

By: Hochberg

H.B. No. 1291

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 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) the transponder was not damaged by the person to the extent that it could not collect the tolls.

(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  
2 penalties for tolls not paid after the owner has been given a  
3 reasonable 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 previously registered if:

10 (1) the tolls incurred by the person are collected  
11 successfully by 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 registered owner's first  
17 failure to pay the toll while driving through a toll booth or toll  
18 plaza if:

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

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

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

1 fails to pay the toll of the toll project entity during a time  
2 period specified in the rule or order.

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

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