Los Angeles County
Metropolitan Transportation
Authority
One Gateway Plaza
3rd Floor Board Room
Los Angeles, CA

Metro

Board Report

File #: 2019-0628, **File Type:** Motion / Motion Response **Agenda Number:** 27.

**OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE
NOVEMBER 21, 2019**

SUBJECT: ORDINANCE FOR ENFORCEMENT OF TOLL VIOLATIONS FOR THE METRO EXPRESSLANES

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

APPROVE amendment to Title 7 of the Ordinance for Enforcement of Toll Violations (Attachment A). The ordinance will become effective January 5, 2020.

ISSUE

Toll evasion penalties are regulated by the California Vehicle Code (CVC) Section 40258. In order for appropriate penalties to be enforced, the Metro Board must adopt an ordinance establishing the administrative procedures, processing fees, and penalties to ensure compliance with statute.

BACKGROUND

As a requirement for implementing the I-10 and I-110 ExpressLanes, the Metro Board initially adopted the Ordinance to Establish the LACMTA Administration of Tolls and Enforcement of Toll Violations for the Metro ExpressLanes in April 2012. This original ordinance established administrative procedures and penalties associated with ExpressLanes violations. Per the California Vehicle Code, changes affecting violations on the ExpressLanes must be reflected in an ordinance adopted by the operating agency. As a result, in order to incorporate the changes required to deploy the Board adopted Occupancy Detection System and the Pay as You Go program, the Board must adopt the updated Ordinance for Enforcement of Toll Violation provided as Attachment A. Changes from the original ordinance are shown in Attachment A as blue-strikeout text (i.e., deletions) and as red-bolded text (i.e., additions).

The Occupancy Detection System is a proof of concept that would allow the toll system to verify the number of occupants declared in the vehicle at the time of travel and compare it to the system's observed occupancy. The registered owner of the vehicle would be responsible for the correct toll amount plus a $4 processing fee.

The Pay as You Go pilot program allows drivers to use the Metro ExpressLanes without a FasTrak transponder which has been a program requirement to date. The registered owner of the vehicle would be charged the toll and a $4 processing fee.

DISCUSSION

An update to the Ordinance for Enforcement of Toll Violation for Metro ExpressLanes is required to allow implementation of the Occupancy Detection System and Pay as You Go program. Both programs follow the same violation process once the transaction is flagged. This ordinance update also includes several minor language changes throughout, for added clarity, consistency, and precision of meaning.

The following outlines the steps associated with the Occupancy Detection System process:

1. If the system detects the number of occupants declared in the vehicle was less than the number verified by the system the transaction is flagged as a violation.
2. An “Occupancy Correction Notice of Toll Evasion Violation” will be mailed to the registered owner of the vehicle within 21 days of the transaction. The first notice will include the correct toll amount plus a $4 processing fee.
3. If payment is not received within 30 days, there will be an additional $21 penalty added to the total and a “Past Due Notice of Toll Evasion Violation” will be mailed.
4. If payment is not received within 30 days after the second notice, a third notice, "Delinquent Notice of Toll Evasion Violation" is mailed out with an additional $30 penalty.
5. If payment is not received 30 days after the third notice a hold may be placed on the vehicle’s registration and/or the violation will be sent to collections.

The following steps illustrate the Pay as You Go process:

1. If a vehicle drives through the I-10 and I-110 ExpressLanes without a transponder the transaction is flagged as a violation.
2. A “Pay as You Go Notice of Toll Evasion Violation” will be mailed to the registered owner of the vehicle within 21 days of the transaction. The first notice will include the correct toll amount plus a $4 processing fee.
3. If payment is not received within 30 days, there will be an additional $21 penalty added to the total and a “Past Due Notice of Toll Evasion Violation” will be mailed.
4. If payment is not received within 30 days after the second notice, a third notice, "Delinquent Notice of Toll Evasion Violation" is mailed out with an additional $30 penalty.
5. If payment is not received 30 days after the third notice a hold may be placed on the vehicle’s registration and/or the violation will be sent to collections.

For both types of toll evasion violations, customers will be provided two levels of review for contesting these notices: an Investigative Review and/or an Administrative Hearing. A customer may request an Investigative Review at any time during the violation escalation process provided the violation has not been placed on DMV Hold or sent to collections. Administrative Hearings can be requested after an Investigative Review has been completed and are held before an impartial Hearing Officer who will render a decision based on the facts of the case and applicable laws. The Administrative Hearing process utilizes the same procedures as the Metro Transit Court, and gives the appellant an opportunity to present evidence, witness statements, and arguments as to the reason(s) a particular violation should be dismissed. Violations that are deemed invalid either by the system or through the contest processes will be dismissed.

Metro staff is following a tailored outreach strategy and educational campaign for both the Occupancy Detection System and the Pay as You Go program. For the Occupancy Detection System, customers were sent initial notification of the upcoming changes through mailed statement inserts and e-mail on October 1, 2019, and the Metro ExpressLanes web site was simultaneously updated with new information about the system. Customers will be sent additional correspondence with more information about the Occupancy Detection System one month in advance of its activation. Furthermore, for the first two months of operation (i.e., the “grace period”), informational notices will be mailed in place of actual toll evasion violations to any customers found to be mis-representing their vehicle occupancies.

Outreach for the Pay as You Go program will similarly include notifications sent to existing ExpressLanes account-holders through mailed statement inserts and e-mail, along with updates to the Metro ExpressLanes web site. Furthermore, because much of the target audience for the Pay as You Go program is non-customers traveling on the I-10 and I-110 ExpressLanes corridors, outreach will also include a series of portable Changeable Message Signs placed in the freeway shoulders near ExpressLanes access points to notify corridor users of the change in policy for drivers accessing the ExpressLanes without transponders. Specific locations for these portable Changeable Message Signs are being determined in coordination with Caltrans and are subject to final Caltrans approval. Outreach for the Pay as You Go program will occur after the program has become active, to prevent customer confusion regarding which access options are currently available and which take effect at a future date.

FINANCIAL IMPACT

There is no cost related to the adoption of this ordinance. Staff will continue to monitor the performance of the ExpressLanes to make sure the program goals are achieved.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommendation supports strategic plan Goal 1: Provide high-quality mobility options that enable people to spend less time traveling. ExpressLanes provides drivers with the option of a more reliable trip while improving the overall operational efficiency of the freeway network.

ALTERNATIVES CONSIDERED

The Board may elect not to adopt an ordinance establishing an updated toll evasion process and penalties for the program. This alternative is not recommended because without adoption of the changes identified in the ordinance, Metro is precluded from implementing the Occupancy Detection System and Pay as You Go program.

