

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MEMORANDUM

TO: CFX Board Members

FROM: David Wynne, Director of Toll Operations

DATE: August 26, 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 an operational change that will adjust the processing date of Unpaid Toll Notices (UTN) as well as minor changes made for clarification. Currently, UTN notices are being mailed out at the same time each month. The proposed changes allow the UTNs to be distributed equally throughout the month to allow for better operational control. All proposed changes have been reviewed by CFX legal.

ORLANDO-ORANGE COUNTYCENTRAL FLORIDA EXPRESSWAY AUTHORITY

Permanent Rule 2-1
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 Expressway Authority Board, no person is allowed to use the Orlando-Orange CountyCentral Florida Expressway System without payment of the required posted tolls. The current toll schedule is incorporated herein by this reference and may be obtained from the Authority 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 authorizes its Toll Enforcement Officers, staff and designees to issue warnings, UTNs, 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 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 means the Orlando-Orange CountyCentral Florida Expressway Authority.
- (3) 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.

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

- 1) The Authority may issue warnings for failure to pay prescribed toll(s).
- 2) A UTN will be issued for failure to pay two (2) or more tolls processed in an calendar month approximate 30 day period. The UTN will be mailed on the day after or shortly thereafter about the 15th defined invoice date of the

~~customer day of the following month.~~ The UTN will require payment for all missed tolls plus associated fees by the due date listed on the UTN.

- 3) The UTN 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 shall~~ be subject to having a Vehicle Registration Hold placed on it ~~by DHSMV~~ if the UTN remains unpaid by the payment due date.
- 2) The Vehicle Registration Hold will be ~~requested by the Expressway Authority placed 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 shall~~ 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 UTN and (ii) thereafter fails to pay the UTN by the payment due date and (iii) does not have a Vehicle Registration Hold placed ~~for those by the~~ Expressway Authority ~~tolls may shall~~ 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 ~~for a~~ ~~vehicle registered in Florida approval 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 shall~~ 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 by mailing the UTC,~~ 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. ~~The UTC shall specify the remedy available under Sec. 318.18, Fla. Stat. Except as may be otherwise provided herein, the UTC shall be issued in accordance with~~

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the "Florida Uniform Traffic Citation Procedures Manual."

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 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.

b. Upon receipt of such an affidavit, the Expressway Authority may elect to issue a UTC against the person identified in the affidavit. If the Expressway Authority elects to issue a UTC against the person identified in the affidavit, the Expressway Authority 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.

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2-1.005 **Payment of UTNs and UTCs Upon Issuance.**

Payment of UTNs will be made directly to the Expressway Authority. In addition to the unpaid toll(s) the UTN shall include additional fees including transaction and document charges of \$3.00 per UTN document, and \$0.10 per toll violation which charges are hereby approved by the Expressway Authority 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 of a UTC, the owner/registrant of the violating vehicle may elect one or both of the following:

- 1) Review of the violation data with Expressway Authority 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 Expressway Authority 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 ~~shall~~ issue a UTC(s) for unpaid UTN(s).

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

- 1) Upon posting of payment of the UTN(s) the Expressway Authority 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 to release any ~~the~~ Vehicle Registration Hold as to those unpaid tolls.

2-1.008 Effective Date. The above amendments shall take effect on September 10, 2015.

The current rules 2-1.003, 2-1.004 shall remain in effect until September 10, 2015, at which time these amendments shall become effective. All other rules regarding toll enforcement shall remain in full force and effect.

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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		

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- 2) The Vehicle Registration Hold will be requested by the Expressway Authority 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

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- 3) Prior to the issuance of a UTC by a Toll Enforcement Officer review must be obtained from the following staff positions: Manager of VES & Special Projects and the Director of Toll Operations or their authorized designees.
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- 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 a sworn affidavit setting forth:

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