

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MEMORANDUM

TO: CFX Board Members

FROM: David Wynne, Director of Toll Operations *D.W.*

DATE: December 16, 2015

SUBJECT: Changes to the Central Florida Expressway Authority's Violation Business Rules

Board approval is requested to adopt the amended Violation Business Rules attached. The changes requested are based on operational changes that will adjust the naming convention from "Unpaid Toll Notices" (UTN) to "Pay By Plate Invoices". In addition we have made a change to how the invoice is constructed which will change from a toll rate plus fees to an all-in toll rate which incorporates the actual cost to collect for Toll By Plate transactions. This new structure allows for easier signing on roadways and also provides customers with an easier to read invoice. These changes are being made to support the future processing of All Electronic Tolling (AET) for Poinciana Parkway as well as the Wekiva Parkway. "Pay By Plate Notices" are a standard nomenclature in the industry for invoicing on both AET & standard toll facilities.

cc: Laura Kelley, Executive Director
Consent Agenda

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

Permanent Rule 2-1

PAY BY PLATE AND VIOLATION BUSINESS RULES

2-1.001 Application and Scope.

Except as provided in Sec. 338.155, Fla. Stat., or those instances specifically approved by the [Central Florida Expressway \(CFX\) Authority Board](#), no person is allowed to use the ~~Central Florida Expressway~~[CFX](#) System without payment of the required tolls. The current [Pay By Plate](#) toll schedule is incorporated herein by this reference and may be obtained from ~~the Authority~~[CFX](#) at its main office located at 4974 ORL Tower Road, Orlando, Florida 32807, (407) 690-5000. Failure to pay a prescribed toll is a non-criminal traffic infraction, punishable as a moving violation under Chapter 318, Fla. Stat. ~~The Expressway Authority~~[CFX](#) authorizes its Toll Enforcement Officers, staff and designees to issue warnings, [Pay By Plate Invoices](#)[UTNs](#), [Pay By Plate Final Notices](#),~~and~~ UTCs and request Vehicle Registration Holds from the Department of Highway Safety and Motor Vehicles (DHSMV) for the failure to pay tolls as set forth in this rule.

2-1.002 Definitions.

For the purpose of this rule, the following definitions shall apply:

- (1) Toll Enforcement Officer means the person or persons designated by the Executive Director of ~~the Expressway Authority~~[CFX](#) whose sole authority is to enforce the payment of tolls and who has been designated as a Toll Enforcement Officer by the State.
- ~~(2)~~ [Authority or Expressway Authority\[CFX\]\(#\) means the Central Florida Expressway Authority.](#)
- ~~(2)(3)~~ [Pay By Plate Toll Schedule is the toll rate associated with toll transactions considered violations. The rate is the CFX cash toll rate plus the per transaction cost to CFX to process such transactions.](#)
- ~~(3)(4)~~ UTC means Uniform Traffic Citation.
- ~~(4)~~ [UTN means Unpaid Toll Notice.](#)
- (5) Vehicle Registration Hold means the taking of an action by DHSMV in response to notice of unpaid tolls that would prohibit a vehicle's registration from being renewed.

2-1.003 Warnings, Issuance of UTNs and Vehicle Registration Holds.

- 1) [The Authority\[CFX\]\(#\) may issue warnings for failure to pay prescribed toll\(s\).](#)

- 2) A [UTN-Pay By Plate Invoice](#) will be issued for failure to pay ~~two-one~~ (12) or more tolls processed in an -approximate 30 day period [based on the business rules associated with the particular toll location, roadway and or roadway owner](#). The [UTN-Pay By Plate Invoice](#) will be mailed the day after or shortly thereafter the defined invoice date of the customer. The [UTN-Pay By Plate Invoice](#) will require payment for all missed tolls plus associated fees [if applicable](#) by the due date listed on the [UTNPay By Plate Invoice](#).
- 3) The [UTN-Pay By Plate Invoice](#) will be mailed first class postage to the registered owner/registant of the motor vehicle involved in the violations. In the case of joint ownership of the motor vehicle, the UTN must be mailed to the first name appearing on the vehicle registration.

