

By: Hochberg

H.B. No. 1910

A BILL TO BE ENTITLED

AN ACT

relating to the operation of toll projects.

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

SECTION 1. Chapter 371, Transportation Code, as added by Chapters 103 (H.B. 570) and 258 (S.B. 11), Acts of the 80th Legislature, Regular Session, 2007, is reenacted, redesignated as Chapter 372, Transportation Code, and amended to read as follows:

CHAPTER 372 [~~371~~]. PROVISIONS APPLICABLE TO MORE THAN ONE TYPE OF

TOLL PROJECT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 372.001 [~~371.001~~]. DEFINITIONS. In this chapter:

(1) "Toll project" means a toll project described by Section 201.001(b), regardless of whether the toll project:

(A) is a part of the state highway system; or

(B) is subject to the jurisdiction of the department.

(2) "Toll project entity" means an entity authorized by law to acquire, design, construct, finance, operate, and maintain a toll project, including:

(A) the department under Chapter 227 or 228;

(B) a regional tollway authority under Chapter 366;

(C) a regional mobility authority under Chapter 370; or

1 (D) a county under Chapter 284.

2 (3) "Transponder" means a device, placed on or in a
3 motor vehicle, that is capable of transmitting information used to
4 assess or to collect tolls.

5 SUBCHAPTER B. TOLL PROJECT OPERATION

6 Sec. 372.051 [~~371.051~~]. USE OF MOTOR VEHICLE REGISTRATION
7 OR LICENSE PLATE INFORMATION. (a) A toll project entity may not
8 use motor vehicle registration or other information derived from a
9 license plate on a vehicle using a toll project, including
10 information obtained by the use of automated enforcement technology
11 described by Section 228.058, for purposes other than those related
12 to:

13 (1) toll collection and toll collection enforcement;
14 and

15 (2) law enforcement purposes on request by a law
16 enforcement agency [~~, subject to Section 228.058(d)~~].

17 (b) If a toll project entity enters into an agreement with
18 an entity in another state that involves the exchange of motor
19 vehicle registration or license plate information for toll
20 collection or toll collection enforcement purposes, the agreement
21 must provide that the information may not be used for purposes other
22 than those described in Subsection (a).

23 Sec. 372.052 [~~371.001~~]. VEHICLES USED BY NONPROFIT DISASTER
24 RELIEF ORGANIZATIONS. [~~(a) In this section:~~

25 [~~(1) "Toll project" means a toll project described by~~
26 ~~Section 201.001(b), regardless of whether the toll project is:~~

27 [~~(A) a part of the state highway system, or~~

1 ~~[(B) subject to the jurisdiction of the~~
2 ~~department.~~

3 ~~[(2) "Toll project entity" means an entity authorized~~
4 ~~by law to acquire, design, construct, finance, operate, and~~
5 ~~maintain a toll project, including:~~

6 ~~[(A) the department under Chapter 227 or 228;~~

7 ~~[(B) a regional tollway authority under Chapter~~
8 ~~366;~~

9 ~~[(C) a regional mobility authority under Chapter~~
10 ~~370; or~~

11 ~~[(D) a county under Chapter 284.~~

12 ~~[(b)]~~ A toll project entity may not require a vehicle
13 registered under Section 502.203 to pay a toll for the use of a toll
14 project.

15 Sec. 372.053. TOLL PROJECT SIGN REQUIREMENTS. (a) A toll
16 project entity shall display a sign or signs on each segment of a
17 toll project or nontolled highway that is located immediately
18 before the beginning of the imposition of:

19 (1) a toll or a different toll rate; or

20 (2) a toll payment restriction, including a
21 requirement of cash-only payment or transponder-only payment.

22 (b) The signs required by Subsection (a) must:

23 (1) contain the rate of toll for passenger cars for the
24 upcoming segment, including:

25 (A) the rate of toll for passenger cars at the
26 next main-lane toll plaza; and

27 (B) the average charge per mile for a passenger

1 car for the distance to the second closest main-lane toll plaza;

2 (2) be located:

3 (A) before the last exit before the imposition of
4 the toll, the different toll rate, or the payment restriction
5 begins; and

6 (B) so that a motor vehicle operator may safely
7 decide whether to enter the segment; and

8 (3) contain information regarding the location of the
9 last exit before the imposition of the toll, the different toll
10 rate, or the payment restriction begins.

11 Sec. 372.054. OFFENSES FOR FAILURE TO PAY TOLL: EXCEPTION
12 AND LIMITATION ON ADMINISTRATIVE FEE. (a) It is an exception to
13 the application of any provision establishing an offense for the
14 failure or refusal to pay a toll for the use of a toll project,
15 including Section 228.054, 284.070, 366.178, or 370.177, that:

16 (1) the person had not previously failed or refused to
17 pay a toll of the toll project entity during:

18 (A) the previous 12 months; or

19 (B) a shorter time period as prescribed by rule
20 or order of the entity, as applicable; and

21 (2) the person refused or failed to pay the toll while
22 driving through a toll booth that allowed for payment only through
23 the use of a transponder.

24 (b) The exception under Subsection (a) does not relieve the
25 person of liability for payment of the toll.

26 (c) A toll project entity may not charge a person to whom the
27 exception under Subsection (a) applies an administrative fee in an

1 amount greater than \$1 for the collection of the toll.

2 Sec. 372.055. USE OF TRANSPONDERS. A toll project entity may
3 not penalize a driver for using a transponder on or in a motor
4 vehicle to which the transponder was not previously registered,
5 unless the vehicle is of a different toll classification.

6 SECTION 2. The change in law made by Section 372.054,
7 Transportation Code, as added by this Act, applies only to an
8 offense committed on or after the effective date of this Act. An
9 offense committed before the effective date of this Act is governed
10 by the law in effect when the offense was committed, and the former
11 law is continued in effect for that purpose. For purposes of this
12 section, an offense was committed before the effective date of this
13 Act if any element of the offense was committed before that date.

14 SECTION 3. This Act takes effect September 1, 2009.