

Civil Penalty Process For Toll Violations

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**Washington State
Department of Transportation**

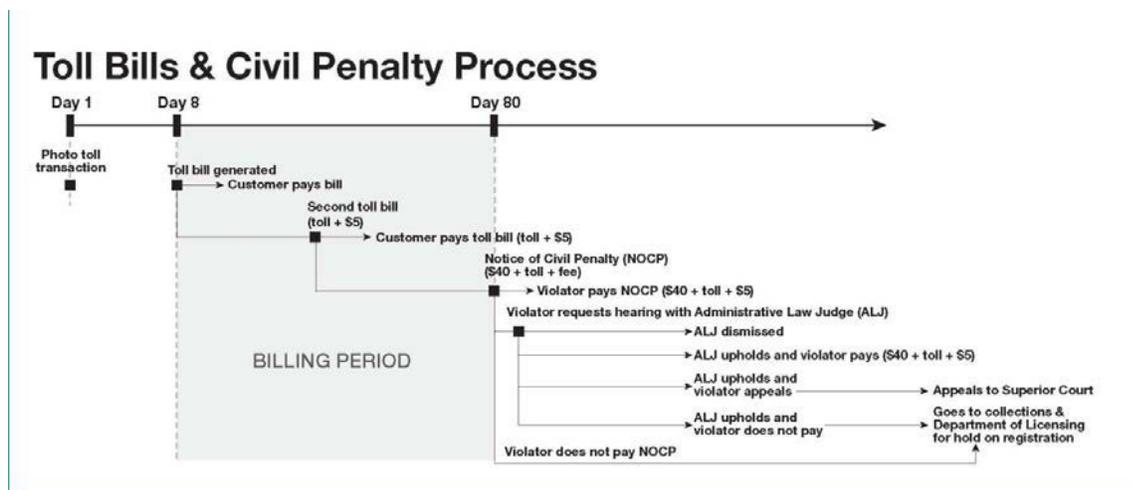
Summary:

The attached report is for the period October - December 2012 and addresses requirements in Section 209 (2) of Chapter 367, Laws of 2011 (ESHB 1175) regarding the civil penalty process for toll violations on toll facilities of the Washington State Department of Transportation.

The first notices of civil penalty (NOCP) were issued on April 09, 2012. As of, December 31, 2012, 310,462 NOCP transactions have been mailed. More than 70,305 NOCP transactions were paid without an administrative hearing and more than 33,945 NOCP transactions were adjudicated. NOCP recipients that did not respond by paying or requesting a hearing prior to the due date are eligible for vehicle registration holds with the Department of Licensing (DOL).

The NOCP Process:

WAC 468-305-500 through 582 contains provisions related to the civil penalty process, which are consistent with RCW 46.63.160. In accordance with the rules, the Department will send an NOCP to the registered owner or renter of the vehicle who has not paid a toll within 80 days.



Project Status:

After seven months of experience with this process, the Department took several steps to review how things were working. WSDOT and the Administrative Law Judges held an adjudication workshop to review the hearings process. The workshop provided the Department and the Hearing Officers the opportunity to review the successes as well as any opportunities for improvements. Both administrative and process improvements were identified to increase the efficiency of the program. One item identified for improvement was a more comprehensive evidence package. A time study of the process for preparing these evidence packages was conducted and, since the additional work was not significant, the process was implemented. The implementation of the new evidence package has reduced hearing times, provided the Judges with the information needed to quickly arrive at an informed decision for each case and reduced the number of cases being continued due to the absence of evidence. This activity has also assisted the CSC in properly staffing the Toll Enforcement Office and reduced interruptions in the daily work flow.

The Department and back office vendor, ETCC, continue to work on the design of the Collection Agency system modules, which should be ready for implementation by the end of 2013.

Reporting of NOCP Program Statistics:

Table 1 indicates NOCP and hearing volumes, workload cost and revenue for the second quarter of Fiscal Year 2013 for the Tacoma Narrows and SR-520 Bridges.

Civil Penalty Process for Toll Violations October- December

	TNB	SR-520 Bridge
Number of civil penalties transactions issued ¹	20,763	67,406
Number of civil penalty transactions paid upon receipt of the NOCP	993	6,811
Number of civil penalty transactions adjudicated via a written dispute in lieu of hearing	601	3,871
Number of civil penalty transactions adjudicated via an in-person hearing	417	2,336
Number of civil penalty transactions which did not receive a response	18,752	54,388
Workload costs related to adjudicated transactions ²	\$94,447.	\$309,313.
Cost and effectiveness of debt Collection activities ³	N/A	N/A
Cash received related to \$40 civil penalty fee ^{4,5}	\$95,171.	\$798,322.

*1.) Civil Penalty Transaction data is queried from the ETCC database. The data is pulled at least 25 days after the NOCP transaction date in order to allow each recipient time to pay or request a hearing prior to the NOCP due date.

*2.) Workload costs represent the total costs charged to each toll facility in relation to the civil penalty program during this reporting period.

*3.) Debt Collection activities are anticipated to begin in two phases; DOL Hold (Sept 2012) and Collections (end of 2013)

*4.) Revenues reported here represent cash received from NOCP penalty payments only. They do not include any toll or reprocessing fee cash collected. Amounts presented are not in whole \$40 increments due to partial payments.

*5.) Financial statements report total revenues earned after NOCP recipient has been found "liable" through an administrative hearing or deemed "liable" for not responding to the notice by the due date (20 days). This differs from the amount of cash collected which is presented here. The booked receivables for TNB and SR-520 Bridge are \$877,922.00 and \$2,701,819.00 respectively for the period.