

BILL ANALYSIS

C.S.S.B. 469
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Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, certain regional tollway authorities are authorized, on issuance of a notice of nonpayment, to assess a fine up to \$250 for refusal to pay a toll plus an administrative fee of up to \$100 per violation for late payments. With advancements in electronic tolling, using toll roads has become more convenient for many Texas residents. As a result, an average invoice contains a significant number of transactions. However, bills arrive in the mail days or weeks after a toll road transaction and payments have been known to be missed. Interested parties have expressed concern that, although violators should be held accountable, the current penalty structure allows fines and fees to accumulate to the point that drivers are unable to afford them, as an average invoice could cost a driver thousands of dollars for missing a payment. C.S.S.B. 469 seeks to address these concerns by amending current law relating to the collection of unpaid tolls by a regional tollway authority.

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.S.B. 469 amends the Transportation Code to require a regional tollway authority, as an alternative to requiring payment of a toll at the time a vehicle is driven or towed through a toll assessment facility, to use video recordings, photography, electronic data, transponders, or other tolling methods to permit the registered owner of the nonpaying vehicle to pay the toll at a later date. The bill requires an authority that does not collect the proper toll at the time a vehicle is driven or towed through a toll assessment facility to send an invoice by first class mail to the registered owner of the vehicle. The bill authorizes the invoice to include one or more tolls assessed by the authority for use of the project by the nonpaying vehicle and requires the invoice to specify the date by which the toll or tolls must be paid. The bill requires the registered owner to pay the unpaid tolls included in the invoice not later than the 30th day after the date the invoice is mailed except that if the address to which the invoice is mailed to the registered owner is determined to be incorrect the bill requires the registered owner to pay the invoice not later than the 30th day after the date the invoice is mailed to the correct address. The bill requires the authority, if the registered owner fails to pay the unpaid tolls included in the appropriately mailed invoice, to send the first notice of nonpayment by first class mail to the registered owner.

C.S.S.B. 469 requires the authority to send three notices of nonpayment of an assessed toll, rather than only a single notice. The bill authorizes the authority to charge only one administrative fee of not more than \$25, rather than not more than \$100, for the first notice of nonpayment that is sent to the registered owner of the nonpaying vehicle. The bill requires an authority, unless the authority requires additional time to send a notice of nonpayment because of events outside the authority's reasonable control, to send the first notice of nonpayment not later than the 30th day after the date the 30-day period expires for the registered owner to pay the invoice. The bill requires an authority, if the authority requires additional time, to send the

notice not later than the 60th day after the date the 30-day period expires for the registered owner to pay the invoice. The bill removes language requiring the registered owner to pay a separate toll and administrative fee for each nonpayment.

C.S.S.B. 469 requires the authority to send a second notice of nonpayment by first class mail to the registered owner of the nonpaying vehicle if the registered owner fails to pay the unpaid tolls and the administrative fee by the date specified in the first notice of nonpayment. The bill requires the second notice of nonpayment to specify the date by which payment must be made and authorizes the second notice to require payment of the unpaid tolls and administrative fee included in the first notice of nonpayment and an additional administrative fee of not more than \$25 for each unpaid toll included in the second notice, not to exceed a total of \$200. The bill requires the authority to send a third notice of nonpayment by first class mail to the registered owner of the nonpaying vehicle if the registered owner fails to pay the amount included in the second notice of nonpayment by the date specified in that notice. The bill requires the third notice to specify the date by which payment must be made and authorizes the third notice to require payment of the amount included in the second notice of nonpayment and any third-party collection service fees incurred by the authority.

C.S.S.B. 469 makes the provision of law providing for the citing as for other traffic violations of a registered owner for nonpayment of a toll after notice of nonpayment apply to nonpayment of the amount included in the third notice, rather than the first and only notice, and authorizes, rather than requires, the citing of the owner under those circumstances. The bill makes conforming changes in provisions of law relating to the prosecution of a violation for nonpayment. The bill specifies that nonpayment by the registered owner of the vehicle may be established by a copy of a written agreement between the authority and the registered owner for the payment of unpaid tolls and administrative fees and evidence that the registered owner is in default under the agreement. The bill includes among the fees that the court of local jurisdiction in which the unpaid toll was assessed is required to collect third-party collection service fees incurred by the authority on or before the date the fines and court costs are collected by the court. The bill prohibits the waiving by the court of payment of the unpaid tolls, administrative fees, and third-party collection service fees by the registered owner unless the court finds that the registered owner of the vehicle is indigent. The bill, in provisions of law exempting from liability a registered owner who is the lessor of a nonpaying vehicle and who provides certain required documentation to the authority, requires the authority to follow the procedures provided by the bill's provisions as if the lessee were the registered owner of the vehicle, including sending an invoice to the lessee not later than the 30th day after the date of the receipt of the information from the lessor. The bill defines "toll assessment facility" and makes conforming and nonsubstantive changes.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 469 differs from the original by requiring a regional tollway authority, as an alternative to requiring payment of a toll at the time a vehicle is driven or towed through a toll assessment facility, to use tolling methods to permit the registered owner of the nonpaying vehicle to pay the toll at a later date, whereas the original authorizes a regional tollway authority to use those methods as such an alternative. The substitute differs from the original by requiring an authority that does not collect the proper toll at the time a vehicle is driven or towed through a toll assessment facility to send an invoice to the registered owner of the vehicle, whereas the original authorizes such an authority to send the invoice. The substitute omits a provision included in the original establishing a deadline for sending the invoice.

C.S.S.B. 469 contains a provision not included in the original establishing a deadline by which

an authority that requires additional time to send a notice of nonpayment to a registered owner because of events outside the authority's reasonable control is required to send the notice.

C.S.S.B. 469 omits a provision included in the original authorizing an authority to contract with a person to collect unpaid tolls and administrative fees before referring the matter to a court with jurisdiction over the offense.

C.S.S.B. 469 differs from the original by authorizing the citing of a registered owner who fails to pay the amount included in the third notice of nonpayment by the required date, whereas the original authorizes the citing by the Department of Public Safety of such a registered owner.

C.S.S.B. 469 differs from the original in nonsubstantive ways.