

Department of Legislative Services
 Maryland General Assembly
 2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 48 (Delegate Carr)
 Environment and Transportation

Video Toll Violations - Intercounty Connector - Hearing Venue

This bill requires a civil citation hearing related to a video toll violation alleged to have occurred on the Intercounty Connector (ICC) to take place at a court located in (1) Prince George’s County or (2) Montgomery County, if the person who received a civil citation is a resident of Montgomery County.

Fiscal Summary

State Effect: Nonbudgeted expenditures for the Maryland Transportation Authority (MDTA) increase by \$234,000 in FY 2021 only for programming. The bill is not anticipated to materially affect District Court caseloads or operations. Revenues are not affected.

(in dollars)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Revenues	\$0	\$0	\$0	\$0	\$0
NonBud Exp.	234,000	0	0	0	0
Net Effect	(\$234,000)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: None.

Small Business Effect: Minimal or none.

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 ICC or Chesapeake Bay Bridge) 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.

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

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. The venue for a court hearing is selected based on where the toll violation occurs, or in the case of all-electronic toll facilities such as the ICC, the location where the driver exited the toll facility. The Administrative Office of the Courts advises that in fiscal 2019, the District Court conducted 6,334 toll violation hearings in Prince George's County and 7,914 toll violation hearings in Montgomery County.

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 the Motor Vehicle Administration (MVA). MVA must then refuse to renew or suspend the registration of any motor vehicle incurring an electronic toll violation, under specified circumstances.

State Expenditures: MDTA advises that all hearings related to toll violations on the ICC currently take place in either Montgomery or Prince George's counties. However, the current automated system determines where a hearing will take place based on the location where the driver exited the toll facility without paying (*i.e.*, where the violation occurred);

the system is not currently capable of accounting for a toll violator's county of residence. Therefore, MDTA's nonbudgeted expenditures increase by \$234,000 in fiscal 2021 to reprogram its automated tolling system to allow the selection of hearing venues in the manner required by the bill. This estimate was provided by the vendor currently working to upgrade and enhance MDTA's existing toll systems and includes the cost of designing, coding, and testing the new hearing venue selection feature.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Department of Transportation; Judiciary (Administrative Office of the Courts); Department of Budget and Management; Montgomery and Prince George's counties; Department of Legislative Services

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mr/lgc

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