

**MEMORANDUM OF AGREEMENT
MASSACHUSETTS DEPARTMENT OF TRANSPORTATION,
NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION,
MASSACHUSETTS DEPARTMENT OF TRANSPORTATION'S REGISTRY OF
MOTOR VEHICLES AND NEW HAMPSHIRE DEPARTMENT OF SAFETY'S
DIVISION OF MOTOR VEHICLES
PILOT TOLL VIOLATION ENFORCEMENT RECIPROCITY PROGRAM**

This Memorandum of Agreement (MOA) is made and entered into this 30th day of AUGUST, 2011 by and between the Massachusetts Department of Transportation (MASSDOT), New Hampshire Department of Transportation (NHDOT), Massachusetts Department of Transportation's Registry of Motor Vehicles (RMV) and New Hampshire Department of Safety's Division of Motor Vehicles (DMV).

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 away from cash collection and toll booths; and

WHEREAS, as the toll industry moves forward with implementing improved toll technologies the potential impacts to operating budgets due to out-of-state toll violators is of increasing concern; and

WHEREAS, the New Hampshire State Law (RSA 237:16-c) allows the Commissioner of the New Hampshire Department of Transportation to enter into reciprocal agreements with other state jurisdictions for the collection of tolls and fees:

The Massachusetts Department of Transportation, New Hampshire Department of Transportation, Massachusetts Department of Transportation's Registry of Motor Vehicles and New Hampshire Department of Safety's Division of Motor Vehicles agree that, on a pilot program basis, each state will withhold renewal of the vehicle registration for a resident who does not their pay out-of-state toll violations. The term of this pilot program is one (1) year. The parties may agree to extend the term of the pilot program for up to two (2) additional one (1) year periods.

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Further, each State agrees that:

- The registered owner of the vehicle is responsible for the toll violation unless the owner establishes that the vehicle has been misidentified or was being used without the owner's permission as evidenced as stolen by a police report;
- The toll state may assess a toll violation based on a photograph or digital image of the vehicle's license plate;
- The toll violation notice will be sent to the owner of the vehicle by the toll state by regular first class mail. The notice will include the photograph or digital image of the vehicle or other proof of responsibility for the toll;
- The home state will provide to the toll state information needed to identify the registered owner of the vehicle, including the most current address listed for the vehicle by the motor vehicle registration agency. This information may be secured through a third party vendor but must be verified by each State's motor vehicle registration agency prior to withholding renewal of a vehicle registration;
- The toll state is prohibited from sharing the address information obtained directly from the NHDMV with a third party and shall not use a collection entity to pursue the violators identified by the home state.
- The violation notice from the toll state will state the penalties that may be imposed for failure to pay the toll violation, including the potential withholding of vehicle registration renewal by the home state;
- The toll state will offer the non-resident vehicle owner a due process opportunity to contest responsibility for the toll violation, without appearing in person, including an opportunity to present information in the owner's favor (e.g., an affidavit) and an opportunity for a record review by a hearing officer;
- In instances where a total of 20 or more toll violations have not been resolved after 60 calendar days, the toll state will send notice to the vehicle owner that it has requested the home state withhold renewal of the vehicle's registration;

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- After 30 calendar days from the above notice date, at the request of the toll state, the home state will withhold renewal of the vehicle's registration if the toll violations and any penalties imposed by the toll state are not satisfied. In circumstances where the toll violation fees and penalties exceed \$500 for any one passenger vehicle or \$2000 for any one commercial account, each state agrees to receive written agreement from the other state prior to requesting the home state withhold renewal of the vehicle's registration;
- The home state will honor the toll state's final determination that the vehicle owner is responsible for the toll violation. Thus, if the home state offers a hearing before withholding registration renewal, the hearing will be limited to whether the vehicle owner received proper notice from the toll state;
- The toll state will notify the home state when the vehicle owner has paid the toll violations and any penalties. Subsequent to this notice and upon payment of required fees to the DMV or RMV, the registration renewal hold will be removed.

Further, each State agrees that adjudication and due-process will be handled on an individual state level since each state has established its own procedures through their individual business rules for providing due process. However, for purposes of this pilot program, each State agrees that the same adjudication and due-process afforded its in-state violators will be offered to the out-of-state violators covered by this agreement.


Further, each State agrees that the existing rules and fine structures of the Massachusetts Department of Transportation's Registry of Motor Vehicles and New Hampshire Department of Safety's Division of Motor Vehicles, associated with withholding and releasing a vehicle registration, will remain in effect and will be paid separate from the payment of tolls and toll violations.

Further, the parties to this agreement agree to indemnify and hold each other harmless from any breach of this Agreement.

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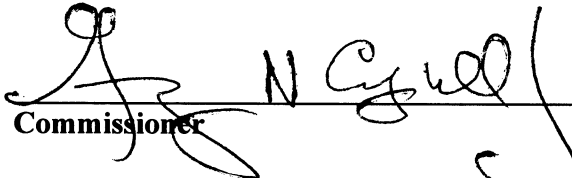
IN WITNESS WHEREOF, the Parties have executed the Agreement as of the date first written above.

MASSACHUSETTS DEPARTMENT OF TRANSPORTION:


Secretary and CEO

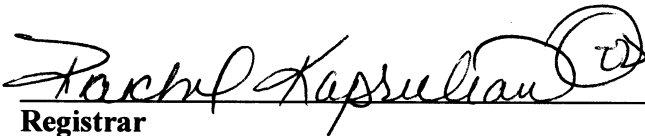
7/29/11
Date

NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION:


Commissioner

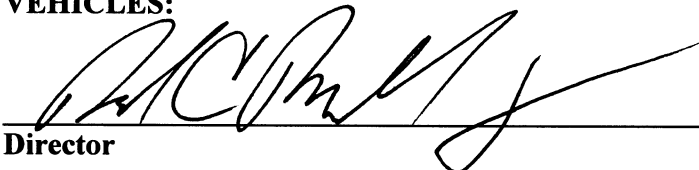
7/28/11
Date

MASSACHUSETTS DEPARTMENT OF TRANSPORTION'S REGISTRY OF MOTOR VEHICLES:


Registrar

7/29/11
Date

NEW HAMPSHIRE DEPARTMENT OF SAFETY'S DIVISION OF MOTOR VEHICLES:


Director

8/3/11
Date