NEXT STEPS

Upon Board approval, staff will take the necessary steps to implement the new ordinance and continue performing the marketing/outreach plans for the Occupancy Detection System and Pay as You Go program as described above.

ATTACHMENTS

Attachment A - Ordinance for Enforcement of Toll Violations

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Phillip A. Washington
Chief Executive Officer

Attachment A:

Ordinance for Enforcement of Toll Violations

AN ORDINANCE TO ESTABLISH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY ADMINISTRATION OF TOLLS AND ENFORCEMENT OF TOLL VIOLATIONS FOR THE METRO EXPRESSLANES

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY:

SECTION 1: Effective January 5, 2020, The Los Angeles County Metropolitan Authority Administrative Code Title 7, **Administration of Tolls and Enforcement of Toll Violations for the** Metro ExpressLanes ~~Toll Violations~~, is hereby established to read as follows:

Title 7
Preamble

Los Angeles County Metropolitan Transportation Authority ("Metro") is authorized pursuant to California Streets and Highways Code section 149.9 to operate high occupancy toll facilities, the "Metro ExpressLanes". The implementation and operation of the Metro ExpressLanes is intended to reduce congestion~~, improving~~ **and improve** travel ~~and safety~~ for the motoring public. While traveling in the Metro ~~Expresslanes, motorists~~**ExpressLanes, Motorists** are required to have a properly mounted transponder associated with a valid FasTrak® Account to facilitate ~~vehicle~~**Vehicle** occupancy validation and the toll collection process pursuant to California Vehicle Code section 23302 et. seq. Motorists **using a FasTrak Account are also required to properly declare the Vehicle's occupancy. Metro Board of Directors established a twelve-month pilot program to enable a three-notice Violation enforcement process, referred to as "Pay as You Go". The Pay as You Go pilot may be extended to a new date certain or indefinitely by the Board of Directors. Vehicles traveling on the Metro ExpressLanes without a valid FasTrak Account will receive a Pay as You Go Notice of Toll Evasion Violation. Vehicles traveling on Metro ExpressLanes whose operators have declared less occupants than the number verified at time of the Violation, will receive an Occupancy Correction Notice of Toll Evasion Violation. Vehicles** who evade the payment of tolls while travelling on the Metro ExpressLanes shall be subject to civil penalties to encourage proper use of the Metro ExpressLanes, pursuant to California Vehicle Code section 40250. This ordinance establishes the administrative procedures and penalties, enacted pursuant to Article 4, Chapter 1 of Division 17 of the California Vehicle Code, to ensure compliance with statute and fairness in the treatment of violators.

Definitions

07-01-020 Definitions

A. "Affidavit of Non-Liability" shall mean the required document, located on the reverse of every Notice of Toll Evasion Violation, to be submitted by the recipient of any Metro ExpressLanes Notice of Toll Evasion Violation that provides the written reason the recipient is not liable for the Violation.

B. "Code" shall mean the California Vehicle Code.

C. "Delinquent Notice of Toll Evasion Violation" shall mean the written notice provided to the registered owner of a Vehicle when payment for a Past Due Notice of Toll Evasion Violation has not been received by Metro by the Due Date.

D. "Delinquent Penalty" is the **penalty** amount ~~accessed~~**assessed** when a Violation is deemed to be delinquent~~ as set forth in section 07-01-035~~.

E. "Department" shall mean the California Department of Motor Vehicles.

F. "Digital Declaration" shall mean the electronic means established by Metro through a bona fide authorized internet site or other such authorized application for the purpose of enabling the Motorist with a FasTrak Account and a Transponder that is not a Switchable Transponder to self-declare the number of vehicle occupants at least 30 minutes prior to travel on the Metro ExpressLanes.

G. "DMV Hold Fee" is the amount assessed when a Delinquent Notice of Toll Evasion Violation remains unpaid more than 60 days and a vehicle registration hold is placed with the Department until such time that payment for the notice is received by Metro or the Department.

H. "Due Date" shall mean the date specified in the ~~Notice of Toll Evasion Violation and~~ **Pay as You Go** Notice of ~~Delinquent~~ **Toll Evasion Violation, Occupancy Correction Notice of Toll Evasion Violation, Past Due Notice of Toll Evasion Violation, and Delinquent Notice of** Toll Evasion Violation by which payment of the ~~Penalty or~~ **toll plus processing fee, past due penalty, and delinquent penalty must be received by Metro, or a** written explanation of contest ~~must be received~~**submitted to Metro**.

I. "FasTrak Account" shall mean an account established with any of the California toll operators to administer the payment of tolls.

J. "Metro" ~~means~~**shall mean** the Los Angeles County Metropolitan Transportation Authority and its subsidiary, the Public Transportation Services Corporation, and their contractors.

K. "Metro ExpressLanes" shall mean the toll facilities on the I-110 and I-10.

L. "Motorists" shall mean and include the registered owner, rentee, lessee and driver of a Vehicle.

M. "Notice of ~~Delinquent~~ Toll Evasion Violation" ~~shall mean the written~~ **is any** notice ~~provided~~**such as Pay as You Go, Occupancy Correction, Past Due or Delinquent Notice of Toll Evasion Violation sent by the Processing Agency** to the registered owner ~~of a Vehicle when a Penalty has not been timely received by Metro~~**or other responsible party informing them of the evasion of toll payment on the Metro ExpressLanes**.

~~A.~~ ~~"~~**"Occupancy Correction** Notice of Toll Evasion Violation" shall mean the written notice provided to the registered owner of a Vehicle ~~which has committed a Violation.~~

N. ~~"Penalty" shall mean the monetary amounts assessed to each toll Violation, including the unpaid Tolls,~~**when a Motorist declares more vehicle occupants than were present at** the ~~Toll Evasion Penalty and~~**time of travel on** the ~~Delinquent Penalty, and constitutes a toll evasion penalty under Code section 40252~~**Metro ExpressLanes**.

O. "Past Due Notice of Toll Evasion Violation" shall mean the written notice provided to the registered owner of a Vehicle when payment for a Pay as You Go Notice of Toll Evasion Violation or an Occupancy Correction Notice of Toll Evasion Violation has not been received by Metro by the Due Date.

P. "Past Due Penalty" is the penalty amount assessed when a Violation is deemed to be past due.

Q. "Pay as You Go Notice of Toll Evasion Violation" shall mean the written notice provided to the registered owner of a Vehicle when a Motorist uses the Metro ExpressLanes without a valid FasTrak account.

R. "Penalty" is the amount assessed under section 07-01-035.

S. "Processing Agency" shall mean Metro, or the contractor or vendor designated by Metro~~,~~ as the party responsible for the processing of the notices of toll evasion.

T. "Processing Fee" is the fee amount assessed on the Pay as You Go Notice of Toll Evasion Violation or the Occupancy Correction Notice of Toll Evasion Violation.

