

By: Hill

H.B. No. 3196

A BILL TO BE ENTITLED

AN ACT

relating to toll collection and enforcement.

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

SECTION 1. Section 223.208, Transportation Code, is amended by adding Subsection (i) to read as follows:

(i) If the department enters into a comprehensive development agreement with a private participant that includes the imposition and collection by the private participant of tolls for the use of a toll project, the private participant has, with regard to toll collection and enforcement for that toll project, the same powers and duties as the department has under Subchapter B, Chapter 228.

SECTION 2. Section 228.054(a), Transportation Code, is amended to read as follows:

(a) Except as provided by Subsection (e) or Section 228.0545, the operator of a vehicle, other than an authorized emergency vehicle, that is driven or towed through a toll collection facility shall pay the proper toll.

SECTION 3. Subchapter B, Chapter 228, Transportation Code, is amended by adding Section 228.0545 to read as follows:

Sec. 228.0545. ALTERNATIVE TOLLING METHODS. (a) As an alternative to requiring payment of a toll at the time a vehicle is driven or towed through a toll collection facility, the department may use video billing or other tolling methods to permit the

1 registered owner of the vehicle to pay the toll at a later date. The
2 toll charged for video billing or other tolling methods may be
3 different from the toll paid at the time the vehicle is driven or
4 towed through a toll collection facility.

5 (b) The department may use automated enforcement technology
6 authorized under Section 228.058 to identify the registered owner
7 of the vehicle for purposes of billing, collection, and enforcement
8 activities.

9 (c) The department shall send by first class mail to the
10 registered owner of the vehicle a written notice of the total amount
11 due. The notice must specify the date, which may not be earlier
12 than the 15th day after the date the notice is mailed, by which the
13 amount due must be paid. The registered owner shall pay the amount
14 due on or before the date specified in the notice.

15 (d) The department shall send the notice required under
16 Subsection (c) and subsequent notices to:

17 (1) the registered owner's address as shown in the
18 vehicle registration records of the department; or

19 (2) if the department determines that the owner's
20 address shown in those records is inaccurate, an alternate address
21 provided by the owner or derived through other reliable means.

22 SECTION 4. Sections 228.055(a), (b), (d), (e), and (h),
23 Transportation Code, are amended to read as follows:

24 (a) In the event of nonpayment of the [~~proper~~] toll as
25 required by Section 228.054 or Section 228.0545, on issuance of a
26 written notice of nonpayment, the registered owner of the nonpaying
27 vehicle is liable for the payment of both the proper toll and an

1 administrative fee.

2 (b) The department may impose and collect the
3 administrative fee, so as to recover the cost of collecting the
4 unpaid toll, not to exceed \$100. The department shall send a
5 written notice of nonpayment to the registered owner of the vehicle
6 at that owner's address as shown in the vehicle registration
7 records of the department by first class mail and may require
8 payment not sooner than the 30th day after the date the notice was
9 mailed. If the department determines that the owner's address as
10 shown in the vehicle registration records is inaccurate, the
11 department may send the notice of nonpayment to an alternate
12 address provided by the owner or derived through other reliable
13 means. The department may use the alternate address in lieu of the
14 address of record on all subsequent notices of nonpayment. The
15 registered owner shall pay a separate toll and administrative fee
16 for each event of nonpayment under Section 228.054 or Section
17 228.0545.

18 (d) It is an exception to the application of Subsection (a)
19 or (c) if the registered owner of the vehicle is a lessor of the
20 vehicle and not later than the 30th day after the date the notice of
21 nonpayment is mailed provides to the department a copy of the
22 rental, lease, or other contract document covering the vehicle on
23 the date of the nonpayment under Section 228.054 or the date the
24 vehicle was driven or towed through a toll collection facility that
25 results in a notice issued under Section 228.0545, with the name and
26 address of the lessee clearly legible. If the lessor provides the
27 required information within the period prescribed, the department

1 may send a notice of nonpayment to the lessee at the address shown
2 on the contract document by first class mail before the 30th day
3 after the date of receipt of the required information from the
4 lessor. The lessee of the vehicle for which the proper toll was not
5 paid who is mailed a written notice of nonpayment under this
6 subsection and fails to pay the proper toll and administrative fee
7 within the time specified by the notice of nonpayment commits an
8 offense. The lessee shall pay a separate toll and administrative
9 fee for each event of nonpayment. Each failure to pay a toll or
10 administrative fee under this subsection is a separate offense.

11 (e) It is an exception to the application of Subsection (a)
12 or (c) if the registered owner of the vehicle transferred ownership
13 of the vehicle to another person before the event of nonpayment
14 under Section 228.054 occurred or before the date the vehicle was
15 driven or towed through a toll collection facility that results in a
16 notice issued under Section 228.0545, submitted written notice of
17 the transfer to the department in accordance with Section 520.023,
18 and, before the 30th day after the date the notice of nonpayment is
19 mailed, provides to the department the name and address of the
20 person to whom the vehicle was transferred. If the former owner of
21 the vehicle provides the required information within the period
22 prescribed, the department may send a notice of nonpayment to the
23 person to whom ownership of the vehicle was transferred at the
24 address provided by the former owner by first class mail before the
25 30th day after the date of receipt of the required information from
26 the former owner. The department may send all subsequent notices of
27 nonpayment associated with the vehicle to the person to whom

1 ownership of the vehicle was transferred at the address provided by
2 the former owner or an alternate address provided by the subsequent
3 owner or derived through other reliable means. The subsequent
4 owner of the vehicle for which the proper toll was not paid who is
5 mailed a written notice of nonpayment under this subsection and
6 fails to pay the proper toll and administrative fee within the time
7 specified by the notice of nonpayment commits an offense. The
8 subsequent owner shall pay a separate toll and administrative fee
9 for each event of nonpayment under Section 228.054 or Section
10 228.0545. Each failure to pay a toll or administrative fee under
11 this subsection is a separate offense.

