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 June 22, 2023, The Los Angeles County Metropolitan Authority Administrative Code Title 7, Administration of Tolls and Enforcement of Toll Violations for the Metro ExpressLanes, 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, and improve travel for the motoring public. While traveling in the Metro ExpressLanes, Motorists are required to have a properly mounted transponder associated with a valid FasTrak® Account to facilitate 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. 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 assessed when a Violation is deemed to be delinquent.
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 Pay as You Go Notice of 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 toll plus processing fee, past due penalty, and delinquent penalty must be received by Metro, or a written explanation of contest 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” 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 Toll Evasion Violation” is any notice 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 or other responsible party informing them of the evasion of toll payment on the Metro ExpressLanes.
“Occupancy Correction Notice of Toll Evasion Violation” shall mean the written notice provided to the registered owner of a Vehicle.
N. When a Motorist declares more vehicle occupants than were present at the time of travel on the 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" 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 that allows the Motorists to self-declare the number of vehicle occupants.
W. "Terms and Conditions" shall mean the obligations of Metro and a FasTrak customer 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.
Y. "Transponder" shall mean a FasTrak electronic device issued by any of the California toll operators that meets the specifications 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 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, Vehicles shall have a properly mounted Transponder associated with a valid FasTrak Account. Motorists must use either a Switchable Transponder or the Metro authorized Digital Declaration systems to 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 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 without the minimum number of Vehicle occupants to qualify for high-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 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.

07-01-030 Liability for Failure to Pay Toll

A. 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 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 Processing Fee and Penalty for a Violation of this ordinance shall set forth in Table 1 – Schedule of Penalties. These Processing Fee and Penalty amounts~~,~~ may be increased or decreased by Metro's Chief Executive Officer, 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 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 or the Occupancy Correction Notice of Toll Evasion Violation. Where the registered owner is a Repeat Violator, the Processing Agency shall forward 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	$9 per Violation
Past Due Penalty	$16 per Violation[1]
Delinquent Penalty	$30 per Violation[2]
DMV Hold Fee	Varies per Violation[3]

[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. Refer to California Code of Regulations, Title 13, Division 1, Chapter 1, Article 6, § 430.00 for fee.

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 Past Due Notice of Toll Evasion Violation must be paid, (9) a clear and concise explanation of the procedures for filing an Affidavit of Non-Liability in those circumstances set forth in section 07-01-060 B, C, D and E and for contesting the alleged Violation and appealing an adverse decision in accordance with section 07-01-085 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 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 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 of 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 of Non-Liability is returned to the Processing Agency by the Due Date of the Past Due 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 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 of Non-Liability a Past Due Notice of Toll Evasion Violation.
F. If payment of the Past Due Notice of Toll Evasion Violation is not received by Processing Agency by the Due Date, the Processing Agency shall deliver by first-class mail a 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 registered owner, cancel the Past Due Notice of Toll Evasion Violation without the necessity of appearance by that person.

<u>07-01-065 Dismissal of Past Due Notice of Toll Evasion Violation</u>

A. If, after a copy of the Past Due Notice of Toll Evasion Violation has been sent to the 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 registered owner shall be notified by first-class mail.
B. If the full amount of the Past Due Notice of Toll Evasion Violation is received by the entity authorized to receive the payment 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 07-01-060, proceedings against the notifying party shall terminate. This shall not limit the right of the Processing Agency to pursue collection of the 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.

07-01-070 Delinquent Notice of Toll Evasion Violation

A. If the payment of the Past Due Notice of Toll Evasion Violation is not received by the Processing Agency by the Due Date, and there is no contest as to that Violation as set forth in section 07-01-085, the Processing Agency shall deliver by first-class mail to the registered owner of the Vehicle a Delinquent Notice of Toll Evasion Violation.
B. Metro shall establish a procedure for providing, upon request, a 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 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, the Processing Agency may not proceed to collection of amounts covered by such notice(s).
C. The 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 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 of Non-Liability, as provided with the Delinquent Notice of Toll Evasion Violation and in compliance with section 07-01-070 D, E and F, within 30 days after the mailing of the 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 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 07-01-100.
D. The Delinquent 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.
E. If the Affidavit of Non-Liability is returned to the Processing Agency within 30 days of the mailing of the 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 of 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 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 of Non-Liability is returned to the Processing Agency within 30 days of the mailing of the Delinquent Notice of Toll Evasion Violation (the Due Date set forth in the Delinquent 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 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 of Non-Liability a Delinquent Notice of Toll Evasion Violation. If payment is not received within ~~15~~30 days of such mailing of the 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.

07-01-080 Payment After Notice

A. If a registered owner who was mailed a Past Due Notice of Toll Evasion Violation pursuant to section 07-01-060, 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 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 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 Past Due Notice of Toll Evasion Violation within 15 days of the date of the of the Delinquent Notice of Toll Evasion Penalty, the Penalty shall consist of the amount of the original Past Due Notice of Toll Evasion Violation without any additional administrative fees or charges.
C. If the 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 Delinquent Notice of Toll Evasion Violation together with the 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 Delinquent Notice of Toll Evasion Violation.

07-01-085 Contest of 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

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 Delinquent Notice of Toll Evasion Violation within 30 days of the 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 Delinquent 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 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 written explanation of 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 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 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 Delinquent Notice of Toll Evasion Violation and is not satisfied with the results of the investigation may, within 30 days of the mailing of the results of the investigation, deposit the amount of the Penalty as set forth in section 07-01-035 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 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 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 entity authorized to issue a notice of Violation that the Tolls or other charges and any applicable fees 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 07-01-095, the decision shall be deemed final.

07-01-090 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.

07-01-095 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 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.

07-01-100 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 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 Delinquent Notice of Toll Evasion Violation and may charge the amount of the DMV Hold Fee to the 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 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 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.

07-01-105 Termination of Proceedings
The Processing Agency shall terminate proceedings on the 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 Delinquent Notice of Toll Evasion Violation. If the 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.

07-01-110 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.

07-01-115 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.

07-01-120 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.

07-01-125 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.