

AN ACT

relating to enforcement of the collection of certain tolls;  
providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 284, Transportation Code,  
is amended by adding Sections 284.0701 and 284.0702 to read as  
follows:

Sec. 284.0701. ADMINISTRATIVE COSTS; NOTICE; OFFENSE.

(a) In the event of an offense committed under Section 284.070, on  
issuance of a written notice of nonpayment, the registered owner of  
the nonpaying vehicle is liable for the payment of both the proper  
toll and an administrative cost.

(b) The county may impose and collect the administrative  
cost so as to recover the expense of collecting the unpaid toll, not  
to exceed \$100. The county shall send a written notice of  
nonpayment to the registered owner of the vehicle at that owner's  
address as shown in the vehicle registration records of the  
department by first-class mail not later than the 30th day after the  
date of the alleged failure to pay and may require payment not  
sooner than the 30th day after the date the notice was mailed. The  
registered owner shall pay a separate toll and administrative cost  
for each event of nonpayment under Section 284.070.

(c) The registered owner of a vehicle for which the proper  
toll was not paid who is mailed a written notice of nonpayment under

1 Subsection (b) and fails to pay the proper toll and administrative  
2 cost within the time specified by the notice of nonpayment commits  
3 an offense. Each failure to pay a toll or administrative cost under  
4 this subsection is a separate offense.

5 (d) It is an exception to the application of Subsection (a)  
6 or (c) if the registered owner of the vehicle is a lessor of the  
7 vehicle and not later than the 30th day after the date the notice of  
8 nonpayment is mailed provides to the authority a copy of the rental,  
9 lease, or other contract document covering the vehicle on the date  
10 of the nonpayment under Section 284.070, with the name and address  
11 of the lessee clearly legible. If the lessor provides the required  
12 information within the period prescribed, the authority may send a  
13 notice of nonpayment to the lessee at the address shown on the  
14 contract document by first class mail before the 30th day after the  
15 date of receipt of the required information from the lessor. The  
16 lessee of the vehicle for which the proper toll was not paid who is  
17 mailed a written notice of nonpayment under this subsection and  
18 fails to pay the proper toll and administrative cost within the time  
19 specified by the notice of nonpayment commits an offense. The  
20 lessee shall pay a separate toll and administrative cost for each  
21 event of nonpayment. Each failure to pay a toll or administrative  
22 cost under this subsection is a separate offense.

23 (e) It is an exception to the application of Subsection (a)  
24 or (c) if the registered owner of the vehicle transferred ownership  
25 of the vehicle to another person before the event of nonpayment  
26 under Section 284.070 occurred, submitted written notice of the  
27 transfer to the department in accordance with Section 520.023, and

before the 30th day after the date the notice of nonpayment is mailed, provides to the county the name and address of the person to whom the vehicle was transferred. If the former owner of the vehicle provides the required information within the period prescribed, the county may send a notice of nonpayment to the person to whom ownership of the vehicle was transferred at the address provided by the former owner by first-class mail before the 30th day after the date of receipt of the required information from the former owner. The subsequent owner of the vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under this subsection and fails to pay the proper toll and administrative cost within the time specified by the notice of nonpayment commits an offense. The subsequent owner shall pay a separate toll and administrative cost for each event of nonpayment under Section 284.070. Each failure to pay a toll or administrative cost under this subsection is a separate offense.

(f) An offense under this section is a misdemeanor punishable by a fine not to exceed \$250.

(g) The court in which a person is convicted of an offense under this section shall also collect the proper toll and administrative cost and forward the toll and cost to the county.

(h) In this section, "registered owner" means the owner of a vehicle as shown on the vehicle registration records of the department or the analogous department or agency of another state or country.

Sec. 284.0702. PRIMA FACIE EVIDENCE; DEFENSE. (a) In the prosecution of an offense under Section 284.070 or 284.0701, proof

1 that the vehicle was driven or towed through the toll collection  
2 facility without payment of the proper toll may be shown by a video  
3 recording, photograph, electronic recording, or other appropriate  
4 evidence, including evidence obtained by automated enforcement  
5 technology.

6 (b) In the prosecution of an offense under Section  
7 284.0701(c), (d), or (e), a computer record of the department of the  
8 registered owner of the vehicle is prima facie evidence of its  
9 contents and that the defendant was the registered owner of the  
10 vehicle when the underlying event of nonpayment under Section  
11 284.070 occurred.

12 (c) It is a defense to prosecution under Section  
13 284.0701(c), (d), or (e) that the vehicle in question was stolen  
14 before the failure to pay the proper toll occurred and had not been  
15 recovered before the failure to pay occurred, but only if the theft  
16 was reported to the appropriate law enforcement authority before  
17 the earlier of:

18 (1) the occurrence of the failure to pay; or

19 (2) eight hours after the discovery of the theft.

20 SECTION 2. Section 284.202, Transportation Code, is amended  
21 by adding Subsection (c) to read as follows:

22 (c) If the registered owner of the vehicle fails to pay a  
23 toll or charge not later than the 10th day after the notice under  
24 Subsection (b) is mailed, the commissioners court by order may  
25 impose a reasonable cost for expenses associated with collecting  
26 the unpaid toll or charge.