12 (h) In this section and in Section 228.0545, "registered
13 owner" means the owner of a vehicle as shown on the vehicle
14 registration records of the department or the analogous department
15 or agency of another state or country.

16 SECTION 5. Section 228.056(b), Transportation Code, is
17 amended to read as follows:

18 (b) In the prosecution of an offense under Section
19 228.055(c), (d), or (e):

20 (1) it is presumed that the notice of nonpayment was
21 received on the fifth day after the date of mailing;

22 (2) a computer record of the department of the
23 registered owner of the vehicle is prima facie evidence of its
24 contents and that the defendant was the registered owner of the
25 vehicle when the underlying event of nonpayment under Section
26 228.054 occurred or on the date the vehicle was driven or towed
27 through a toll collection facility that results in a notice issued

1 under Section 228.0545; and

2 (3) a copy of the rental, lease, or other contract
3 document covering the vehicle on the date of the underlying event of
4 nonpayment under Section 228.054 or on the date the vehicle was
5 driven or towed through a toll collection facility that results in a
6 notice issued under Section 228.0545 is prima facie evidence of its
7 contents and that the defendant was the lessee of the vehicle when
8 the underlying event of nonpayment under Section 228.054 occurred
9 or when the vehicle was driven or towed through a toll collection
10 facility that results in a notice issued under Section 228.0545.

11 SECTION 6. Section 228.057, Transportation Code, is amended
12 by adding Subsections (g) and (h) to read as follows:

13 (g) The department may, following closure of an electronic
14 toll collection customer account and at the request of the account
15 holder, refund the balance of funds in the account after
16 satisfaction of any outstanding tolls and fees.

17 (h) The department may enter into an agreement with a
18 governmental or private entity regarding the use of a transponder
19 issued by the department and the corresponding electronic toll
20 collection customer account to pay for parking services offered by
21 the entity.

22 SECTION 7. Section 228.058(b), Transportation Code, is
23 amended to read as follows:

24 (b) Automated enforcement technology approved by the
25 department under Subsection (a) may be used only for the purpose of
26 producing, depicting, photographing, or recording an image that
27 depicts that portion of a vehicle necessary to establish the

1 classification of vehicle and the proper toll to be charged, the
2 license plate number, and the state of registration, including an
3 image:

4 (1) of a license plate attached to the front or rear of
5 a vehicle; and

6 (2) showing the vehicle dimensions, the presence of a
7 trailer, and the number of axles.

8 SECTION 8. Subchapter D, Chapter 502, Transportation Code,
9 is amended by adding Section 502.189 to read as follows:

10 Sec. 502.189. PROHIBITION ON REGISTRATION OF VEHICLE FOR
11 NONPAYMENT OF TOLL OR ADMINISTRATIVE FEE. The department or a
12 county assessor-collector may not register a motor vehicle if:

13 (1) the owner of the vehicle owes, to the department or
14 a private entity with which the department contracts to operate a
15 toll project, money for an unpaid toll or an administrative fee
16 assessed under Section 228.055; and

17 (2) payment of the unpaid toll or administrative fee
18 is overdue in accordance with Section 228.055.

19 SECTION 9. Subchapter O, Chapter 521, Transportation Code,
20 is amended by adding Section 521.352 to read as follows:

21 Sec. 521.352. AUTOMATIC SUSPENSION FOR OFFENSE RELATING TO
22 NONPAYMENT OF TOLL OR ADMINISTRATIVE FEE. (a) A person's driver's
23 license is automatically suspended on final conviction of an
24 offense under Section 228.055.

25 (b) The department may not issue a driver's license to a
26 person convicted of an offense under Section 228.055 who, on the
27 date of the conviction, did not hold a driver's license.

1 (c) The period of suspension or denial under this section
2 ends on the date on which the convicting court reports to the
3 department that the person has paid to the court the proper toll and
4 administrative fee that was the basis for the conviction under
5 Section 228.055.

6 SECTION 10. The change in law made by this Act in adding
7 Section 521.352, Transportation Code, applies only to a conviction
8 of an offense under Section 228.055, Transportation Code, as
9 amended by this Act, committed on or after September 1, 2007. For
10 purposes of this section, an offense is committed before September
11 1, 2007, if any element of the offense was committed before that
12 date.

13 SECTION 11. (a) Except as provided by Subsection (b), this
14 Act takes effect immediately if it receives a vote of two-thirds of
15 all the members elected to each house, as provided by Section 39,
16 Article III, Texas Constitution. If this Act does not receive the
17 vote necessary for immediate effect, this Act takes effect
18 September 1, 2007.

19 (b) Section 521.352, Transportation Code, as added by this
20 Act, takes effect September 1, 2007.