

By: Krusee

H.B. No. 2666

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the criminal and civil enforcement of the required
3 payment of a toll for the use of certain turnpike projects.

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

5 SECTION 1. Section 361.252, Transportation Code, is amended
6 by adding Subsection (e) to read as follows:

7 (e) If authorized by the commissioners court of the county
8 the magistrate serves, a magistrate appointed under Chapter 54,
9 Government Code, who is otherwise without criminal jurisdiction
10 over a misdemeanor offense punishable by fine only has concurrent
11 jurisdiction with a justice court or municipal court in the county
12 in which the magistrate serves over an offense under this section.

13 SECTION 2. Subchapter G, Chapter 361, Transportation Code,
14 is amended by adding Sections 361.257 and 361.258 to read as
15 follows:

16 Sec. 361.257. ORDERS OF PROHIBITION. (a) The director or a
17 person designated for the director by order may prohibit the
18 operation of a motor vehicle on a turnpike project operated by the
19 authority under this chapter if:

20 (1) an operator of the vehicle has failed to pay a
21 required toll or charge; and

22 (2) the director or designated person provides the
23 registered owner of the vehicle with notice of the unpaid toll or
24 charge.

1 (b) The notice required by Subsection (a)(2) must be sent by
2 first class mail to the registered owner of the vehicle at least 10
3 days before the date the prohibition takes effect.

4 (c) If the registered owner of the vehicle fails to pay the
5 toll or charge described in the notice not later than the 10th day
6 after the notice under Subsection (b) is mailed, the director or
7 designated person by order may impose an additional cost against
8 the owner for expenses associated with collecting the unpaid toll
9 or charge.

10 (d) The commission by rule shall establish the amount of the
11 cost authorized by Subsection (c) in an amount that is reasonable
12 and does not exceed the expenses associated with the collection of
13 unpaid tolls and charges under this chapter.

14 Sec. 361.258. ADMINISTRATIVE ADJUDICATION HEARING
15 PROCEDURE. (a) The commission may adopt an administrative
16 adjudication hearing procedure for the owner of a vehicle that is
17 believed to have been operated in violation of an order adopted
18 under Section 361.257(a) on at least two separate occasions within
19 a 12-month period.

20 (b) A hearing procedure adopted under Subsection (a):

21 (1) must provide for notice to be sent by first class
22 mail to the owner of the vehicle involved in the violations of the
23 order;

24 (2) must inform the owner of the vehicle that the owner
25 may:

26 (A) pay the toll or charge; or

27 (B) request an administrative hearing; and

1 (3) may provide that a requested administrative
2 hearing be conducted by:

3 (A) a hearing officer appointed by the director
4 who shall have authority to administer oaths and issue orders
5 compelling the attendance of witnesses and the production of
6 documents; or

7 (B) except as provided by Subsection (c), a
8 magistrate appointed under Chapter 54, Government Code, in any
9 county in which a violation of the order is alleged to have
10 occurred.

11 (c) A magistrate may conduct an administrative hearing
12 under this section only if the commissioners court of the county in
13 which the magistrate serves authorizes magistrates in that county,
14 or certain magistrates in that county, to conduct hearings under
15 this section.

16 (d) If the commission adopts an administrative adjudication
17 hearing procedure under this section, Sections 284.205-284.212
18 apply as if the authority were a county to which Chapter 284
19 applies.

20 (e) In addition to the manner of enforcement provided by
21 Section 284.209, if the person found liable holds a driver's
22 license or commercial driver's license issued by the Department of
23 Public Safety, a hearing officer or magistrate may enforce a
24 decision issued under Section 284.208 by issuing an order directing
25 the department to suspend the person's driver's license or
26 commercial driver's license until the hearing officer or magistrate
27 notifies the department that the person has complied with the

1 order.

2 SECTION 3. Section 370.177, Transportation Code, is amended
3 by adding Subsection (1) to read as follows:

4 (1) If authorized by the commissioners court of the county
5 the magistrate serves, a magistrate appointed under Chapter 54,
6 Government Code, who is otherwise without criminal jurisdiction
7 over a misdemeanor offense punishable by fine only has concurrent
8 jurisdiction with a justice court or municipal court in the county
9 in which the magistrate serves over an offense under this section.

10 SECTION 4. Subchapter E, Chapter 370, Transportation Code,
11 is amended by adding Section 370.1775 to read as follows:

12 Sec. 370.1775. ORDERS OF PROHIBITION; ADMINISTRATIVE
13 ADJUDICATION HEARING PROCEDURE. The board, by official action in
14 the manner required by this chapter, may adopt the provisions of
15 Sections 361.257 and 361.258. If the board adopts the provisions of
16 those sections, a reference in those sections to:

17 (1) the Texas Turnpike Authority division of the Texas
18 Department of Transportation means the authority;

19 (2) the Texas Transportation Commission means the
20 board; and

21 (3) the executive director of the Texas Department of
22 Transportation means the chief administrative officer of the
23 authority.

24 SECTION 5. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2005.