

Date of Hearing: March 27, 2017

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 344 (Melendez) – As Introduced February 7, 2017

SUBJECT: Toll evasion violations

SUMMARY: Strikes the requirement that a person contesting a notice of toll evasion violation must pay the associated penalty at the time an appeal is sought; instead, requires the penalty to be paid, if necessary, following the result of an investigation, administrative review, or court ruling, whichever is later.

EXISTING LAW:

- 1) Provides that evasion of tolls is a civil offense, rather than a criminal offense (similar to the concept applied to parking tickets).
- 2) Generally requires a notice of toll evasion violation to be issued within 21 days of the violation, and prescribes the information that must be included in the notice.
- 3) Prescribes administrative appeals procedures for contested toll evasion citations, including the requirement that a person contesting a violation must deposit the toll evasion penalty amount at the time the appeal is requested via administrative hearing or court review.
- 4) Directs the Department of Motor Vehicles (DMV) to refuse to renew a vehicle registration with uncleared toll evasion citations.

FISCAL EFFECT: Unknown

COMMENTS: Under existing law, agencies that issue parking violations must allow persons contesting a parking violation to request an administrative hearing without paying the parking penalty in advance, if the person can demonstrate an inability to pay the amount due. In practice, some cities entirely forego the requirement that a person demonstrate an inability to pay and routinely allow administrative reviews without accepting payment up front.

This bill borrows from these provisions by modifying existing toll evasion violations procedures specifically to provide that a person contesting a violation or notice of delinquent toll evasion is not required to pay the toll evasion penalty until after the citation is adjudicated in one of several specific ways. (Unlike provisions related to parking violations, this bill does not require that a person demonstrate an inability to pay the amount due prior to appealing the violation.)

Toll evasion penalties can be substantial. For example, on the toll roads in Orange County that are operated by the Transportation Corridor Agencies (TCA), each violation is assessed a \$57.50 penalty, in addition to the toll amount due. Failure to respond to the first violation notice results in an additional \$42.50 penalty. Toll evasion penalties for San Francisco Bay Area bridges are slightly lower. Upon the initial citation notice, the penalty is the toll plus \$25. After a second notice, the penalty is the toll plus \$70, but is lowered to \$25 if the toll is paid within 15 days. DMV will refuse to renew a vehicle registration if there are outstanding unpaid penalties.

This bill is consistent with actions taken by the Judicial Council of California in 2015. The action was as a result of criticisms aimed at state traffic infraction laws that raised significant concerns about procedural fairness in traffic infraction proceedings and ended the requirement that drivers pay traffic tickets before they can contest the ticket in court.

Previous legislation: AB 1314 (Havice), Chapter 640, Statutes of 2002, requires agencies that issue parking violations to adopt written procedures to allow a person to request an administrative hearing, without payment of the parking penalty, upon satisfactory proof of an inability to pay the amount due.

REGISTERED SUPPORT / OPPOSITION:**Support**

American Civil Liberties Union

Opposition

None on file

Analysis Prepared by: Janet Dawson / TRANS. /