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Chapter/Part Tra 700

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CHAPTER Tra 700 E-ZPass ELECTRONIC AND OTHER TOLL PAYMENTS

PART Tra 701 E-ZPass AND OTHER UNPAID TRANSACTIONS

Tra 701.01 Purpose and Scope.

(a) The purpose of this part is to set forth the duties and responsibilities of E-ZPass account-holders, users of the turnpikes system, the department, and the department's customer service vendor with respect to electronic and other toll payments and consequences for non-payment.

(b) This part shall apply to all toll payments and violations.

(c) All information received or collected by the department in the course of administering the E-ZPass electronic toll collection system shall be used only for the purposes set forth in RSA 237:16-e.

Source. #8422, eff 8-23-05, EXPIRED: 8-23-13

New. #10634, eff 7-2-14

Tra 701.02 Definitions.

(a) "Account holder" means a person or corporation who has established an account with the vendor for one or more vehicles to be recognized as participating in E-Z Pass.

(b) "Administrative fee" means a financial penalty imposed by the department pursuant to RSA 236:31, IV (d).

(c) "Administrative fine" means a financial penalty imposed by the division pursuant to RSA 263:56-f, II.

(d) "Department" means the department of transportation.

(e) "Division" means the division of motor vehicles, department of safety.

(f) "E-ZPass" means the electronic toll collection system established pursuant to RSA 236:31, I(c).

(g) "Order of suspension" means that the division has suspended the motor vehicle registration renewal privileges upon a finding that the vehicle owner is liable for tolls and fees due for violations.

(h) "Patron fare indicator" means a device attached to each island traffic light to display a range of messages related to tolls or the E-ZPass account.

(i) "Restoration fee" means the cost for reinstatement of motor vehicle registration privileges imposed by the division pursuant to RSA 263:56-f, V(b).

(j) "Vehicle classification" means the toll category, based upon the type of vehicle, number of axles, dual tires, or both, used to determine the toll due.

(k) "Vendor" means the department's designee contractually obligated to operate the customer service center.

(l) "Violation" means "violation" as defined in RSA 236:31, I(h), namely "to fail, neglect, or refuse to pay the toll or charge for the use of the bridge, highway, or part thereof, by a motor vehicle."

(m) "Unpaid transaction" means that a motor vehicle entered a toll lane and payment was not made.

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(n) "Inadvertent violation" means a motor vehicle entered a toll lane in error.

(o) "Toll Lane" means an Open Road Tolling (ORT), All Electronic Tolling (AET), E-ZPass and Cash/E-ZPass lanes.

(p) "Processing Fees" are the fees associated with the department's means to cover the cost for processing the unpaid transaction.

Source. #8422, eff 8-23-05, EXPIRED: 8-23-13

New. #10634, eff 7-2-14

Tra 701.03 Detection of Violation.

(a) The department shall install and operate the following equipment in each lane designated for electronic toll payment within the toll plaza:

- (1) An antenna to read the transponder of the vehicle passing through the lane to obtain account information;
- (2) An optical vehicle scanner in combination with a treadle to verify the vehicle classification of the vehicle passing through the lane;
- (3) A treadle used to determine the total number of axles on the vehicle passing through the lane;
- (4) A camera at the entrance of the lane and another at the exit of the lane positioned to capture images of the vehicle's front and or rear license plates when a potential unpaid transaction has been detected; and
- (5) An island traffic light and a patron fare indicator that displays the following:
 - a. "Go E-ZPass" for a completed transaction;
 - b. "Low Bal Check Account" when account is below the minimum replenishment threshold;
 - c. "Unpaid Call E-ZPass" if the transaction is not completed;
 - d. "Neg Bal Call E-Pass" if the account is negative; or
 - e. "Fare Due" and then "Bill by Mail" for a no fund transaction.

(b) The department shall install and operate the following equipment in each lane designated for electronic toll payment within the open road tolling lanes (ORT) or all electronic tolling (AET) plazas:

- (1) A series of loops which will detect the vehicle entering and exiting the toll zone, count the number of axles on the vehicle, determine the vehicle's classification, and trigger/notify the antenna, camera and scanner equipment;
- (2) An antenna to read the transponder of the vehicle passing through the lane to obtain account information;
- (3) An optical vehicle scanner in combination with the loops to identify the classification of the vehicle passing through the lane; and

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(4) A camera at the entrance of the ORT zone and another at the exit of the ORT zone positioned to capture images of the vehicle's front and rear license plates when a potential unpaid transaction or a class mismatch transaction has been detected. A class mismatch shall occur when a vehicle's transponder does not match the automatic vehicle classification system (AVC), for example when a customer pulling a trailer with a transponder for a 2 axle vehicle but classification reflects a 3 axle vehicle.

