



Maryland Consumer Rights Coalition

**Testimony to the House Environment & Transportation Committee
HB38: Vehicle Laws – Failure to Pay Video Toll – Reform of Penalties
Position: Favorable**

February 6, 2020

Kumar Barve, Chair
House Environment and Transportation Committee
251 House Office Building
6 Bladen Street
Annapolis, MD 21401
cc: Members, Environment & Transportation Committee

Honorable Chair Barve and Members of the Committee:

My name is Marceline White and I'm the Executive Director for the Maryland Consumer Rights Coalition (MCRC). MCRC is a statewide coalition of individuals and organizations that advances economic rights and financial inclusion for Maryland consumers through research, education, organizing, direct service, and advocacy. Our 8,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.

We are here in strong support of HB38.

In 2019, MCRC released our research report *No Exit: How Maryland's Debt Collection Practices Deepen Poverty & Widen the Racial Wealth Gap*, which details the fines and fees that derail the efforts of low-income Marylanders to gain a stronger economic foothold and achieve financial stability. In the report, we discuss the financial impact of video toll fines for working families.¹

In that report, we outline how, in 2013, to address egregious non-payment of tolls by a small but significant number of drivers, the MDGA passed a bill, drafted by the MDTA, creating strict enforcement mechanisms for unpaid tolls. In fiscal year 2016, MDTA processed 6.1 million video tolls. Of those tolls, 1.8 million were assessed a civil penalty and referred to CCU for collection. The outstanding balances of video toll transactions referred to CCU in 2016 was \$104.3 million. That figure includes \$12.3 million or 11.8% in unpaid tolls and \$92 million or 88.2% in civil penalties.

Recent reporting by the Washington Post found that, according to MDTA data, "[s]ince summer 2014, more than 479,000 people have been referred to the state's Central Collection Unit, 207,000 have been sent to the MVA to

¹ http://www.marylandconsumers.org/penn_station/folders/about/annual_report/No_Exit_Report.pdf



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have holds placed on their registration renewal — and of those, more than 22,000 have had their registration suspended because of toll violations.”²

There are a number of problems with the use of EZ pass and video tolls including poor signage along the ICC, failure to read the transponders, malfunctioning transponders, delayed notification of fees until fines have grown substantially, and more.

The fiscal note details the draconian effect of these fines stating that CCU has about 4.4 million active toll violation debts in its inventory, totaling about \$250.0 million; this total includes approximately \$28.6 million in tolls and \$221.5 million in civil penalties.

Massachusetts has been able to maintain its toll roads with fines that are proportional to the infraction. Collections increase because the fines are affordable and the caseloads in the courts are reduced so that courts can focus on more pressing matters.

The increase in fees for toll violations harms low-income consumers, leads to unaffordable debt and, in some cases even bankruptcy, and does little to deter violators who are often unaware of their infraction until they have received an enormous fine that they cannot repay. The current system criminalizes poverty and must be changed.

We support reducing the penalty for failure to pay tolls to \$5 from the current \$50 and eliminating drivers license suspensions for failure to pay tolls and penalties.

For all these reasons, we support HB38 and urge a favorable report.

Best,

Marceline White
Executive Director

²https://www.washingtonpost.com/local/trafficandcommuting/maryland-rakes-in-millions-of-dollars-from-toll-fines-and-penalties/2018/04/28/f19b9c40-4408-11e8-8569-26fda6b404c7_story.html?utm_term=.d3c9d973f9f6



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Personal Testimony
Robyn Dorsey, MCRC Research Manager
District 46, Baltimore, Maryland

Our EZ Pass Transponder stopped working and items tolls began being flagged as violations in August 2019. Being observant to keep violations from having additional fines, I accessed EZ pass and paid my entire balance including fines on 10/28 and again on 11/04 for good measure.

Feeling as though I had a clean slate for back billed fines, I began carefully tracking any times I continued to go through the tunnel when cash was not on hand. Checking back into EZ Pass MD on 1/22/2019 I discovered I was over \$700.00 behind.

Despite having cleared all pending charges on 10/28 and again on 11/04 I was being fined for 13 additional charges with dates ranging from 9/25/2019 – 10/21/2018, all of them prior to paying up what I expected to owe - twice.

The mere fact that a charge wouldn't be available to be paid for more than 5 weeks makes it practically pre-destined for penalties. Three of those 13 late charges were from September. Meaning, ***almost 25% of the late fines I had to pay were 5 or more weeks late being posted***, and all of them were more than 2 weeks late being posted.

After a transponder failure, and a negligence of EZ PASS to post fines on my account for 5 plus weeks, I am now owing the state an additional \$650.00.