

Amend CSHB 300 in Article I of the bill by inserting the following appropriately numbered SECTION to read as follows and renumbering subsequent SECTIONS in the Article accordingly:

SECTION _____. (a) Chapter 222, Transportation Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. ROAD USER FEE PILOT PROGRAM

Sec. 222.151. DEFINITIONS. In this subchapter:

(1) "Diesel fuel" has the meaning assigned by Section 162.001, Tax Code.

(2) "Gasoline" has the meaning assigned by Section 162.001, Tax Code.

(3) "Program" means a road user fee pilot program established under this subchapter.

Sec. 222.152. PROGRAM ESTABLISHED. (a) Except as provided by Subsection (b), the department by rule shall establish a pilot program in at least one county that is part of a regional mobility authority established or operating under Chapter 370 to study the feasibility of assessing a road user fee that is based on the number of miles traveled in this state by a motor vehicle.

(b) The department may not establish the program in a county without the approval of the commissioners court of that county.

Sec. 222.153. AMOUNT OF ROAD USER FEE. (a) The department by rule shall set the amount of the road user fee on a per mile basis.

(b) In prescribing the amount of the fee, the department shall determine the average amount of taxes imposed under Chapter 162, Tax Code, per mile on gasoline or diesel fuel used to propel an average motor vehicle over the public roadways of this state.

(c) The department shall set the fee in an amount equal to the amount determined under Subsection (b).

(d) The department shall allow a person who participates in the program a credit against the fee imposed for use of a motor vehicle equal to the amount of any taxes paid under Chapter 162, Tax Code, for gasoline or diesel fuel used in the vehicle during the period on which the amount of the fee paid is based.

Sec. 222.154. DEPOSIT OF NET REVENUE. The department shall deposit the net revenue from the fee imposed under this subchapter

to the credit of the state highway fund.

Sec. 222.155. ELIGIBILITY. In establishing the pilot program, the department shall consult with the regional mobility authority of which the county is a part to develop criteria for voluntary program participation. The criteria must include requirements that a person must:

(1) reside in a county that is participating in the program;

(2) possess a valid driver's license issued to that person by this state;

(3) own a motor vehicle that is registered in this state; and

(4) agree to rules adopted by the department.

Sec. 222.156. CONTRACTS. The department may contract with the regional mobility authority of which the county is a part or the Texas Transportation Institute, or both, to implement or administer all or any part of the program.

Sec. 222.157. PROMOTION OF PROGRAM. Notwithstanding Chapter 2113, Government Code, the department or an entity with which the department contracts under Section 222.156 may promote the program by appropriate means, including advertising or marketing as the department or the entity determines appropriate.

Sec. 222.158. REPORT. Not later than January 31, 2012, the department shall submit to the legislature a report that includes recommendations regarding:

(1) the feasibility of assessing a road user fee that is based on the number of miles traveled in this state by a motor vehicle; and

(2) legislation to implement a road user fee in this state.

Sec. 222.159. EXPIRATION. This subchapter expires September 1, 2013.

(b) Not later than December 31, 2010, the Texas Department of Transportation shall establish a pilot program as required by Section 222.152, Transportation Code, as added by this section.