Request to DHSMV for the Issuance of a Vehicle Registration Hold

- 1) A Florida registered vehicle may be subject to having a Vehicle Registration Hold placed on it by DHSMV if the [UTN-Pay By Plate Invoice](#) remains unpaid by the payment due date.
- 2) The Vehicle Registration Hold will be requested by ~~the Expressway Authority~~[CFX](#) by sending a file to the Department of Highway Safety and Motor Vehicles (DHSMV) indicating that there are unpaid tolls and requesting a hold be placed on the violating vehicle for failure to pay toll(s).

2.-1.004

Issuance of UTCs.

- 1) A Toll Enforcement Officer may issue a UTC for failure to pay prescribed toll(s) in accordance to this rule.
- 2) Any vehicle whose registered owner/registant (i) has been issued a ~~—~~[UTN-Pay By Plate Invoice](#) and (ii) thereafter fails to pay the [UTN-Pay By Plate Invoice](#) by the payment due date ~~—~~and (iii) does not have a Vehicle Registration Hold placed for those ~~Expressway Authority~~[tolls](#) may be subject to issuance of a UTC for the failure to pay any prescribed toll(s).
- ~~3) 3)~~ Prior to the issuance of a UTC by a Toll Enforcement Officer ~~a~~[a](#) review must be obtained from the following staff positions: Manager ~~of VES~~[of VES](#) & Special Projects and the Director of Toll Operations or their authorized designees.
- 4) A UTC for failure to pay prescribed toll(s) may be issued as set forth in this rule upon either: (i) a written report of a Toll Enforcement Officer or (ii) photographic, computer or video evidence indicating that prescribed toll(s) were not paid. The written report of a Toll Enforcement Officer shall contain, at a minimum, such person's written account of the observed facts and circumstances of the violation, or photographic, computer or video evidence indicating that prescribed toll(s) were not paid.

- 5) UTC's shall be issued and delivered as required by current Florida Statutes and mailed to the address of the registered owner/registrant of the motor vehicle involved in the violation(s). In case of joint ownership of the motor vehicle, the UTC must be mailed to the first name appearing on the vehicle registration.
- 6) The registered owner/registrant of the motor vehicle involved in a violation is responsible for payment of the UTC, unless (a) the owner/registrant can establish the motor vehicle was at the time of the violation, in the care, custody or control of another person or (b) the owner/registrant elects to request a court hearing. In order to establish such facts, the registered owner/registrant of the motor vehicle is required, within fourteen (14) days after receipt of the UTC, to furnish to ~~the Expressway Authority~~CFX a sworn affidavit setting forth:
 - a. The name, address, and if known, the driver's license number of the person who leased, rented or otherwise had care, custody or control of the motor vehicle at the time of the alleged violation;
 - or
 - b. If the motor vehicle was stolen, the police report (or a copy thereof) indicating that the vehicle was a stolen vehicle at the time of the alleged violation. Upon receipt of such an affidavit, ~~the Expressway Authority~~CFX may elect to issue a UTC against the person identified in the affidavit. If ~~the Expressway Authority~~CFX elects to issue a UTC against the person identified in the affidavit, ~~the Expressway Authority~~CFX shall follow the same procedure for initial issuance of a UTC as set forth above. The submission of a false affidavit is a misdemeanor of the second degree.

2-1.005 Payment of ~~UTNs~~ Pay By Plate Invoices and UTCs Upon Issuance.

Payment of ~~UTNs~~ Pay By Plate Invoices will be made directly to ~~the Expressway Authority~~CFX. In

addition to the unpaid toll(s) the Pay By Plate Invoice ~~UTN shall~~may include additional fees ~~including~~
~~transaction and document charges of \$3.00 per UTN document, and \$0.10 per~~
~~toll violation which~~and charges ~~which~~ are hereby approved by the ~~Expressway Authority~~CFX

Board. Any transaction or document charges established by contract with rental car companies or third party providers shall continue per the contract.

Payment of fines upon issuance of UTCs shall be as provided by statute.

2-1.006 Dispute Resolution Process

Prior to the ~~issuance due date~~ of a Pay By Plate Final NoticeUTC, the owner/registant of the violating vehicle may elect one or both of the following:

- 1) Review of the violation data with Expressway AuthorityCFX staff or their designee for the purposes of determining if the information is valid and enforceable.
- 2) If the owner/registant of the violating vehicle is not satisfied with the result of the review with Expressway AuthorityCFX staff or designee, the owner/registant may request a UTC and then pursue the remedies set forth in Chapters 316 and 318, Florida Statutes, or the Toll Enforcement Officer may issue a UTC(s) for unpaid UTN(s)Pay By Plate Invoice.

