

By: Hochberg

H.B. No. 1291

Substitute the following for H.B. No. 1291:

By: Martinez

C.S.H.B. No. 1291

A BILL TO BE ENTITLED

AN ACT

relating to the payment of tolls for highway toll projects.

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

SECTION 1. Chapter 372, Transportation Code, is amended by adding Sections 372.054 and 372.055 to read as follows:

Sec. 372.054. 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 and 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) any transponder error was not due to damage to the transponder caused by the vehicle owner or another person.

(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

1 replaced and is not required to waive subsequent fees and penalties
2 for tolls not paid after the owner has been given a reasonable
3 opportunity to replace the transponder.

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

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

10 (1) the tolls are collected successfully by
11 transponder; and

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

14 Sec. 372.055. WAIVER FOR FAILURE TO PAY TOLL. (a) A toll
15 project entity shall adopt a rule or order, as applicable, waiving
16 penalties and fees associated with a failure to pay a toll while
17 driving through a toll booth or toll plaza if:

18 (1) the toll booth or toll plaza at which the vehicle
19 operator failed to pay the toll allowed for payment only through the
20 use of a transponder and toll payment by mail is not a payment
21 option; and

22 (2) the registered owner had not previously failed to
23 pay a toll of the toll project entity during a period specified in
24 the rule or order.

25 (b) A toll project entity is not required to waive penalties
26 and fees under Subsection (a) if the registered owner subsequently
27 fails to pay a toll of the toll project entity during a period

1 specified in the rule or order.

2 (c) Subsection (a) does not relieve the registered owner of
3 liability for payment of the toll.

4 SECTION 2. This Act takes effect September 1, 2011.