

BILL ANALYSIS

C.S.H.B. 1291
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Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There is concern that the combination of toll and non-toll roads across the state, managed by various state and regional entities, has created confusion resulting in drivers unintentionally accessing toll roads because of inadequate notification. If they do not have the proper electronic tag, drivers may incur fines for driving on electronic-tag-only toll roads and some drivers have been charged for toll violations when using their personal toll tag in secondary, borrowed, or rented vehicles. C.S.H.B. 1291 seeks to address these concerns by amending certain provisions of law relating to toll projects.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1291 amends the Transportation Code to require a toll project entity to 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 a transponder registered to the vehicle and associated with the vehicle's license plate was used when the vehicle was driven or towed through the toll booth or plaza; 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; the transponder was properly installed; and any transponder error was not due to damage to the transponder caused by the vehicle owner or another person.

C.S.H.B. 1291 authorizes a toll project entity that waives fees and penalties under the bill's provisions to notify the registered owner of the vehicle to which the transponder is registered that the transponder must be replaced and establishes that such a toll project entity 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. The bill establishes that its provisions do not relieve a registered owner of liability for payment of a toll. The bill requires a toll project entity to 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 registered if the tolls are collected successfully by the transponder and the vehicle is of the same toll classification as the vehicle to which the transponder was registered.

C.S.H.B. 1291 requires a toll project entity to adopt a rule or order, as applicable, waiving penalties and fees associated with a failure to pay a toll while driving through a toll booth or toll plaza if the toll booth or toll plaza at which the vehicle operator failed to pay the toll allowed for payment only through the use of a transponder, and toll payment by mail was not a payment option, and if the registered owner had not previously failed to pay a toll of the toll project entity during a period specified in the rule or order. The bill specifies that a toll project entity is not required to waive penalties and fees if the registered owner subsequently fails to pay a toll of the toll project entity during a period specified in the rule or order and that its provisions do not

relieve the registered owner of liability for payment of the toll. The bill defines "transponder."

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1291 differs from the original by requiring a toll project entity to waive fees and penalties for the failure to pay a toll while driving or towing a vehicle through a toll booth or toll plaza if any transponder error was not due to damage to the transponder caused by the vehicle owner or another person, whereas the original requires the fees and penalties to be waived if the transponder was not damaged by the person to the extent that it could not collect the tolls.

C.S.H.B. 1291 differs from the original, in the bill provision requiring a toll project entity to adopt a rule or order waiving penalties or fees for a failure to pay a toll while driving through a toll booth or toll plaza under certain circumstances, by omitting a specification included in the original that the requirement applies to penalties or fees associated with a registered owner's first failure to pay the toll. The substitute differs from the original, in the bill provision requiring certain penalties and fees to be waived if the toll booth or toll plaza at which the vehicle operator failed to pay the toll allowed for payment only by transponder without the option of payment by mail, by specifying that the provision applies to the registered owner's or authorized vehicle operator's failure to pay the toll, whereas the original specifies the vehicle operator's failure to pay. The substitute differs from the original in nonsubstantive ways.