

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 5, 2011**

**TO:** Honorable Tommy Williams, Chair, Senate Committee on Transportation & Homeland Security

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB1291** by Hochberg (Relating to the payment of tolls for highway toll projects.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Transportation Code to require a toll project entity to waive any fees and penalties for failure to pay a toll if a vehicle has a properly installed, registered transponder which failed to register the toll due to equipment error. The toll project entity would be authorized to send a notice to the registered owner to replace the transponder, and after a reasonable opportunity to replace the transponder, the toll entity would not be required to waive subsequent fees or penalties.

A toll project entity would be required to adopt a rule or order regarding the exceptions for the failure or refusal to pay a toll. A toll project entity would be prohibited from penalizing a driver for using a transponder in or on a motor vehicle to which the transponder was not previously registered unless the vehicle is of a different toll classification.

The Texas Department of Transportation (TxDOT) reported that in relation to the use of a transponder in another vehicle, the department's TxTag transponder cannot be removed and used in another vehicle since removal disables the device. TxDOT uses a video billing process; technically there are not any lanes that are limited to transponder-only payment. Based on the analysis of TxDOT, no significant fiscal implication is anticipated.

**Local Government Impact**

There could be a revenue loss to a local tolling entity from the imposition of a limit on an administrative fee that a local tolling entity may charge; however, the amounts would vary and are not anticipated to be significant.

The North Texas Tollway Authority and the Grayson County Regional Mobility Authority reported there would be no fiscal impact.

**Source Agencies:** 601 Department of Transportation

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