(c) The information obtained pursuant to (a) and (b), above, shall be used to determine the toll amount to be paid for the vehicle passing through the toll zone or plaza. If there are sufficient funds in the account-holder's account to pay the amount due, such amount shall be deducted from the account and the transaction completed.

(d) A potential unpaid transaction shall be deemed to have occurred if:

(1) The vehicle has no transponder or if no transponder was detected; or

(2) The vehicle has an invalid transponder, that is, insufficient funds in the account holder's account, or a lost or stolen transponder that has been reported as such.

(e) In a standard dedicated E-ZPass only lane, ORT and AET lanes, cameras shall capture images of the front and rear license plates of all vehicles passing through the toll lanes or zone. Images shall only be retained for unpaid transactions (d)(1) or (2) and class mismatches.

(f) Images captured for toll collection or enforcement purposes will only be saved for unpaid transactions (d)(1) or (2) or class mismatches. Images shall be deleted within 3 seconds when a full cash payment is made at the toll booth for the correct classification. Images shall also be deleted when a valid transponder is recognized with the correct classification at the toll booth.

(g) The cameras shall be positioned so as to attempt to not capture the image of the face of any operator or passenger in the motor vehicle unless, pursuant to RSA 236:31, V, "the production of such image is unavoidable because the operator or passenger is not in a passenger compartment, as on a motorcycle." Such images shall be stored in computers maintained by the department. Such images shall be stored by the department for a maximum of 30 days in toll lanes.

(h) In a toll plaza with Cash/E-ZPass and dedicated E-ZPass lanes, subsequent to detection of a potential unpaid transaction, the department shall provide to the driver of the vehicle the following visual and auditory signals if no transponder is detected or if an invalid, lost, or stolen transponder is detected:

(1) The island traffic light shall turn green;

(2) A red beacon mounted on top of the island traffic light shall flash;

(3) An alarm shall sound; and

(4) An "UNPAID CALL E-ZPASS" or "NEG BAL CALL E-ZPASS" message shall be displayed on the patron fare indicator.

Source. #8422, eff 8-23-05, EXPIRED: 8-23-13

New. #10634, eff 7-2-14

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Tra 701.04 Vendor Responsibilities.

(a) On at least a daily basis, the vendor shall retrieve the captured potential unpaid transaction images from the computers maintained by the department pursuant to Tra 701.03(e) and (f).

(b) The vendor shall use the captured images of the vehicle to determine the license plate number of the vehicle. Once the vendor has determined the license plate number, the vendor shall match it against each database of account-holders to which it has access. If a positive match is made to an account and the account-holder has sufficient funds in the account to pay, the full amount of the toll with applicable discount shall be deducted from the account-holder's prepaid toll balance and the transaction shall be completed. If a positive match is not made, the vendor shall send the New Hampshire license plate number to the division, or to the appropriate state's analogous motor vehicle agency, to obtain the name and address data of the registered owner of the vehicle.

(c) Upon receipt by the vendor of the data provided by the division or the appropriate state's analogous motor vehicle agency, if there are insufficient funds in the account-holder's prepaid toll balance, or the registered vehicle's owner is not an account holder, the vendor shall prepare a payment request that shall be sent to the vehicle owner or account-holder within 30 days of the date of the unpaid transaction. Each payment request shall be in 2 sections, that is, a payment section and a dispute section.

(d) The payment section of each payment request prepared pursuant to (c) above shall include:

(1) The following information regarding the unpaid transaction:

- a. The notice number assigned to the unpaid transaction by the E-ZPass system;
- b. The transponder number or the license plate number and plate type, when appropriate, of the vehicle;
- c. The name of the toll plaza;
- d. The toll lane number;
- e. The date and time;
- f. The unpaid toll due; and
- g. One image of the license plate that incurred the unpaid transactions, which shall be included only with the first payment request;

(2) A request for payment of the toll due and a processing fee or administrative fee for each unpaid transaction or violation; and

(3) Instructions as to how payment may be made, which shall be by either of the following methods:

- a. A check or money order:
 1. Payable to E-ZPass; and
 2. With the notice number(s) written on the payment; or
- b. Authorization of payment by credit card.