U. "Repeat Violator" ~~means~~**shall mean** any registered owner for whom more than **five (**5**)** Notices of Toll Evasion Violation have been issued in any calendar month within the preceding 12~~-~~ month period.

V. "Switchable Transponder" shall mean a **FasTrak** Transponder with a switch ~~which~~**that** allows the ~~motorists~~**Motorists** to self-declare the number of vehicle occupants.

W. "Terms and Conditions" shall mean the obligations of Metro and a FasTrak customer ~~with regard to~~**regarding** the usage and maintenance of a FasTrak Account as published by Metro from time to time.

X. "Toll" shall mean the monetary charges established by Metro for use of the Metro ExpressLanes.

~~B. "Toll Evasion Penalty" is the amount accessed under section 07-01-035.~~

Y. "Transponder" shall mean a FasTrak electronic device issued by any of the California toll operators that meets the specifications ~~of California Code of Regulations Title 21 and is~~ used to pay tolls electronically **within the State of California**.

Z. "Vehicle" shall mean any vehicle as defined in Code section 670.

AA. "Violation" shall mean the commission of any activity proscribed ~~in sections 07-01-025 and 07-01-030~~**by section 07-01-030 hereof or the failure to comply with any duty mandated by section 07-01-025** hereof.

<u>07-01-025 Metro ExpressLanes Usage Requirements</u>

A. While traveling in the Metro ExpressLanes, ~~Motorists~~**Vehicles** shall have a properly mounted ~~transponder~~**Transponder** associated with a valid FasTrak Account**. Motorists must use either a Switchable Transponder or the Metro authorized Digital Declaration systems** to ~~facilitate~~ **identify the number of Vehicle occupants when traveling on the Metro ExpressLanes. Vehicles that travel on the Metro ExpressLanes without a valid funded FasTrak Account shall be issued a Pay as You Go Notice of Toll Evasion Violation with associated tolls and Processing**

Fees consistent with the posted toll rates for a single occupant toll plus any associated Processing Fees.

B. Vehicles with an associated valid FasTrak Account that meet the minimum vehicle occupancy ~~validation and the toll collection process.~~ **requirement for travel on a Metro ExpressLanes are high-occupancy Vehicles and eligible for the reduced Toll, consistent with the posted rates at the time of travel. A Vehicle occupancy-declaration must be made prior to using the Metro ExpressLanes consistent with published requirements for making Vehicle occupancy declarations.**

C. Motorists traveling in the Metro ExpressLanes ~~with~~**without** the minimum number of ~~vehicle~~**Vehicle** occupants to qualify for high~~-occupancy lane use at that time must have a Switchable Transponder set to the required number of occupants or they~~ **occupancy Toll rates** will be charged the posted single-occupancy Toll.
   (1) Metro ExpressLanes users with a Switchable Transponder shall set the self-declaration switch to the actual number of vehicle occupants prior to travel.
   (2) Metro ExpressLanes users ~~without~~**with a Transponder that is not** a Switchable Transponder will be charged the posted single occupancy Toll rate **unless the Motorist declares the vehicle occupancy by following Metro's published rules for vehicle occupancy declaration, or Digital Declaration**.
   (3) Vehicle occupancy violations, including falsely self-declaring the vehicle occupancy, are subject to citation by the California Highway Patrol **or the issuance of an Occupancy Correction Notice of Toll Evasion Violation by Metro**.

D. The FasTrak Account associated with the Transponder must have a balance sufficient to pay the charged Tolls at the time a Vehicle enters the Metro ExpressLanes.

E. Metro ExpressLanes FasTrak accountholders shall adhere to the Terms and Conditions provided at the time of account opening**, and** as updated thereafter with notification to the accountholders.

<u>07-01-030 Liability for Failure to Pay Toll</u>

A. ~~No~~**Except as otherwise exempted in advance of travel by Metro, no** person shall cause a Vehicle to enter the Metro ExpressLanes without payment of the Toll~~ for the Vehicle~~ by use of a Transponder, issued by Metro or any California toll agency, which is associated with a FasTrak Account with a balance sufficient to pay those Tolls. **No person shall cause a Vehicle to enter the Metro ExpressLanes with fewer vehicle occupants than self-declared using a Switchable Transponder or Digital Declaration.**

B. Except as provided herein, the registered owner and the driver, rentee or lessee of a Vehicle which is the subject of any Violation shall be jointly and severally liable for the **Toll, Processing Fee and** Penalty imposed under this ordinance, unless the registered owner can **sufficiently** demonstrate that the Vehicle was used without the express or implied consent of the registered owner. Anyone who pays any **Toll, Processing Fee or** Penalty pursuant to this ordinance shall have the right to recover the same from the driver, rentee or lessee.

C. The driver, rentee or lessee of a Vehicle who is not the owner of the Vehicle may contest the Notice of Toll Evasion Violation in accordance with this ordinance.

D. Any **Vehicle owner or** Motorist assessed a Penalty for a Violation shall be deemed to be charged with a non-criminal, civil violation.

07-01-035 Penalties and Processing of Violation(s)

A. The ~~Toll Evasion~~ **Processing Fee and** Penalty for a Violation of this ordinance shall ~~initially be $25 for each~~**be set forth in Table 1 – Schedule of** Violation ~~and the Delinquent Penalty shall be an additional $30 for each unpaid Violation deemed delinquent.~~**Penalties.** These **Processing Fee and** Penalty amounts~~,~~ may be increased or decreased by Metro's Chief Executive Officer ~~up to 5%~~ annually**,** provided the calculated amount does not exceed the amount set forth in Code section 40258(A). Any amendments to the **Processing Fee and** Penalty amounts shall be posted on the Metro website 90 days in advancement of enactment.

B. If a Vehicle is found, by automated devices, by visual observation, or otherwise, to have evaded ~~tolls~~**Tolls** on the Metro ExpressLanes, a **Pay as You Go** Notice of Toll Evasion Violation shall be mailed by first class mail to the registered owner **of the Vehicle at the address as shown on the record of the Department within 21 days of the Violation. If a Vehicle is found, by automated devices, by visual observation, or otherwise, to have declared more Vehicle occupants that are verified by Metro systems, an Occupancy Correction Notice of Toll Evasion Violation shall be mailed by first class mail to the registered owner of the Vehicle** at the address as shown on the record of the Department within 21 days of the Violation. If accurate information concerning the identity and address of the registered owner **of the Vehicle** is not available within 21 days from the Violation, the Processing Agency shall have an additional 45 calendar days to obtain such information and forward **either** the **Pay as You Go** Notice of Toll Evasion Violation~~,~~ ~~provided that where~~ **or the Occupancy Correction Notice of Toll Evasion Violation. Where** the registered owner is a Repeat Violator, the Processing Agency shall forward ~~the~~**either the Pay as You Go Notice of Toll Evasion Violation or the Occupancy Correction** Notice of Toll Evasion Violation within 90 calendar days of the Violation.