2-1.007 Payment Notification to DHSMV for Clearance of Vehicle Registration Hold.

- 1) Upon posting of payment of the UTN(s)Pay By Plate Invoice ~~the Expressway AuthorityCFX~~ will notify DHSMV as expeditiously as possible, but no later than three (3) business days after posting of payment of unpaid tolls, so that DHSMV may release any Vehicle Registration Hold as to those unpaid tolls.

2-1.008 Effective Date. The above amendments shall take effect ~~on September 10, 2015~~ as soon as possible once toll collection systems are in place and upon approval of the CFX Executive Director.

The current rules shall remain in effect until September 10, 2015 at which~~such~~ time these amendments shall become effective. All other rules regarding toll enforcement shall remain in full force and effect.

VES Business Rules **Revision Register**

Revised Sections/Description	Board Approval Dates / Adopted	ID #
VES Business Rules Adopted	11/05/2008	
2-1.001 – 2-1.007 creating 2-1.008	06/24/2009	
Sections 2-1.003, 2-1.004, 2-1.008	08/25/2010	2010-118
Section 2-1.004	4/25/2012	2012-149
Sections 2-1.001 through 2-1.008		

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

Permanent Rule 2-1

PAY BY PLATE AND VIOLATION BUSINESS RULES

2-1.001 Application and Scope.

Except as provided in Sec. 338.155, Fla. Stat., or those instances specifically approved by the Central Florida Expressway (CFX) Authority Board, no person is allowed to use the CFX System without payment of the required tolls. The current Pay By Plate toll schedule is incorporated herein by this reference and may be obtained from CFX at its main office located at 4974 ORL Tower Road, Orlando, Florida 32807, (407) 690-5000. Failure to pay a prescribed toll is a non-criminal traffic infraction, punishable as a moving violation under Chapter 318, Fla. Stat. CFX authorizes its Toll Enforcement Officers, staff and designees to issue warnings, Pay By Plate Invoices, Pay By Plate Final Notices, UTCs and request Vehicle Registration Holds from the Department of Highway Safety and Motor Vehicles (DHSMV) for the failure to pay tolls as set forth in this rule.

2-1.002 Definitions.

For the purpose of this rule, the following definitions shall apply:

- (1) Toll Enforcement Officer means the person or persons designated by the Executive Director of CFX whose sole authority is to enforce the payment of tolls and who has been designated as a Toll Enforcement Officer by the State.
- (2) CFX means the Central Florida Expressway Authority.
- (3) Pay By Plate Toll Schedule is the toll rate associated with toll transactions considered violations. The rate is the CFX cash toll rate plus the per transaction cost to CFX to process such transactions.
- (4) UTC means Uniform Traffic Citation.
- (5) Vehicle Registration Hold means the taking of an action by DHSMV in response to notice of unpaid tolls that would prohibit a vehicle's registration from being renewed.

2-1.003 Warnings, Issuance of UTNs and Vehicle Registration Holds.

- 1) CFX may issue warnings for failure to pay prescribed toll(s).
- 2) A Pay By Plate Invoice will be issued for failure to pay one (1) or more tolls processed in an approximate 30 day period based on the business rules associated with the particular toll location, roadway and or roadway owner. The Pay By Plate Invoice will be mailed the day after or shortly thereafter the

defined invoice date of the customer. The Pay By Plate Invoice will require payment for all missed tolls plus associated fees if applicable by the due date listed on the Pay By Plate Invoice.

- 3) The Pay By Plate Invoice will be mailed first class postage to the registered owner/registrant of the motor vehicle involved in the violations. In the case of joint ownership of the motor vehicle, the UTN must be mailed to the first name appearing on the vehicle registration.

Request to DHSMV for the Issuance of a Vehicle Registration Hold

- 1) A Florida registered vehicle may be subject to having a Vehicle Registration Hold placed on it by DHSMV if the Pay By Plate Invoice remains unpaid by the payment due date.
- 2) The Vehicle Registration Hold will be requested by CFX by sending a file to the Department of Highway Safety and Motor Vehicles (DHSMV) indicating that there are unpaid tolls and requesting a hold be placed on the violating vehicle for failure to pay toll(s).

2.-1.004

Issuance of UTCs.

