it has resolved nearly 1.1 million unpaid transactions by issuing suspension warning letters and flagging vehicle registrations, collecting a total of \$25.7 million in unpaid tolls and penalties.

### *Central Collection Unit*

MDTA is required to send its delinquent toll and penalty debt to CCU for collection and, therefore, CCU is likely to be referred additional debts by MDTA depending on the bill's effect on its collection rate. In addition, CCU recovers its operating expenses by assessing and collecting a 17% fee in addition to and for the debts that it is assigned. Therefore, special fund expenditures increase for CCU to send notices and work to collect the additional debt, and special fund revenues increase correspondingly as the debt is collected; however, the magnitude of any such impact cannot be reliably estimated at this time.

Furthermore, any special fund balance for CCU in excess of 15% of the unit's actual operating expenses reverts to the general fund. Therefore, general fund revenues may increase as additional debt is collected; however, the magnitude of any such impact cannot be reliably estimated at this time.

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## **Additional Information**

**Prior Introductions:** House Bill 870 of 2019 received an unfavorable report from the House Environment and Transportation Committee. Its cross file, SB 281, received an unfavorable report from the Senate Judicial Proceedings Committee.

**Designated Cross File:** None.

**Information Source(s):** Maryland Department of Transportation; Judiciary (Administrative Office of the Courts); Department of Budget and Management; Department of Legislative Services

**Fiscal Note History:** First Reader - January 29, 2020  
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