Table 1
Schedule of Violation Penalties

Processing Fee	**$4 per Violation**
Past Due Penalty	**$21 per Violation[1]**
Delinquent Penalty	**$30 per Violation[2]**
DMV Hold Fee	**$3 per Violation[3]**
The amounts in this table are effective January 5, 2020	

[1] The Past Due Penalty is additive to the Toll and Processing Fee issued with the Pay as You Go Notice of Toll Evasion Violation **or the Occupancy Correction Notice of Toll Evasion Violation**

[2] The Delinquent Penalty is additive to the Toll, Processing Fee, and Past Due Penalty issued with the Past Due Notice of Toll Evasion Violation

[3]The DMV Hold Fee is additive to the Toll, Processing Fee, Past Due Penalty, and Delinquent Penalty issued with the Delinquent Notice of Toll Evasion Violation

07-01-040 Pay as You Go Notice of Toll Evasion Violation

A. The Pay as You Go Notice of Toll Evasion Violation shall contain (1) the date, time and location of the alleged unpaid Toll, (2) the Toll and Processing Fee due for the Violation, (3) the identity and address of the registered owner of the Vehicle, (4) the Vehicle make and license plate number, (5) the procedure to follow for payment of the amount due, (6) a statement in bold print that payments may be sent in the mail, (7) the date and time within which the Pay as You Go Notice of Toll Evasion Violation must be paid before escalation to a Past Due Notice of Toll Evasion Violation with Past Due Penalty added to the Violation, (8) a clear and concise explanation of the procedures for filing an Affidavit of Non-Liability in those circumstances set forth in section 07-01-040 C, D, E, and F and for contesting the alleged Notice of Toll Evasion in accordance with section 07-01-085 and appealing an adverse decision in accordance with section 07-01-095 and (9) the Due Date, which is also the date by which the written explanation of contest must be received by Metro.

B. The Pay as You Go Notice of Toll Evasion Violation shall contain, or be accompanied with, an Affidavit of Non-Liability and information of what constitutes non-liability, information as to the effect of executing the affidavit, and instructions for returning the affidavit to the Processing Agency.

C. If the Affidavit of Non-Liability is returned to the Processing Agency by the Due Date of the Pay as You Go Notice of Toll Evasion Violation together with satisfactory proof that the driver at the time of the Violation did not possess express or implied consent to drive the Vehicle as evidenced by a stolen vehicle police report, if the Processing Agency is satisfied that the registered owner is not responsible for the Violation, the Processing Agency shall cancel the Pay as You Go Notice of Toll Evasion Violation and make an adequate record of the reasons.

D. If the Affidavit of Non-Liability is returned to the Processing Agency by the Due Date with satisfactory proof that the registered owner of the Vehicle given the Pay as You Go Notice of Toll Evasion Violation had made a bona fide sale or transfer of the Vehicle and had delivered possession thereof to the purchaser prior to the date of the alleged Violation and either (1) has complied with section 5602 of the Code, or (2) the Processing Agency is satisfied with evidence that establishes that the transfer of ownership and possession of the Vehicle occurred prior to the date of the alleged Violation, and has obtained verification from the Department, then the Processing Agency shall terminate proceedings against the originally served registered owner and proceed against the new owner of the Vehicle.

E. If the Affidavit of Non-Liability is returned to the Processing Agency by the Due Date of the Pay as You Go Notice of Toll Evasion Violation together with satisfactory proof of an executed written rental agreement or lease between a bona fide renting or leasing company and its customer that identifies the rentee or lessee and provides the name and address of the rentee or lessee, the Processing Agency shall serve or mail to the rentee or lessee identified in the Affidavit of Non-Liability a Pay as You Go Notice of Toll Evasion Violation.

F. If the description of the Vehicle in the Pay as You Go Notice of Toll Evasion Violation does not match the corresponding information on the registration card for that Vehicle, the Processing Agency may, on written request of the registered owner of the Vehicle, cancel the Pay as You Go Notice of Toll Evasion Violation without the necessity of appearance by that registered owner.

07-01-045 Dismissal of Pay as You Go Notice of Toll Evasion Violation

A. If, after a copy of the Pay as You Go Notice of Toll Evasion Violation has been sent to the registered owner of the Vehicle, and the Processing Agency determines that due to failure of proof of the Violation, the Pay as You Go Notice of Toll Evasion Violation should be dismissed, the Processing Agency shall cancel the Pay as You Go Notice of Toll Evasion Violation, and the registered owner of the Vehicle shall be notified by first-class mail.

B. If the full amount of the Pay as You Go Notice of Toll Evasion Violation is received by the Due Date by the entity authorized to receive the payment and there is no contest as to that notice, proceedings under this ordinance shall terminate.

C. If the registered owner of the Vehicle provides satisfactory proof to the Processing Agency that he or she was not the registered owner of the Vehicle on the date of the Violation as set forth in section 07-01-040, proceedings against the notifying party shall terminate. This shall not limit the right of the Processing Agency to pursue collection of the Pay as You Go Notice of Toll evasion Violation from the person who was the registered owner of the Vehicle on the date of the alleged Violation.

07-01-050 Occupancy Correction Notice of Toll Evasion Violation

A. The Occupancy Correction Notice of Toll Evasion Violation shall contain (1) the date, time and location of the alleged unpaid Toll, (2) the Toll and Processing Fee due for the Violation, (3) the identity and address of the registered owner of the Vehicle, (4) the Vehicle make and license plate number, (5) the procedure to follow for payment of the amount due, (6) a statement in bold print that payments may be sent in the mail, (7) the date and time within which the Occupancy Correction Notice of Toll Evasion Violation must be paid before escalation to a Past Due Notice of Toll Evasion Violation with Past Due Penalty added to the Violation, (8) a clear and concise explanation of the procedures for filing an Affidavit of Non-Liability in those circumstances set forth in section 07-01-050 C, D, E, and F and for contesting the alleged Notice of Toll Evasion in accordance with section 07-01-085 and appealing an adverse decision in accordance with section 07-01-085 and (9) the Due Date, which is also the date by which the written explanation of contest must be received by Metro.

B. The Occupancy Correction Notice of Toll Evasion Violation shall contain, or be accompanied with, an Affidavit of Non-Liability and information of what constitutes non-liability, information as to the effect of executing the affidavit, and instructions for returning the affidavit to the Processing Agency.

