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Sunpass toll tickets clog Miami-Dade Traffic Court

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One Doral businessman blew through Miami SunPass lanes at least 284 times. A Miami tech worker, some 100 tickets under his belt, had his driver's license yanked and wound up in jail. And a Homestead man's record boasts 700-plus recent toll violations -- even though he died two years ago.

All are part of a huge spike in Miami-Dade drivers whose toll tickets are draining resources from an already overburdened traffic-court system, now forced to treat violators as seriously as red-light runners and speeders.

Not too long ago, motorists could settle toll tickets without seeing a judge -- and with no knocks against their driving records. They just had to go to the clerk's office and pay the ticket. But a little-noticed tweak in state law took away that option.

Now, violators must appear in court if they want to avoid costly points against their driving record.

Along with an upswing in SunPass customers and more-efficient ticket processing, that has translated into double the number of cases filed in Miami-Dade Traffic Court, amounting last year to nearly 30 percent of all traffic citations.

And the court burden will only grow with the planned expansion of SunPass, an electronic device motorists can attach to their windshields to pre-pay tolls.

"At some point, you run out of courtroom space," complained Miami-Dade Judge Steve Leifman, head of traffic court. "People don't understand there is a ripple effect to this increased caseload. There has to be parking. There has to be personnel handling the cases. There has to be security."

Few motorists come up with valid reasons for not paying their tab as they breeze through South Florida's 13 toll plazas. Still, hundreds of drivers troop to court every week to make their best case.

Melissa Stokes, 32, a singer-songwriter, had to travel from Fort Lauderdale to Miami-Dade -- for one toll violation. She would have paid it earlier and avoided court but the notice went to her mother's house in Jacksonville.

"It's only a \$1 toll," she said after a recent court hearing that cost her \$130. "It's too much of a hassle. I'm not a criminal."

Lisbeth Caulson, 25, forgot to update her credit card on her SunPass account, costing her 15 tickets, 11 of which she had dismissed at her hearing. She ended up paying more than \$500 -- for what was \$4 in unpaid tolls -- under a plea agreement.

"It's ridiculous," said Caulson, a Miami nurse. "I only take the streets now."

Robert Perea, 26, a Miami banker, had 27 violations, but the clerk docketed them on three separate days.

"It's three days out of my week to come here," he said. "I think it's ridiculous."

A CHANGE IN THE LAW

Toll violators are granted a grace period and a warning before authorities file tickets.

Until July 2007, they could pay a \$100 fine and \$30 fee to the court clerk's office and automatically receive a "withhold of adjudication," which meant no conviction for the moving violation and noon their driving record.

But during the 2007 legislative session, tucked inside a 142-page transportation bill, lawmakers deleted the provision allowing clerks to withhold adjudication. To avoid three points, scofflaws now have to attend court to make their case to a judge. The result:

- In Miami-Dade, the number of toll violations filed in court by Florida's Turnpike and the Miami-Dade Expressway Authority -- operators of eight Turnpike and five MDX tolling spots -- more than doubled, to 292,610 in 2008 from 139,801 in 2007. That was a 10-fold jump from 2005, when both agencies had just 29,788 cases go to court.

Broward saw the opposite trend. While Dade has added toll lanes in recent years, Broward's three long-standing tolling sites dipped in citations filed, from 56,593 in 2007 to 45,529 in 2008.

- Miami-Dade Traffic Court calendars were so overwhelmed with toll violations that last year administrators started scheduling about 10 court sessions a week just for toll tickets. Each session requires clerks, security and hearing officers.
- From 2007 to 2008, the number of Florida drivers whose licenses were suspended because toll violations put them over the maximum point threshold soared from 10 to 851.

Ernso Mimmy, a county maintenance worker, faced a license suspension for 10 unpaid toll tickets.

Simply not contesting the tickets and paying the fines would have slapped 30 points -- three per conviction -- on his license, meaning automatic suspension.

So he went to court, where a traffic enforcement officer typically offers to drop most violations in exchange for payment on a few.

Mimmy, clutching his SunPass transponder, turned down the plea offer and opted for a trial. He argued that the tickets were faulty, that his account had sufficient funds -- but he could not explain a photo of his car going through a South Miami-Dade toll.

