

Amend CSHB 300 by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. PROVISIONS APPLICABLE TO MORE THAN ONE TYPE OF TOLL PROJECT

SECTION _____.01. Chapter 372, Transportation Code, is amended by adding Section 372.053 to read as follows:

Sec. 372.053. USE OF TRANSPONDERS. (a) In this section, "Transponder" means a device, placed on or in a motor vehicle, that is capable of transmitting information used to assess or to collect tolls.

(b) A toll project entity shall waive any fees and penalties for the failure to pay a toll while driving or towing a vehicle through a toll booth or toll plaza if:

(1) a transponder registered to the vehicle or associated with the vehicle's license plate was used when the vehicle was driven or towed through the toll booth or plaza;

(2) the failure to collect the tolls is due solely to transponder or toll equipment error, including failure to read a transponder at a transponder toll plaza;

(3) the transponder was properly installed; and

(4) the transponder was not damaged by the person to the extent that it could not collect the tolls.

(c) A toll project entity that waives fees and penalties under Subsection (b) may notify the registered owner of the vehicle to which the transponder is registered that the transponder must be replaced, and is not required to waive subsequent fees and penalties for tolls not paid after the owner has been given a reasonable opportunity to replace the transponder.

(d) Subsection (b) does not relieve the registered owner of liability for payment of the toll.

(e) A toll project entity shall waive any fees and penalties for driving or towing a vehicle through a toll booth or toll plaza while using a transponder on or in a motor vehicle to which the transponder was not previously registered if:

(1) the tolls incurred by the person are collected successfully by transponder; and

(2) the vehicle is of the same toll classification as the vehicle to which the transponder was registered.