C. If the Affidavit of Non-Liability is returned to the Processing Agency within 30 days of the issuance of the Occupancy Correction Notice of Toll Evasion

Violation together with satisfactory proof that the driver at the time of the Violation did not possess express or implied consent to drive the Vehicle as evidenced by a stolen vehicle police report, if the Processing Agency is satisfied that the registered owner of the Vehicle is not responsible for the Violation, the Processing Agency shall cancel the Occupancy Correction Notice of Toll Evasion Violation and make an adequate record of the reasons.

D. If the Affidavit of Non-Liability is returned to the Processing Agency by the Due Date with satisfactory proof that the registered owner given the Occupancy Correction Notice of Toll Evasion Violation has made a bona fide sale or transfer of the Vehicle and has delivered possession thereof to the purchaser prior to the date of the alleged Violation and either (1) has complied with section 5602 of the Code, or (2) the Processing Agency is satisfied with evidence that establishes that the transfer of ownership and possession of the Vehicle occurred prior to the date of the alleged Violation, and has obtained verification from the Department, then the Processing Agency shall terminate proceedings against the originally served registered owner and proceed against the new owner of the Vehicle.

E. If the Affidavit of Non-Liability is returned to the Processing Agency by the Due Date of the Occupancy Correction Notice of Toll Evasion Violation together with satisfactory proof of an executed written rental agreement or lease between a bona fide renting or leasing company and its customer that identifies the rentee or lessee and provides the name and address of the rentee or lessee, the Processing Agency shall serve or mail to the rentee or lessee identified in the Affidavit of Non-Liability an Occupancy Correction Notice of Toll Evasion Violation.

F. If the description of the Vehicle in the Occupancy Correction of Toll Evasion Violation does not match the corresponding information on the registration card for that Vehicle, the Processing Agency may, on written request of the registered owner, cancel the Pay as You Go Notice of Toll Evasion Violation without the necessity of appearance by that person.

07-01-055 Dismissal of Occupancy Correction Notice of Toll Evasion Violation

A. If, after a copy of the Occupancy Correction Notice of Toll Evasion Violation has been sent to the registered owner of the vehicle, and the Processing Agency determines that due to failure of proof of the Violation, the notice should be dismissed, the Processing Agency shall cancel the Occupancy Correction Notice of Toll Evasion Violation, and the registered owner of the Vehicle shall be notified by first-class mail.

B. If the full amount of the Occupancy Correction Notice of Toll Evasion Violation is received by the entity authorized to receive the payment of the Occupancy Correction Notice Toll Evasion Violation by the Due Date and there is no contest as to that Occupancy Correction Notice of Toll Evasion Violation, proceedings under this ordinance shall terminate.

C. If the registered owner of the Vehicle provides satisfactory proof to the Processing Agency that he or she was not the registered owner on the date of the Violation as set forth in sections 07-01-050, proceedings against the notifying

party shall terminate. This shall not limit the right of the Processing Agency to pursue collection of the Occupancy Correction Notice of Toll Evasion Violation from the person who was the registered owner of the Vehicle on the date of the alleged Violation.

07-01-060 Past Due Notice of Toll Evasion Violation

A. **The Past Due** Notice of Toll Evasion Violation shall contain (1) the date, time and location of the alleged Violation, (2) the section of the Code allegedly violated, (3) the Penalty due for that Violation , (4) the identity and address of the registered owner, (5) the Vehicle make and license plate number, (6) the procedure to follow for payment of the amount due, (7) a statement in bold print that payments may be sent in the mail, (8) the date and time within which the ~~Penalty~~ **Past Due Notice of Toll Evasion Violation** must be paid, (9) a clear and concise explanation of the procedures for filing an ~~affidavit~~**Affidavit** of ~~non-liability~~**Non-Liability** in those circumstances set forth in section 07-01-~~040~~**060** B, C**, D** and ~~D~~**E** and for contesting the alleged Violation and appealing an adverse decision in accordance with section 07-01-~~055~~**085** and (10) the Due Date, which is also the date by which the written explanation of contest must be received by Metro**.**

B. The **Past Due** Notice of Toll Evasion Violation shall contain, or be accompanied with, an ~~affidavit~~**Affidavit** of ~~non-liability~~**Non-Liability** and information of what constitutes non-liability, information as to the effect of executing the affidavit, and instructions for returning the affidavit to the Processing Agency.

C. If the ~~affidavit~~**Affidavit** of ~~non-liability~~**Non-Liability** is returned to the Processing Agency within ~~21~~**30** days of the issuance of the **Past Due** Notice of Toll Evasion Violation together with **satisfactory** proof that the driver at the time of the Violation did not possess express or implied consent to drive the Vehicle as evidenced by a stolen vehicle police report, if the Processing Agency is satisfied that the registered owner is not responsible for the Violation, the Processing Agency shall cancel the **Past Due** Notice of Toll Evasion Violation and make an adequate record of the reasons.

D. If the ~~affidavit~~**Affidavit** of ~~non-liability~~**Non-Liability** is returned to the Processing Agency by the Due Date with **satisfactory** proof that the registered owner given the **Past Due** Notice of Toll Evasion Violation has made a bona fide sale or transfer of the Vehicle and has delivered possession thereof to the purchaser prior to the date of the alleged Violation and either (1) has complied with section 5602 of the Code, or (2) the Processing Agency is satisfied with evidence that establishes that the transfer of ownership and possession of the Vehicle occurred prior to the date of the alleged Violation, and has obtained verification from the Department, then the Processing Agency shall terminate proceedings against the originally served registered owner and proceed against the new owner of the Vehicle.

E. If the ~~affidavit~~**Affidavit** of ~~non-liability~~**Non-Liability** is returned to the Processing Agency by the Due Date of the **Past Due** Notice of Toll Evasion Violation together with ~~the~~**satisfactory** proof of an executed written rental agreement or lease between a bona fide renting or leasing company and its customer that identifies the rentee or lessee and provides the driver's license number, name and address of the rentee or lessee, the Processing Agency shall serve or mail to the rentee or lessee identified in

the ~~affidavit~~**Affidavit** of ~~non-liability~~**Non-Liability** a **Past Due** Notice of Toll Evasion Violation.

F. If payment of the ~~Penalty~~**Past Due Notice of Toll Evasion Violation** is not received by Processing Agency by the Due Date ~~on the Notice of Toll Evasion Violation~~, the Processing Agency shall deliver by first- class mail a ~~Notice of~~ Delinquent **Notice of** Toll Evasion Violation.

G. If the description of the Vehicle in the **Past Due** Notice of Toll Evasion Violation does not match the corresponding information on the registration card for that Vehicle, the Processing Agency may, on written request of the ~~Motorist~~**registered owner**, cancel the **Past Due** Notice of Toll Evasion Violation without the necessity of appearance by that person.