27 SECTION 3. Subchapter D, Chapter 284, Transportation Code,

1 is amended by adding Section 284.2031 to read as follows:

2 Sec. 284.2031. CIVIL AND CRIMINAL ENFORCEMENT COST. (a) A  
3 county may impose, in addition to other costs, \$1 as a court cost on  
4 conviction to a defendant convicted of an offense under Section  
5 284.070, 284.0701, or 284.203 in an action brought by the county or  
6 district attorney.

7 (b) In this section, a person is considered convicted if:

8 (1) a sentence is imposed on the person; or

9 (2) the court defers final disposition of the person's  
10 case.

11 (c) Money collected under Subsection (a) shall be deposited  
12 in the county treasury in a special fund to be administered by the  
13 county attorney or district attorney. Expenditures from this fund  
14 shall be at the sole discretion of the attorney and may be used only  
15 to defray the salaries and expenses of the prosecutor's office, but  
16 in no event may the county attorney or district attorney supplement  
17 his or her own salary from this fund.

18 SECTION 4. Subsections (a) and (b), Section 284.204,  
19 Transportation Code, are amended to read as follows:

20 (a) The commissioners court of a county may adopt an  
21 administrative adjudication hearing procedure for a person who is  
22 suspected of having violated an order adopted under Section  
23 284.202(a) on at least two separate occasions within a 12-month  
24 period [~~in connection with a toll to be paid by electronic means~~].

25 (b) A hearing procedure adopted under Subsection (a) must  
26 provide:

27 (1) a period for a person charged with violating the

order:

(A) to pay the toll or charge plus administrative costs authorized by Sections 284.202 and 284.2031; or

(B) to request a hearing;

(2) for appointment of one or more hearing officers with authority to administer oaths and issue orders compelling the attendance of witnesses and the production of documents; and

(3) for the amount and disposition of civil fines, costs, and fees.

SECTION 5. Section 284.206, Transportation Code, is amended to read as follows:

Sec. 284.206. ADMINISTRATIVE HEARING: PRESUMPTION; EVIDENCE OF OWNERSHIP. (a) In an administrative adjudication hearing under this subchapter it is presumed that[+]

[~~(1)~~] the registered owner of the motor vehicle that is the subject of the hearing is the person who operated or allowed the operation of [~~another person to operate~~] the motor vehicle in violation of the order.~~[+and]~~

(b) A [~~(2)~~—a] computer record of the department of the registered vehicle owner is prima facie evidence of its contents and that the defendant was the registered owner of the vehicle at the time the violation occurred.

(c) Proof of the violation of the order may be shown by a video recording, photograph, electronic recording, or other appropriate evidence, including evidence obtained by automated enforcement technology.

(d) It is a defense to prosecution under this subchapter

1 that the vehicle in question was stolen before the failure to pay  
2 the proper toll occurred and had not been recovered before the  
3 failure to pay occurred, but only if the theft was reported to the  
4 appropriate law enforcement authority before the earlier of:

5 (1) the occurrence of the failure to pay; or

6 (2) eight hours after the discovery of the theft.

7 SECTION 6. Section 284.208, Transportation Code, is amended  
8 by adding Subsections (d) and (e) to read as follows:

9 (d) If a person is found liable under Subsection (a) for a  
10 violation of the order, a county may impose, in addition to other  
11 costs, \$1 as a cost associated with the hearing.

12 (e) Money collected under Subsection (d) shall be deposited  
13 in the county treasury in a special fund to be administered by the  
14 county attorney or district attorney. Expenditures from this fund  
15 shall be at the sole discretion of the attorney and may be used only  
16 to defray the salaries and expenses of the prosecutor's office, but  
17 in no event may the county attorney or district attorney supplement  
18 his or her own salary from this fund.

19 SECTION 7. Subchapter D, Chapter 284, Transportation Code,  
20 is amended by adding Section 284.213 to read as follows:

21 Sec. 284.213. SEIZURE OF TRANSPONDERS. (a) For purposes  
22 of this section, "transponder" means a device, placed on or within a  
23 motor vehicle, that is capable of transmitting information used to  
24 assess or to collect tolls. A transponder is insufficiently funded  
25 when there are no remaining funds in the account in connection with  
26 which the transponder was issued.

27 (b) Any peace officer of this state may seize a stolen or

1 insufficiently funded transponder and return it to the county,  
2 except that an insufficiently funded transponder may not be seized  
3 sooner than the 30th day after the date the county has sent a notice  
4 of delinquency to the holder of the account.

5         SECTION 8. (a) The change in law made by this Act applies  
6 only to an offense committed on or after the effective date of this  
7 Act. For purposes of this section, an offense is committed before  
8 the effective date of this Act if any element of the offense occurs  
9 before that date.

10         (b) An offense committed before the effective date of this  
11 Act is covered by the law in effect when the offense was committed,  
12 and the former law is continued in effect for that purpose.

13         SECTION 9. This Act takes effect September 1, 2003.



\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1464 passed the Senate on May 1, 2003, by a viva-voce vote; and that the Senate concurred in House amendment on May 30, 2003, by a viva-voce vote.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1464 passed the House, with amendment, on May 23, 2003, by a non-record vote.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor