

By: Wentworth

S.B. No. 959

A BILL TO BE ENTITLED

AN ACT

relating to toll collection and enforcement.

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

SECTION 1. Section 228.001, Transportation Code, is amended by adding Subdivision (3-a) to read as follows:

(3-a) "Registered owner" means an owner as defined in Section 502.001.

SECTION 2. Section 228.054(a), Transportation Code, is amended to read as follows:

(a) Except as provided by Subsection (e) or Section 228.0545, the operator of a vehicle, other than an authorized emergency vehicle, as defined by Section 541.201, that is driven or towed through a toll collection facility shall pay the proper toll. The exemption from payment of a toll for an authorized emergency vehicle applies regardless of whether the vehicle is:

- (1) responding to an emergency;
- (2) displaying a flashing light; or
- (3) marked as an emergency vehicle.

SECTION 3. Subchapter B, Chapter 228, Transportation Code, is amended by adding Section 228.0545 to read as follows:

Sec. 228.0545. ALTERNATIVE TOLLING METHODS. (a) As an alternative to requiring payment of a toll at the time a vehicle is driven or towed through a toll collection facility, the department may use video billing or other tolling methods to permit the

1 registered owner of the vehicle to pay the toll at a later date.

2 (b) The department may use automated enforcement technology
3 authorized under Section 228.058 to identify the registered owner
4 of the vehicle for purposes of billing, collection, and enforcement
5 activities.

6 (c) The department shall send by first class mail to the
7 registered owner of the vehicle a written notice of the total amount
8 due. The notice must specify the date, which may not be earlier
9 than the 15th day after the date the notice is mailed, by which the
10 amount due must be paid. The registered owner shall pay the amount
11 due on or before the date specified in the notice.

12 (d) The department shall send the notice required under
13 Subsection (c) and subsequent notices to:

14 (1) the registered owner's address as shown in the
15 vehicle registration records of the Texas Department of Motor
16 Vehicles or the analogous department or agency of another state or
17 country; or

18 (2) an alternate address provided by the owner or
19 derived through other reliable means.

20 SECTION 4. Sections 228.055(a), (b), (d), (e), and (h),
21 Transportation Code, are amended to read as follows:

22 (a) In the event of nonpayment of the [~~proper~~] toll as
23 required by Section 228.054 or 228.0545, on issuance of a written
24 notice of nonpayment, the registered owner of the nonpaying vehicle
25 is liable for the payment of both the proper toll and an
26 administrative fee.

27 (b) The department may impose and collect the

1 administrative fee, so as to recover the cost of collecting the
2 unpaid toll, not to exceed \$100. The department shall send a
3 written notice of nonpayment to the registered owner of the vehicle
4 at that owner's address as shown in the vehicle registration
5 records of the Texas Department of Motor Vehicles or the analogous
6 department or agency of another state or country or at an alternate
7 address provided by the owner or derived through other reliable
8 means. The notice of nonpayment shall be sent by first class mail
9 and may require payment not sooner than the 30th day after the date
10 the notice was mailed. The registered owner shall pay a separate
11 toll and administrative fee for each event of nonpayment under
12 Section 228.054 or 228.0545.

13 (d) It is an exception to the application of Subsection (a)
14 or (c) if the registered owner of the vehicle is a lessor of the
15 vehicle and not later than the 30th day after the date the notice of
16 nonpayment is mailed provides to the department:

17 (1) a copy of the rental, lease, or other contract
18 document covering the vehicle on the date of the nonpayment under
19 Section 228.054 or the date the vehicle was driven or towed through
20 a toll collection facility that results in a notice issued under
21 Section 228.0545, with the name and address of the lessee clearly
22 legible; or

23 (2) electronic data, in a format agreed on by the
24 department and the lessor, other than a photocopy or scan of a
25 rental or lease contract, that contains the information required
26 under Sections 521.460(c)(1), (2), and (3) covering the vehicle on
27 the date of the nonpayment under Section 228.054 or the date the

1 vehicle was driven or towed through a toll collection facility that
2 results in a notice issued under Section 228.0545.