(e) The dispute section of each payment request prepared pursuant to (c) above shall include:

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- (1) A statement advising that the account holder or registered vehicle owner will not be required to pay the outstanding toll amount and processing fee or administrative fee if the account holder or registered vehicle owner provides to the vendor the information and documentation required pursuant to RSA 236:31, III(a) or (b) regarding a stolen vehicle or lease/rental vehicle;
 - (2) A designated space for the account holder or registered vehicle owner to explain and certify the circumstances surrounding an inadvertent violation;
 - (3) A statement that the processing fee or administrative fee shall not accompany payment of the toll amount owed if the registered vehicle owner claims an inadvertent violation and pays the outstanding toll amount;
 - (4) An option for the New Hampshire account holder to authorize payment of the toll and the processing fee or administrative fee by including the account holder's:
 - a. Name;
 - b. NH E-ZPass account number only; and
 - c. Transponder number;
 - (5) A place for the account holder or registered vehicle owner to certify the truthfulness of facts and information he or she provided on the form to dispute the unpaid transaction or toll violation by providing the following:
 - a. The account holder's or registered vehicle owner's name and complete mailing address;
 - b. The account holder's or registered vehicle owner's daytime and evening phone numbers;
 - c. The account holder's or registered vehicle owner's signature; and
 - d. The date the dispute form was signed by the account holder or registered vehicle owner;
- (f) Failure either to pay the outstanding toll amount and a \$1.00 processing fee for each unpaid transaction within 30 days from the date of the payment request or provide the documentation required pursuant to (e)(1) above shall result in the department issuing a second payment request for payment of the toll and a \$1.50 processing fee per unpaid transaction.
- (g) Failure either to pay the second payment request within 30 days from the date on the payment request or provide the documentation required pursuant to (e)(1) above shall result in the department issuing a Notice of Toll Violation requesting payment of the toll and a \$25.00 administrative fee per unpaid transaction.
- (h) If the account holder or registered vehicle owner pays the outstanding toll amount and the processing fee or administrative fee before the 31st, 61st or 91st day following the unpaid transaction, the transaction shall be completed and no further action shall be taken.
- (i) Failure to pay the violations within 30 days from the date of the notices of violation or provide the documentation required pursuant to (e)(1) above shall result in the following:
 - (1) The information for each account holder or registered plate owner shall be sent to the division as determined by the commissioner in consideration of the department's and the

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division's financial and staffing efficiencies, and provided that the referral of violations is uniformly applied; and

(2) Upon review and approval by the department that the account holder or registered owner was provided notice of the violations and the violations remain unpaid:

a. The vendor shall request denial of registration renewal privileges for the account holder or registered plate owner by the division pursuant to RSA 263:56-f for vehicles registered in new hampshire; or

b. If the plate is registered in another jurisdiction which participates in reciprocal toll enforcement with New Hampshire, the department or its vendor if allowed by computer programming, shall request that the analogous motor vehicle department take action pursuant to that jurisdiction's laws.

Source. #8422, eff 8-23-05, EXPIRED: 8-23-13

New. #10634, eff 7-2-14

PART Tra 702 E-ZPass RESPONSIBILITY OF ACCOUNT HOLDER, REGISTERED VEHICLE OWNER, AND DEPARTMENT

Tra 702.01 Account Holder and Registered Vehicle Owner Responsibilities.

(a) The account holder shall affix the transponder to the vehicle according to the instructions described in the account contract terms and conditions as follows:

(1) The account holder shall sit inside the vehicle facing forward;

(2) The account holder shall select a location behind and to the right of the rearview mirror and one inch below the window frame; and

(3) With the E-ZPass logo facing the account holder, right side up, affix the transponder to the selected spot on the inside of the windshield with adhesive strips supplied with the transponder.

(b) A transponder may be used in multiple vehicles of the same vehicle type and classification, that is, 2-axle single rear tire cars or trucks.

(c) To keep a positive account balance, the account holder shall maintain at least the minimum funding levels as established in the account contract terms and conditions, and the account holder shall replenish the account at the minimum following levels:

(1) For a passenger car, \$30.00 for 1 or 4 transponders; and

(2) For a commercial vehicle, \$40.00 for each transponder ordered.