07-01-~~045~~**065** Dismissal of **Past Due** Notice of Toll Evasion Violation

A. If, after a copy of the **Past Due** Notice of Toll Evasion Violation has been sent to the ~~Motorist~~**registered owner**, the Processing Agency determines that due to failure of proof of apparent Violation the **Past Due** Notice of Toll Evasion Violation shall be dismissed, the Processing Agency shall cancel the **Past Due** Notice of Toll Evasion Violation, and the ~~Motorist~~**registered owner** shall be notified by first-class mail.

B. If the full amount of the ~~Penalty~~**Past Due Notice of Toll Evasion Violation** is received by the ~~person~~**entity** authorized to receive the payment ~~of the Penalty~~ by the Due Date and there is no contest as to that Violation, proceedings under this ordinance shall terminate.

C. If the registered owner of the Vehicle provides **satisfactory** proof to the Processing Agency that he or she was not the registered owner on the date of the Violation as set forth in sections 07-01-~~040 and 07-01-050~~**060,** proceedings against the notifying party shall terminate. This shall not limit the right of the Processing Agency to pursue collection of the ~~delinquent toll evasion Penalty~~**Past Due Notice of Toll Evasion Violation** from the person who was the registered owner of the Vehicle on the date of the alleged Violation.

07-01-~~050 Notice of~~ **070** Delinquent **Notice of** Toll Evasion Violation

A. If the payment of the ~~Penalty~~**Past Due Notice of Toll Evasion Violation** is not received by the Processing Agency by the Due Date ~~on the Notice of Toll Evasion Violation~~, and there is no contest as to that Violation as set forth in section 07-01-~~060~~**085**, the Processing Agency shall deliver by first-class mail to the registered owner of the Vehicle a ~~Notice of~~ Delinquent **Notice of** Toll Evasion Violation.

B. Metro shall establish a procedure for providing, upon request, a ~~photo-static~~**photostatic** copy of the original **Past Due** Notice of Toll Evasion Violation**, and/or the original Pay as You Go Notice of Toll Evasion Violation or Occupancy Correction Notice of Toll Evasion Violation,** or an electronically produced facsimile of the ~~original Notice of Toll Evasion Violation~~ **documents** within 15 days of **Metro's receipt of** a request. Metro may charge a fee sufficient to recover the actual costs of providing the copy not to exceed two dollars ($2) **for each document,** to be established by the Chief Executive Officer of Metro. Until the Processing Agency complies with a request for a copy of the original notice ~~of~~

~~Violation~~, the Processing Agency may not proceed to collection of amounts covered by such notice**(s)**.

C. The ~~Notice of~~ Delinquent **Notice of** Toll Evasion Violation shall contain the information required to be contained in the original **Past Due** Notice of Toll Evasion Violation and, additionally, shall contain a notice to the registered owner that, unless the registered owner pays the ~~Penalty,~~ **amounts in the Delinquent Notice of Toll Evasion Violation,** contests the Violation pursuant to the procedure set forth in the **Delinquent** Notice of Toll Evasion Violation, or completes and returns to the Processing Agency an ~~affidavit~~**Affidavit** of ~~non-liability~~**Non-Liability**, as provided with the **Delinquent** Notice of Toll Evasion Violation and in compliance with section 07-01-~~045~~**070** D, E and F, within ~~15~~**30** days after the mailing of the ~~Notice of~~ Delinquent **Notice of** Toll Evasion Violation (the Due Date): (1) the Penalty shall be considered a debt due and owing Metro, (2) the renewal of the Vehicle registration shall be contingent upon compliance with the ~~Notice of~~ Delinquent **Notice of** Toll Evasion Violation at Metro's election, and (3) Metro may seek to recover in any lawful manner, as provided for in section 07-01-~~075~~**100**.

D. The ~~Notice of~~ Delinquent **Notice of** Toll Evasion Violation shall contain, or be accompanied with, an ~~affidavit~~**Affidavit** of ~~non-liability~~**Non-Liability** and information of what constitutes non-liability, information as to the effect of executing the affidavit, and instructions for returning the affidavit to the Processing Agency.

E. If the ~~affidavit~~**Affidavit** of ~~non-liability~~**Non-Liability** is returned to the Processing Agency within ~~15~~**30** days of the mailing of the ~~Notice of~~ Delinquent **Notice of** Toll Evasion Violation (the Due Date) together with **satisfactory** proof that the driver at the time of the Violation did not possess express or implied consent to drive the Vehicle as evidenced by a stolen vehicle police report, if the Processing Agency is satisfied that the registered owner is not responsible for the Violation, the Processing Agency shall cancel the **Delinquent** Notice of Toll Evasion Violation and make an adequate record of the reasons.

F. If the ~~affidavit~~**Affidavit** of ~~non-liability~~**Non-Liability** is returned to the Processing Agency by the Due Date with **satisfactory** proof that the registered owner given the **Delinquent** Notice of Toll Evasion Violation has made a bona fide sale or transfer of the Vehicle and has delivered possession thereof to the purchaser prior to the date of the alleged Violation and either (1) has complied with section 5602 of the Code, or (2) the Processing Agency is satisfied with evidence that establishes that the transfer of ownership and possession of the Vehicle occurred prior to the date of the alleged Violation, and has obtained verification from the Department, then the Processing Agency shall terminate proceedings against the originally served ~~Motorists~~**registered owner** and proceed against the unauthorized driver at the time of the Violation, or the new owner of the Vehicle.

G. If the ~~affidavit~~**Affidavit** of ~~non-liability~~**Non-Liability** is returned to the Processing Agency within ~~15~~**30** days of the mailing of the **Delinquent** Notice of ~~Delinquent~~ Toll Evasion Violation (the Due Date set forth in the **Delinquent** Notice of ~~Delinquent~~ Toll Evasion Violation) together with ~~the~~**satisfactory** proof of an executed written rental agreement or lease between a bona fide renting or leasing company and its customer that identifies the rentee or lessee and provides the driver's license number, name, and address of the rentee or lessee, the Processing Agency shall mail to the

rentee or lessee identified in the ~~affidavit~~**Affidavit** of ~~non-liability~~**Non-Liability** a ~~Notice of~~ Delinquent **Notice of** Toll Evasion Violation. If payment is not received within ~~15~~**30** days of such mailing of the ~~Notice of~~ Delinquent **Notice of** Toll Evasion Violation, the Penalty shall be considered a debt due and owing Metro and Metro may seek to recover in any lawful manner, as provided for in section 07-01-075, from the rentee or lessee.