- 1) A Toll Enforcement Officer may issue a UTC for failure to pay prescribed toll(s) in accordance to this rule.
- 2) Any vehicle whose registered owner/registrant (i) has been issued a Pay By Plate Invoice and (ii) thereafter fails to pay the Pay By Plate Invoice by the payment due date and (iii) does not have a Vehicle Registration Hold placed for those tolls may be subject to issuance of a UTC for the failure to pay any prescribed toll(s).
- 3) Prior to the issuance of a UTC by a Toll Enforcement Officer a review must be obtained from the following staff positions: Manager of VES & Special Projects and the Director of Toll Operations or their authorized designees.
- 4) A UTC for failure to pay prescribed toll(s) may be issued as set forth in this rule upon either: (i) a written report of a Toll Enforcement Officer or (ii) photographic, computer or video evidence indicating that prescribed toll(s) were not paid. The written report of a Toll Enforcement Officer shall contain, at a minimum, such person's written account of the observed facts and circumstances of the violation, or photographic, computer or video evidence indicating that prescribed toll(s) were not paid.
- 5) UTC's shall be issued and delivered as required by current Florida Statutes and mailed to the address of the registered owner/registrant of the motor vehicle involved in the violation(s). In case of joint ownership of the motor vehicle, the UTC must be mailed to the first name appearing on the vehicle registration.
- 6) The registered owner/registrant of the motor vehicle involved in a

violation is responsible for payment of the UTC, unless (a) the owner/registrant can establish the motor vehicle was at the time of the violation, in the care, custody or control of another person or (b) the owner/registrant elects to request a court hearing. In order to establish such facts, the registered owner/registrant of the motor vehicle is required, within fourteen (14) days after receipt of the UTC, to furnish to CFX a sworn affidavit setting forth:

- a. The name, address, and if known, the driver's license number of the person who leased, rented or otherwise had care, custody or control of the motor vehicle at the time of the alleged violation;

or

- b. If the motor vehicle was stolen, the police report (or a copy thereof) indicating that the vehicle was a stolen vehicle at the time of the alleged violation. Upon receipt of such an affidavit, CFX may elect to issue a UTC against the person identified in the affidavit. If CFX elects to issue a UTC against the person identified in the affidavit, CFX shall follow the same procedure for initial issuance of a UTC as set forth above. The submission of a false affidavit is a misdemeanor of the second degree.

2-1.005 Payment of Pay By Plate Invoices and UTCs Upon Issuance.

Payment of Pay By Plate Invoices will be made directly to CFX. In addition to the unpaid toll(s) the Pay By Plate Invoice may include additional fees and charges which are hereby approved by the CFX Board. Any transaction or document charges established by contract with rental car companies or third party providers shall continue per the contract. Payment of fines upon issuance of UTCs shall be as provided by statute.

2-1.006 Dispute Resolution Process

Prior to the due date of a Pay By Plate Final Notice, the owner/registrant of the violating vehicle may elect one or both of the following:

- 1) Review of the violation data with CFX staff or their designee for the purposes of determining if the information is valid and enforceable.
- 2) If the owner/registrant of the violating vehicle is not satisfied with the result of the review with CFX staff or designee, the owner/registrant may request a UTC and then pursue the remedies set forth in Chapters 316 and

318, Florida Statutes, or the Toll Enforcement Officer may issue a UTC(s) for unpaid Pay By Plate Invoice.

2-1.007 Payment Notification to DHSMV for Clearance of Vehicle Registration Hold.

- 1) Upon posting of payment of the Pay By Plate Invoice CFX will notify DHSMV as expeditiously as possible, but no later than three (3) business days after posting of payment of unpaid tolls, so that DHSMV may release any Vehicle Registration Hold as to those unpaid tolls.

2-1.008 Effective Date. The above amendments shall take effect as soon as possible once toll collection systems are in place and upon approval of the CFX Executive Director.

The current rules shall remain in effect until such time these amendments shall become effective. All other rules regarding toll enforcement shall remain in full force and effect.

VES Business Rules

Revision Register

Revised Sections/Description	Board Approval Dates / Adopted	ID #
VES Business Rules Adopted	11/05/2008	
2-1.001 – 2-1.007 creating 2-1.008	06/24/2009	
Sections 2-1.003, 2-1.004, 2-1.008	08/25/2010	2010-118
Section 2-1.004	4/25/2012	2012-149
Sections 2-1.001 through 2-1.008		