

**Maryland General Assembly
Department of Legislative Services**

**Emergency/Proposed Regulations
Department of Transportation
(DLS Control No. 15-151)**

Overview and Legal and Fiscal Impact

The regulations establish standards and procedures for the waiver of all or any portion of a video toll due to the Maryland Transportation Authority or a civil penalty assessed by the authority for a toll violation.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Department of Transportation:

Maryland Transportation Authority: Electronic Toll Collection and Toll Violation Enforcement: COMAR 11.07.07.02, .04, .06, .08, and .09

Legal Analysis

Background

The authority uses video tolling to collect tolls from motor vehicles that pass through its toll facilities but do not pay the toll using cash or E-ZPass. The authority sends to the registered owner of a motor vehicle that incurs a video toll a notice of toll due and the owner has 30 days to pay the toll amount. Before July 1, 2015, an owner who failed to pay the toll amount within 30 days or contest the toll was subject to a civil penalty of \$50 in addition to the toll amount.

Chapter 122 of 2015 authorized the authority to waive all or any portion of a video toll due or civil penalty assessed for a toll violation up until the date that the authority refers the debt to the State's Central Collection Unit. Chapter 122 also established a 15-day grace period after the due date for payment of a video toll before the authority may assess the \$50 civil penalty.

Summary of Regulations

The regulations authorize a person alleged to be liable for a toll violation to request a waiver of all or part of the toll and civil penalty and require the person to provide appropriate documentation in support of the waiver request. The regulations further describe specific circumstances under which waivers may be appropriate, including circumstances for which issues arise related to (1) improper notice of a toll due; (2) extended absences, including

absences due to hospitalization, incarceration, or long-term out-of-state travel; (3) license plates, including theft, fraud, or lost plates; (4) emergency traffic diversions; or (5) payment errors.

The regulations also make changes to reflect the newly established 15-day grace period for payment of a video toll and make various clarifying and stylistic changes.

Legal Issue

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The Maryland Transportation Authority cites §§ 4-205, 4-312, 21-1414, 21-1415, 26-401, and 27-110 of the Transportation Article and §§ 7-301 and 7-302 of the Courts Article as authority for the regulations. In particular, § 21-1414 of the Transportation Article, as amended by Chapter 122 of 2015, establishes the standards and procedures for video tolling, including provisions governing the waiver of tolls and penalties and the 15-day grace period for the payment of a video toll.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Reason for Emergency Status

The authority requests emergency status to begin August 1, 2015 and to expire January 1, 2016. This emergency period is within the normal timeframes approved by the committee. The authority indicates that emergency status is needed because Chapter 122 of 2015 went into effect on July 1, 2015.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulations have minimal or no impact on State or local governments. The Department of Legislative Services concurs and advises that the regulations primarily implement Chapter 122 of 2015 (House Bill 1241). There is no impact beyond that already accounted for in the fiscal and policy note for House Bill 1241. The fiscal and policy note indicated that, overall, the Maryland Transportation Authority's nonbudgeted revenues may increase to the extent the bill results in a greater collection rate of existing unpaid tolls and civil penalties. The impact on future revenues from toll violations could not be predicted. The fiscal and policy note also indicated that the authority's nonbudgeted expenditures likely decrease to the extent the bill results in fewer instances where a toll violator goes to court and the authority is required to prepare related documents.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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