Guilty. Nine more citations to go.

"You got three points now because we had to have a trial," hearing officer Tom Cobitz warned. "Are you sure you want to do this?"

"I hate paying all that money for \$1," Mimmy protested. Reluctantly, he agreed to pay for four more tickets, with no points, and have the rest dismissed.

Mimmy left with a \$748 bill, three points on his driving record and anger that his insurance costs may now rise. "The system is messed up; it's all about the money," he said.

"The average motorist doesn't have a chance in SunPass court," said Miami attorney Albert Quirantes, who has seen his toll caseload skyrocket so much that he designed his business sign to resemble the SunPass logo.

There are now 1.3 million South Florida SunPass customers, who drive through 10 plazas in Miami-Dade and three in Broward. In Miami-Dade, many major toll plazas will eventually go cashless.

SunPass customers are obligated by contract to keep their accounts current and replenished with funds.

"Bottom line is that if you go through tolling, you're supposed to pay your toll at the time you go through," said Turnpike spokeswoman Christa Deason. "We're not a credit-card agency."

Yucymy Martinez, owner of Miami Party Rentals, which has 284 violations, said he gave SunPass operators his credit-card number four times, yet the company still gets ticket notices in the mail. He hasn't been to court yet -- but a judge could slap a lien on his business if he keeps ignoring them.

"They're authorized to take at least \$200 a month from my commercial account," he said. "I'm not going to deal with it anymore. I'm going to blow through it and they can come see me."

Another SunPass customer, 73-year-old Jesus Gabino Tamargo, died in June 2007. Someone still drives his Saturn Vue. The car has since racked up more than 700 toll violations, which continue to bloat court computers even though Tamargo's license is invalid.

THE POINT PROBLEM

For most drivers, avoiding driver's license points is as important as escaping fines because points mean higher insurance rates and can lead to a suspended license.

Turnpike spokeswoman Deason said that in the past, "ambiguous language" in state law mistakenly led Florida court clerks to issue automatic withholds of adjudication, helping motorists avoid points.

Some elected officials here and in the Orlando area have called for removing points penalties from SunPass violations.

They include state Sen. Larcenia Bullard, D-Miami, vice chair of the Transportation Committee.

"All those points add up. Everybody will be without a license if we're not careful," said Bullard, who wants to raise the issue in the next Legislative session.

Transportation officials say they are taking steps to lessen the number of cases in court. The introduction of the SunPass Mini -- a sticker unit that can replace the low-battery-prone transponder -- also may help.

The Turnpike says it's slowly reducing its court filings with a campaign to ensure that drivers pay violations during a 51-day grace period before citations are filed in court.

The effort includes scouring more databases and post office lists for current addresses for delinquent customers. So far, it appears to be working: Between January and April 30, officials only filed 7,492 cases in Miami-Dade -- down from 56,701 the same time last year.

"We don't want them to go to court. It costs us time and money that we could be using to fund other projects," said Turnpike spokeswoman Deason. "It's in our best interest that everyone stays in good standing."

But MDX, an independent agency funded by tolls, is filing more -- not fewer -- cases.

MDX plans extensive public education campaigns as several key toll roads move to a cashless system in coming years. In the first four months of 2009, the agency filed in court 46,570 citations, up from 16,198 for the same time period last year.

Stephan Andriuk, manager of MDX toll operations, attributes the increase to a new, more efficient electronic ticket filing system. He stressed that MDX's overall aim is to lower the percentage of violators, who now represent fewer than one percent of paying customers.

"We're not in the business of sending violators to court. We're in the business of collecting tolls," Andriuk said.

Still, many violators complain that the penalties are too punitive.

A CAUTIONARY TALE

Manuel Perez, 25, the Miami tech worker, said a faulty transponder was to blame for his 100-plus violations on the Don Shula Expressway. He also said the Miami-Dade Expressway Authority sent the violation notices to his old address.

Perez hired a lawyer. Most of the tickets were dismissed, but he still had to pay fines. Then Perez realized he had still more tickets. His driver's license was suspended and he was arrested for driving without a valid license. Total cost in fines and legal fees: almost \$4,000.

"I had to spend a day in jail. It was the worst experience of my life."

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