07-01-~~055~~**080** Payment After Notice

A. If a ~~Motorist~~**registered owner** who was mailed a **Past Due** Notice of ~~Delinquent~~ Toll Evasion Violation pursuant to section 07-01-~~050~~**060**, or any other person who presents the **Past Due Notice of Toll Evasion Violation, deposits the Toll and Penalty due with an entity authorized to receive it, then the Processing Agency shall terminate all proceedings where the amount deposited satisfies the amount due. If the entity authorized to receive payments for the Processing Agency receives full payment of the Pay as You Go** Notice of Toll Evasion Violation or ~~Notice of~~ **Occupancy Correction Notice of Toll Evasion Violation within 15 days of the date of the of the Past Due Notice of Toll Evasion Penalty, the Penalty shall consist of the amount of the original Pay as You Go Notice of Toll Evasion Violation or the Occupancy Correction Notice of Toll Evasion Violation without any additional administrative fees or charges.**

B. **If a registered owner who was mailed a Delinquent Notice of Toll Evasion Violation pursuant to section 07-01-070, or any other person who presents the** Delinquent **Notice of** Toll Evasion Violation, deposits the Penalty due with ~~a person~~**an entity** authorized to receive it, then the Processing Agency shall terminate all proceedings where the amount deposited satisfies the amount due. If the ~~registered owner, by appearance or by mail, makes payment~~ **entity authorized** to **receive payments for** the Processing Agency **receives full payment of the Past Due Notice of Toll Evasion Violation** within 15 days of the ~~mailing~~**date** of the ~~Notice~~ of **the** Delinquent **Notice of** Toll Evasion Penalty, the Penalty shall consist of the amount of the original ~~penalty~~**Past Due Notice of Toll Evasion Violation** without any additional administrative fees or charges.

C. If the ~~Notice of~~ Delinquent **Notice of** Toll Evasion Violation has been filed with the Department pursuant to subdivision (b) of Code section 40267 or a civil judgment has been entered pursuant to Code section 40267 and **full** payment of the ~~Penalty~~**Delinquent Notice of Toll Evasion Violation** together with the ~~administrative fee of the Department and the administrative service fee of the Processing Agency for costs of service and any applicable assessment~~**DMV Hold Fee** is received, the Processing Agency shall immediately transmit the payment information to the Department in the manner prescribed by the Department~~,~~ **and** terminate proceeding**, including termination of any associated civil judgment entered pursuant to Code section 40267,** on the ~~Notice of~~ Delinquent **Notice of** Toll Evasion Violation.

07-01-~~060~~**085** Contest of **Pay as You Go** Notice of Toll Evasion Violation ~~or~~**, Occupancy Correction** Notice of ~~Delinquent~~ Toll Evasion Violation**, Past Due Notice of Toll Evasion Violation or Delinquent Notice of Toll Evasion Violation**

A. A person may contest a **Pay as You Go Notice of Toll Evasion Violation, Occupancy Correction Notice of Toll Evasion Violation, Past Due** Notice of Toll Evasion Violation or ~~Notice of~~ Delinquent **Notice of** Toll Evasion Violation within ~~21~~**30** days of the ~~issuance~~**date** of the **Pay as You Go Notice of Toll Evasion Violation, Occupancy Correction Notice of Toll Evasion Violation, Past Due** Notice of Toll Evasion Violation, or ~~within 15 days of the issuance of the Notice of~~ Delinquent ~~Toll Evasion Violation, whichever occurs later~~**Notice of Toll Evasion Violation by providing to the Processing Agency, within the 30 day period, a written explanation of contest that states all facts and circumstances with satisfactory proof that supports such contest**.

B. The Processing Agency shall establish a fair and impartial investigation process to investigate the ~~circumstance of the notice with respect to the contestant's written explanation of reasons for contesting a Violation.~~**circumstances of the Pay as You Go Notice of Toll Evasion Violation, Occupancy Correction Notice of Toll Evasion Violation, Past Due Notice of Toll Evasion Violation or Delinquent Notice of Toll Evasion Violation.** The Processing Agency shall investigate with its own records and staff the circumstances of the ~~notice with respect to the contestant's~~ written explanation of ~~reasons for contesting the Violation~~**contest**. If based upon the results of that investigation, the Processing Agency is satisfied that the Violation did not occur or that the registered owner was not responsible for the Violation, the Processing Agency shall cancel the **Pay as You Go Notice of Toll Evasion Violation, Occupancy Correction Notice of Toll Evasion Violation, Past Due** Notice of Toll Evasion Violation or ~~Notice of~~ Delinquent **Notice of** Toll Evasion Violation and make an adequate record of the reasons for cancelling the notice. The Processing Agency shall mail the **written** results of the investigation to the person who contested the **Pay as You Go Notice of Toll Evasion Violation, Occupancy Correction Notice of Toll Evasion Violation, Past Due** Notice of Toll Evasion Violation or the ~~Notice of~~ Delinquent **Notice of** Toll Evasion Violation.

C. A person who contests a **Pay as You Go Notice of Toll Evasion Violation, Occupancy Correction Notice of Toll Evasion Violation, Past Due** Notice of Toll Evasion Violation or ~~Notice of~~ Delinquent **Notice of** Toll Evasion Violation and is not satisfied with the results of the investigation may, within ~~15~~**30** days of the mailing of the results of the investigation, deposit the amount of the Penalty as set forth in section 07-01-~~065 D~~**035** and request an administrative review. An administrative review shall be held within 90 calendar days following the receipt of the request for an administrative review accompanied by the required deposit amount. The person requesting the administrative review may request one continuance, not to exceed 21 calendar days. The person requesting the administrative review shall indicate to the Processing Agency his or her election for a review by mail or personal conference.

D. The deposit for requesting an administrative review shall be as follows:
   1) Except as provided herein, an individual seeking an administrative review shall deposit the full amount of the ~~Penalty~~**Toll, Processing Fee and Penalties** due at the time of the request.
   2) For Violations arising out of the same set of operative facts and belonging to the same registered vehicle owner, the maximum amount of ~~Penalty~~**Tolls, Processing**

Fees, and Penalties required to be deposited shall be (a) $250 or (b) $250 plus 10 percent of Penalty above $1,000, whichever is greater.

3) Individuals unable to pay the required deposit may apply for a hardship exception.

E. If the person requesting an administrative review is a minor, that person shall be permitted to appear at an administrative review or admit responsibility for a Violation without the necessity of the appointment of a guardian. The Processing Agency may proceed against that person in the same manner as if that person were an adult.

F. As evidence of the Violation the Processing Agency shall produce the **Pay as You Go Notice of Toll Evasion Violation, Occupancy Correction Notice of Toll Evasion Violation, Past Due Notice of Toll Evasion Violation, Delinquent** Notice of Toll Evasion Violation or a copy thereof, information received from the Department identifying the registered owner of the Vehicle, and a statement under penalty of perjury from the ~~person~~**entity** authorized to issue a notice of Violation that the Tolls or other charges and any applicable fee**s and penalties** were not paid in accordance with Metro's policies. This documentation in proper form shall be prima facie evidence of the Violation.