(d) The account holder shall notify the vendor of all changes in information provided on the application for the account, including:

(1) License plate numbers and plate types;

(2) The make, model, and year of each vehicle covered under the account;

(3) Method or source of payment; and

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(4) Changes in vehicle class.

(e) The account holder or registered vehicle owner shall respond to an invoice or notice of toll violation by:

(1) Paying the outstanding toll amount and the processing fee or administrative fee or authorizing charges to the account holder's E-ZPass account;

(2) Not paying the outstanding toll amount and the processing fee or administrative fee and providing the documentation required pursuant to Tra 701.04(e)(1) to the vendor; or

(3) Paying the outstanding toll amount, but not paying the processing fee or administrative fee, and explaining and certifying the circumstances surrounding an inadvertent violation.

(f) The account holder or registered vehicle owner may request a review by the department of the vendor's determination regarding payment of processing fees or administrative fees and tolls by making the request to the department at the following address:

NHDOT Bureau of Turnpikes
NHDOT E-ZPass Program Manager
P.O. Box 2950
Concord NH 03302-2950

(g) The account holder or registered vehicle owner shall certify the truthfulness of facts and information the account-holder has provided on the form to dispute the toll violation by providing the following:

(1) The account holder's or registered vehicle owner's name and complete mailing address;

(2) The account holder's or registered vehicle owner's daytime and evening phone numbers;

(3) The account holder's or registered vehicle owner's signature; and

(4) The date the dispute form was signed by the account holder or registered vehicle owner.

(h) The account holder or registered vehicle owner shall pay all outstanding toll amounts and processing fees or administrative fees determined by the department to be owed by the account holder or registered vehicle owner.

(i) The account holder or registered vehicle owner shall make payment of outstanding tolls and processing fees or administrative fees to the vendor at all times.

(j) Pursuant to Saf-C 217.02, the account holder or registered vehicle owner may request an administrative hearing with the division within 30 days of notice of registration renewal denial if the account holder or registered vehicle owner disputes payment of the outstanding tolls and administrative fees.

(k) The account holder or registered vehicle owner shall agree that use of the system will result in the release of division of motor vehicle information, including vehicle owner's name, address, and plate information to the state of New Hampshire, or other states and their agents for toll collection or toll enforcement purposes only.

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(l) The account holder or registered vehicle owner shall agree that use of the E-ZPass system in other jurisdictions may subject the owners of registered vehicles to consequences in the other jurisdictions for non-payment.

Source. #8422, eff 8-23-05, EXPIRED: 8-23-14

New. #10634, eff 7-2-14

Tra 702.02 Department Responsibilities.

(a) The department shall maintain computer images of all front and rear vehicle license plates of potential unpaid transactions for access by the vendor as provided for in Tra 701.03(e) and (f).

(b) Pursuant to RSA 263:56-f, V (a), the department shall provide notice to the division when all tolls and fees have been paid.

Source. #8422, eff 8-23-05, EXPIRED: 8-23-13

New. #10634, eff 7-2-14

PART Tra 703 SUSPENSION AND DENIAL OF E-ZPASS ACCOUNT PRIVILEGES

Tra 703.01 Suspension of Account Privileges.

(a) An account holder's E-ZPass account privileges shall be suspended by the department if the department determines that the account holder or registered vehicle owner has abused the E-ZPass system, as follows:

(1) Failure to abide by these rules as provided in Tra 702.01, including but not limited to:

- a. Failure to maintain a positive account balance;
- b. Failure to fund the account;
- c. Failure to update account information; or
- d. Failure to clear violations in the allotted 90 days;

(2) Attempts to avoid paying outstanding tolls and/or fees due for violations;

(3) Opening another account in the same name or another name to continue using the system while refusing to pay outstanding tolls and/or fees due for violations;

(4) Transferring plates in an attempt to avoid paying outstanding tolls and/or fees due for violations;

(5) Dismissal of outstanding tolls and/or fees due for violations as part of a bankruptcy proceeding; or

(6) Any other act or omission that constitutes an abuse of the E-ZPass system.

(b) The department shall notify the account holder when an account is suspended, provided that the account holder has provided updated contact information.

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- (c) Use of a suspended account shall result in all tolls and fees being due in full.

