

# **Civil Penalty Process For Toll Violations**

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**January – March 2013**



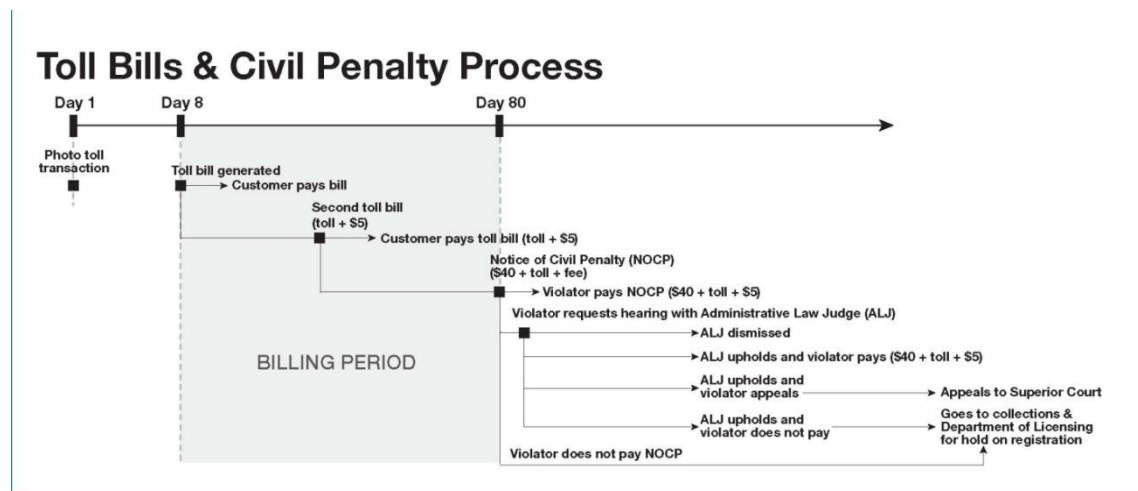
## Summary:

The attached report is for the period January – March 2013 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 March 31, 2013, 427,244 NOCP transactions have been mailed (approx. 1.2% of total transactions). More than 42,726 NOCP transactions were paid without an administrative hearing and more than 46,222 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:

WSDOT Toll Operations continued its goal of continual improvement for the adjudication program during this quarter. A comprehensive quality control program which was begun in April 2012 was completed this quarter. The quality control program focused on making sure that the correct customers were being assigned NOCPs and that every customer will receive their NOCP accurately and in a timely manner. The process involved filtering potential NOCP transactions prior to release and reviewing their status and the underlying reasons for their not being paid in the Toll Bill phase.

As a result of the completion of this quality control program, WSDOT Toll Operations was confident in releasing approximately 150,000 NOCP transactions for mailing and remediation through the adjudication process. The results of this release are expected to be realized over the coming months. WSDOT expects to see a significant spike in cash received on NOCPs and an increase in adjudication expenses related to increased requests for hearings. The adjudication program is expected to reach normal operations by the end of calendar year 2013.

Additionally, the recent implementation of the improved evidence packages has proven not only to be successful with reduced hearing times, but allows the judges to educate the customer on the facts of the case which allows them to have a clear understanding of how and why the final decision was made. Ultimately, the improved evidence packages help to make the adjudication program more customer-friendly and increases the productivity of the adjudication staff.

**Reporting of NOCP Program Statistics:**

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

**Civil Penalty Process for Toll Violations January – March 2013**

	TNB	SR-520 Bridge
1. Number of toll transactions recorded <sup>1</sup>	3,247,500	5,131,000
2. Number of civil penalties transactions issued <sup>2</sup>	39,576	77,213
3. Number of civil penalty transactions paid upon receipt of the NOCP	745	6,811
4. Number of civil penalty transactions adjudicated via a written dispute in lieu of hearing	1,267	2,845
5. Number of civil penalty transactions adjudicated via an in-person hearing	2,202	8,624
6. Number of civil penalty transactions which did not receive a response	35,362	60,121
7. Workload costs related to adjudicated transactions <sup>3</sup>	\$99,361	\$ 288,664
8. Cost and effectiveness of debt Collection activities <sup>4</sup>	N/A	N/A
9. Cash received related to \$40 civil penalty fee <sup>5,6</sup>	\$117,834	\$736,312

- 1) Toll transactions as reported in the monthly toll report (RTS system). TNB transactions include manually collected transactions.
- 2) 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.
- 3) Workload costs represent the total costs charged to each toll facility in relation to the civil penalty program during this reporting period.
- 4) Debt Collection activities are anticipated to begin in two phases; DOL Holds (July 2013) and Collections (March 2014).
- 5) 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.
- 6) 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 were approximately \$600,000 and \$1,700,000 respectively for the period.