

MEMORANDUM OF AGREEMENT
concerning the
TOLL VIOLATION ENFORCEMENT RECIPROCITY PROGRAM
Between agencies of
MAINE AND MASSACHUSETTS

This Agreement is entered into as of this 4th day of November , 2015, by and among the Maine Turnpike Authority (MTA), Massachusetts Department of Transportation (MassDOT), Maine Department of the Secretary of State, Bureau of Motor Vehicles (MEBMV), and Massachusetts Registry of Motor Vehicles (MARMV), each a "Party" and collectively the "Parties."

WHEREAS, on July 12, 2010, a Resolution to Support Reciprocity of Electronic Toll Collection was adopted and certified by the New England Governors' Conference, Inc.; and

WHEREAS, collecting tolls and administrative fees from out-of-state toll violators has been an industry issue since the implementation of electronic toll systems; and

WHEREAS, the need for toll violation enforcement reciprocity is becoming more vital as the toll industry trends toward the implementation of Open Road Tolling (ORT) and All Electronic Tolling (AET) and reduced reliance on cash collection at toll booths; and

WHEREAS, the laws of each state allow for reciprocal agreements with other jurisdictions for the collection of tolls and fees; and

WHEREAS, since August 3, 2011, the Parties have participated in a successful Pilot Toll Violation Enforcement Reciprocity Program; and

WHEREAS, it is in the interests of each Parties' state to continue the Toll Violation Enforcement Reciprocity program through this Agreement;

NOW THEREFORE, for valid consideration, including the promises set forth in this Agreement, the receipt and sufficiency of which the Parties acknowledge, the Parties agree as follows:

1. Definitions - As used in this Agreement, unless the context otherwise indicates, the following terms have the following meanings:

- a. Home state – the state in which a violating motor vehicle is registered.
- b. Toll state – the state in which a toll violation has occurred under the laws and rules of that state.
- c. Suspension – the temporary withdrawal for cause of vehicle registration privileges, an enforcement method commonly used in Maine.
- d. Renewal hold – the denial for cause of the right to renew a vehicle registration and/or renew a license to operate a vehicle, an enforcement method commonly used in Massachusetts.

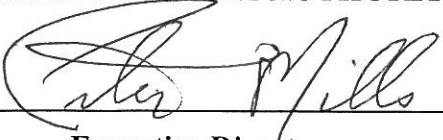
2. A Party may terminate this agreement at any time by providing 30 days written notice to the other Parties of an intention to withdraw. Upon termination, prior enforcement actions taken under this Agreement will remain in progress and in full effect until the violations are cleared. The Parties must maintain the confidentiality of any information obtained in performing this Agreement if the laws of either state require the information to remain confidential.

3. Upon request of the toll state, a home state will, consistent with its own laws and rules, either suspend registration or deny renewal of the vehicle registration and/or the license to operate a vehicle of a vehicle owner who fails to pay the tolls, fines or fees legally assessed for a violation in the toll state.
4. The laws of each state covered by this Agreement require that the registered owner of a vehicle pay for a toll violation by an operator of that vehicle unless:
 - a. the vehicle has been misidentified;
 - b. the vehicle was being used without the owner's permission as evidenced by a police report identifying the vehicle as stolen; or
 - c. a statutory defense of the toll state applies, e.g., 23 MRSA 1980 (2-A) (E).
5. The toll state may assess a violation based on a photograph or digital image of the vehicle's license plate. The toll state will send by first class mail to the registered owner a notice that will include the photograph or digital image or other proof of responsibility for the toll. The notice will state the penalties that may be imposed, including a suspension or renewal hold by the home state.
6. The home state will provide the toll state the name and current recorded address of the registered owner of a violating vehicle. If provided through a third party, the identity must be verified by the home state's registration agency prior to suspension or renewal hold.
7. Except as provided in this agreement, the toll state may not release the address information obtained directly from the home state's motor vehicle agency and may not employ a collection entity to use such information.
8. The toll state will provide to non-resident owners the same adjudication and due-process rights, including rights of appeal, that are provided to in-state owners. The toll state will offer each non-resident owner a hearing officer's record review and a reasonable opportunity to contest responsibility for the violation through evidence submitted by affidavit, by telephone or by other means that do not require a personal appearance.
9. Tolling agencies from the two states will agree upon a threshold of unresolved violations sufficient to trigger enforcement. When a non-resident vehicle owner has reached the threshold, the toll state may request suspension or renewal hold from the home state.
10. Toll violation fees and penalties, exclusive of outstanding tolls, may not exceed \$100 for a first violation or \$600 for all violations pending at the time of the request for suspension or renewal hold under paragraph nine. The home state may require that the claim for fees and penalties be reduced accordingly. The law of the home state shall control the consequences within the home state for non-payment of out-of-state toll violations, including the terms for suspension or renewal hold.
11. The home state will honor the toll state's final determination as to whether the registered owner is responsible for the toll violation. However, if the home state offers a hearing before imposing a suspension or renewal hold, the scope of inquiry at the hearing will be defined by the home state.
12. The toll state will notify the home state in writing within one business day after the vehicle owner has paid the tolls and associated penalties. Upon the owner's payment of reinstatement fees to the MEBMV or MARMV, the suspension or renewal hold may be removed.
13. The fines and fees of the MEBMV and MARMV for suspension, renewal hold, or reinstatement of a vehicle registration will be paid separately from the payment of tolls and toll violations.

14. The Parties will honor the laws of either state regarding confidentiality for any information acquired in performing this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.


MAINE TURNPIKE AUTHORITY:



Executive Director

11-5-15
Date


MASSACHUSETTS DEPARTMENT OF TRANSPORTATION:



Secretary of Transportation

11-19-15
Date

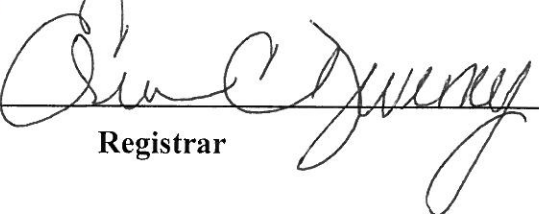
MAINE DEPARTMENT OF THE SECRETARY OF STATE, BUREAU OF MOTOR VEHICLES:



Secretary of State

11.5.15
Date

MASSACHUSETTS REGISTRY OF MOTOR VEHICLES:



Registrar

11.18.15
Date