G. The reviews shall be conducted **by Metro Transit Court** in accordance with the written procedures established by the Metro Transit Court which shall ensure a fair and impartial review of the contested Violations. The Metro Transit Court shall provide its decision by first-class mail to the contestant. If a notice of appeal to the California Superior Court is not filed within the period set forth in section 07-01-~~070~~**095**, the decision shall be deemed final.

07-01-~~065~~**090** Hearing Officers

Metro's Chief Executive Officer shall designate the Metro Transit Court hearing officers as the hearing officer(s) appointed to conduct administrative reviews. The hearing officers shall demonstrate the qualifications, training and objectivity necessary to perform fair and impartial reviews. The hearing officer's employment, performance evaluation, compensation and benefits shall not be directly or indirectly linked to the outcome of reviews or the revenue generated by such reviews. Hearings shall be conducted according to such written procedures as may be approved from time to time by the Chief Executive Officer. The hearing shall provide an independent, objective, fair and impartial review of contested violations.

07-01-~~070~~**095** Appeal to Superior Court

A person who requests an administrative review and is not satisfied with the results of the review, may within 20 days after the mailing of the Metro Transit Court's final decision seek review by filing an appeal to the California Superior Court, where the case shall be heard de novo, except that the contents of the Processing Agency's file in the case on appeal shall be received in evidence. For the purposes of computing the 20-day period, section 1013 of the Code of Civil Procedure shall be applicable. The Processing Agency shall admit into evidence as prima facie evidence of the facts stated therein, a copy of the **Past Due** Notice of Toll Evasion Violation and/or ~~Notice of~~ Delinquent **Notice of** Toll Evasion Violation. A copy of the notice of appeal shall be served in person or by first-class mail upon the Processing Agency by the contestant. Notwithstanding section 72055 of the Government Code, the fee for filing the notice of appeal shall be $25. If the

appellant prevails, this fee, together with the deposit of the Penalty made by the contestant, shall be promptly refunded by the Processing Agency in accordance with the judgment of the court.

07-01-~~075~~**100** Collection of Unpaid **Tolls, Processing Fees and** Penalties

If payment is not received within the time periods set forth herein, and no **written contest explaining all facts, circumstances and satisfactory proof supporting such written** contest has been timely filed, or has been resolved, Metro and the Processing Agency are authorized to proceed under one or more of the following options for the collection of unpaid ~~Penalties~~**Toll, Processing Fee, Past Due Penalty and Delinquent Penalty**:

A. Transmit an itemization of unpaid **Tolls, Processing Fees and** Penalties with the Department for collection with the registration of the Vehicle~~.~~**, precluding the registered owner from renewing their Vehicle registration until such Tolls, Processing Fees and Penalties are paid or resolved pursuant to this ordinance.** Metro shall pay the fees assessed by the Department associated with the recording of the ~~Notice of~~ Delinquent **Notice of** Toll Evasion Violation and may charge the amount of the ~~fee~~**DMV Hold Fee** to the ~~Motorists~~**registered owner** to be collected by the Department **or by Metro**.
B. If more than four hundred dollars ($400) in unpaid Penalties have been accrued by any person or registered owner, Metro may file proof of that fact with the Superior Court with the same effect as a civil judgment. Execution may be levied and other measures may be taken for the collection of the judgment as are authorized for the collection of any unpaid civil judgments entered against a defendant in an action on a debt. The court may assess costs against a judgment debtor to be paid upon satisfaction of the judgment. The Processing Agency shall mail a notice by first-class mail to the person or registered owner indicating that a judgment shall be entered for the unpaid Penalties and that after 30 days from the date of the mailing of the notice, the judgment shall have the same effect as an entry of judgment against a judgment debtor. The notice shall include all information required by Code section 40267. The filing fee and any costs of the collection shall be added to the judgment amount.
C. If the Processing Agency has determined that registration of the Vehicle has not been renewed for 60 days beyond the renewal date, and the Penalty has not been collected by the Department pursuant to section 4770 of the Code, **Metro may** file proof of unpaid Penalties with the court with the same effect as a civil judgment as provided above, except that if the amount of the unpaid Penalty is not more than four hundred dollars ($400), the filling fee shall be collectible by the court from the debtor.
D. Contract with a collection agency to collect Penalty amounts.
E. Submit a request to the California State Controller for an offset of unpaid Penalty owing by a ~~Motorist~~**registered owner** against any amount owing the person or entity by a claim for a refund from the Franchise Tax Board under Personal Income Tax Law or the Bank and Corporation Law or from winnings in the California State Lottery, as authorized by California Government Code section 124 19.10. Metro shall provide notice of intent to request an offset by first-class mail to the ~~Motorist~~**registered owner** 30 days prior to the request date.

F. Pursue such other remedies and enforcement procedures that are authorized under the laws of the State of California.

07-01-~~080~~**105** Termination of Proceedings
The Processing Agency shall terminate proceedings on the ~~Notice of~~ Delinquent **Notice of** Toll Evasion Violation, in any of the following cases:

Upon receipt of collected penalties remitted by the Department under Code section 4772 for that ~~Notice of~~ Delinquent **Notice of** Toll Evasion Violation. If the ~~Notice of~~ Delinquent **Notice of** Toll Evasion Violation was returned to the Processing Agency pursuant to Code section 4774 and five years have elapsed since the date of the Violation. The Processing Agency receives information that the Penalties have been paid to the Department pursuant to Code section 4772.

07-01-~~085~~**110** Confidentiality
Any information obtained during the enforcement of Violations shall not be used for any purpose other than to pursue the collection of Violations or process Tolls.

07-01-~~090~~**115** Other Notices
Nothing herein shall prohibit Metro or the Processing Agency from establishing informal methods of notifying Motorists **and registered owners** of Violations and from collecting Tolls**, Fees** and Penalties for Violations through such means.

07-01-~~95~~**120** Implementation
The Chief Executive Officer of Metro is hereby authorized and directed to develop procedures, forms, documents and directives which may be necessary to implement the terms of this ordinance and may delegate his duties and obligations under this ordinance to the Executive Officer, Congestion Reduction Initiative or the Chief Hearing Officer.

07-01-~~100~~**125** Severability
If any term, covenant or condition of this ordinance shall be held by a court of competent jurisdiction to be invalid or unenforceable, then the remainder of this ordinance shall not be affected and each remaining provision shall be valid and enforceable to the fullest extent permitted by law unless any of the stated purposes of this ordinance would be defeated.