Source. #10634, eff 7-2-14

Tra 703.02 Denial of Account Privileges.

- (a) An individual or business shall be denied future E-ZPass account privileges, if the department determines that:

- (1) There has been a repeated failure to pay outstanding tolls and/or fees due for violations or repeated breach of the account holder's obligations, including, but not limited to, the following:

a. The department requests denial of registration renewal 3 or more times by the division for all plates combined under the account holder's account or in the registered vehicle owner's name;

b. The department requests denial of registration renewal 3 or more times by the division for all plates combined under the account holder's name or the registered vehicle owner's name; or

c. The account holder or the registered vehicle owner incurs 50 or more violations that remain unpaid for 6 months or more;

- (2) The account holder or the registered vehicle owner continues to use a suspended account for any period of time after the account is suspended;

(3) The account holder opens another account while violations are outstanding on an existing account or the registered vehicle owner opens an account while violations are outstanding on the registered vehicle owner's plate through another account;

(4) The account holder opens another account when an existing account is suspended;

(5) The account holder uses another individual's or business' account privileges while the account holder's account privileges are suspended;

(6) There has been a discharge of outstanding tolls and or fees as part of a bankruptcy proceeding; or

(7) There has been any other repeated abuse of the E-ZPass system beyond those in (1)-(6) above.

- (b) If an account holder or registered vehicle owner asserts that the department's decision to deny account privileges was erroneous, the account holder or registered vehicle owner may file:

- (1) A request for review by the hearings examiner at:

NHDOT
7 Hazen Drive
PO Box 483
Concord, NH 03302; and

- (2) Submit a statement under oath stating the following:

a. The denial is in error;

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- b. The individual or business did not have a combination of plates under their account that was subject to denial of registration renewal 3 or more times due to unpaid E-ZPass violations;
 - c. The individual or business is not the registered owner of a combination of plates that was subject to denial of registration renewal 3 or more times due to unpaid E-ZPass violations;
 - d. The individual or business is not the registered owner of a plate or combination of plates that incurred 50 or more violations that remain unpaid for 6 months or longer;
 - e. The individual or business did not continue to use a suspended account for any period of time;
 - f. The individual or business did not open another account while violations were outstanding on an existing account;
 - g. The individual or business did not open an account while violations were outstanding on the individual's or business' plate under an existing account;
 - h. The individual or business did not use another individual's or business' account privileges while the individual's or business' own account privileges are suspended;
 - i. There has not been a discharge of outstanding violations (tolls and or fees) as part of a bankruptcy proceeding; and
 - j. The individual or business has not committed any repeated abuse of the E-ZPass system.
- (c) After a period of 3 years, an account holder or registered vehicle owner may request reinstatement of account privileges following a review by the hearings examiner or a hearing pursuant to Tra 200.
- (d) The account holder or registered vehicle owner shall request a review or a hearing on the matter of reinstatement in writing to the hearings examiner at NHDOT, 7 Hazen Drive, PO Box 483, Concord, NH 03302.
- (e) Account privileges shall be reinstated if the department determines, based upon the following, that the account holder or registered owner is likely to maintain a properly funded account and avoid incurring violations:
- (1) The number of violations;
 - (2) The number of times the account was negative;
 - (3) The amount of time before the violations were paid;
 - (4) The account holder's or registered plate owner's responsiveness to the department's communication regarding the violations;
 - (5) The account holder's or registered plate owner's attempts to thwart the system and or avoid paying the tolls;
 - (6) The account holder's or registered plate owner's use of deception to avoid paying the tolls;

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- (7) The account holder's or registered plate owner's use of other names or use of another account to retain privileges while refusing or neglecting to pay the tolls due;
- (8) The transfer of a vehicle to another party in an attempt to circumvent the denial of registration privileges process;
- (9) Any other factors or considerations that indicate whether the account holder or registered vehicle owner is likely to maintain a properly funded account and avoid incurring violations.

Source. #10634, eff 7-2-14

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Appendix

Rule	Specific State Statute the Rule Implements
Tra 701.01	RSA 541-A:8
Tra 701.02	RSA 541-A:8
Tra 701.03	RSA 236:31, IV & V
Tra 701.04	RSA 236:31, IV, V & VI
Tra 702.01	RSA 236:31, II & III
Tra 702.02	RSA 236:31, IV, V & VI
Tra 703	RSA 236:31 IV