3 (e) It is an exception to the application of Subsection (a)
4 or (c) if the registered owner of the vehicle transferred ownership
5 of the vehicle to another person before the event of nonpayment
6 under Section 228.054 occurred or before the date the vehicle was
7 driven or towed through a toll collection facility that results in a
8 notice issued under Section 228.0545, submitted written notice of
9 the transfer to the department in accordance with Section 520.023,
10 and, before the 30th day after the date the notice of nonpayment is
11 mailed, provides to the department the name and address of the
12 person to whom the vehicle was transferred. If the former owner of
13 the vehicle provides the required information within the period
14 prescribed, the department may send a notice of nonpayment to the
15 person to whom ownership of the vehicle was transferred at the
16 address provided by the former owner by first class mail before the
17 30th day after the date of receipt of the required information from
18 the former owner. The department may send all subsequent notices of
19 nonpayment associated with the vehicle to the person to whom
20 ownership of the vehicle was transferred at the address provided by
21 the former owner or an alternate address provided by the subsequent
22 owner or derived through other reliable means. The subsequent
23 owner of the vehicle for which the proper toll was not paid who is
24 mailed a written notice of nonpayment under this subsection and
25 fails to pay the proper toll and administrative fee within the time
26 specified by the notice of nonpayment commits an offense. The
27 subsequent owner shall pay a separate toll and administrative fee

1 for each event of nonpayment under Section 228.054 or 228.0545.
2 Each failure to pay a toll or administrative fee under this
3 subsection is a separate offense.

4 (h) Notwithstanding the requirement in Subsections (b),
5 (d-1), and (e) for payment of a separate administrative fee for each
6 event of nonpayment under Section 228.054 or 228.0545, the
7 department may impose one administrative fee that covers multiple
8 events of nonpayment. [~~In this section, "registered owner" means~~
9 ~~the owner of a vehicle as shown on the vehicle registration records~~
10 ~~of the department or the analogous department or agency of another~~
11 ~~state or country.~~]

12 SECTION 5. Section 228.056(b), Transportation Code, is
13 amended to read as follows:

14 (b) In the prosecution of an offense under Section
15 228.055(c), (d-1), or (e):

16 (1) it is presumed that the notice of nonpayment was
17 received on the fifth day after the date of mailing;

18 (2) a computer record of the Texas Department of Motor
19 Vehicles of the registered owner of the vehicle is prima facie
20 evidence of its contents and that the defendant was the registered
21 owner of the vehicle when the underlying event of nonpayment under
22 Section 228.054 occurred or on the date the vehicle was driven or
23 towed through a toll collection facility that results in a notice
24 issued under Section 228.0545; and

25 (3) a copy of the rental, lease, or other contract
26 document, or the electronic data provided to the department under
27 Section 228.055(d), covering the vehicle on the date of the

1 underlying event of nonpayment under Section 228.054 or on the date
2 the vehicle was driven or towed through a toll collection facility
3 that results in a notice issued under Section 228.0545 is prima
4 facie evidence of its contents and that the defendant was the lessee
5 of the vehicle when the underlying event of nonpayment under
6 Section 228.054 occurred or when the vehicle was driven or towed
7 through a toll collection facility that results in a notice issued
8 under Section 228.0545.

9 SECTION 6. Section 228.057, Transportation Code, is amended
10 by adding Subsections (g) and (h) to read as follows:

11 (g) The department may, following closure of an electronic
12 toll collection customer account and at the request of the account
13 holder, refund the balance of funds in the account after
14 satisfaction of any outstanding tolls and fees.

15 (h) The department may enter into an agreement with a
16 governmental or private entity regarding the use of a transponder
17 issued by the department and the corresponding electronic toll
18 collection customer account to pay for parking services offered by
19 the entity.

20 SECTION 7. Section 228.058(b), Transportation Code, is
21 amended to read as follows:

22 (b) Automated enforcement technology approved by the
23 department under Subsection (a) may be used only for the purpose of
24 producing, depicting, photographing, or recording an image that
25 depicts that portion of a vehicle necessary to establish the
26 classification of vehicle and the proper toll to be charged, the
27 license plate number, and the state of registration, including an

1 image:

2 (1) of a license plate attached to the front or rear of
3 a vehicle; and

4 (2) showing the vehicle dimensions, the presence of a
5 trailer, and the number of axles.

6 SECTION 8. The changes in law made by this Act apply only to
7 an offense committed on or after the effective date of this Act. An
8 offense committed before the effective date of this Act is governed
9 by the law in effect on the date the offense was committed, and the
10 former law is continued in effect for that purpose. For purposes of
11 this section, an offense was committed before the effective date of
12 this Act if any element of the offense occurred before that date.

13 SECTION 9. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2011.