

By: Phillips

H.B. No. 3048

A BILL TO BE ENTITLED

AN ACT

relating to remedies for nonpayment of tolls for the use of certain toll projects; authorizing a fee and certain investigative and court costs; creating an offense.

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

SECTION 1. Subchapter B, Chapter 228, Transportation Code, is amended by adding Sections 228.060, 228.061, and 228.062 to read as follows:

Sec. 228.060. PUBLICATION OF NONPAYING VEHICLE INFORMATION. Notwithstanding the confidentiality of electronic toll collection customer account information under Section 228.057(e), the department may publish a list of the names of the registered owners or lessees of nonpaying vehicles who at the time of publication are liable for the payment of a past due and unpaid toll or administrative fee. The list may include only the persons' names and, for each person listed:

- (1) the city and state of the person's residence;
- (2) the total number of events of nonpayment under Section 228.054 or 228.0545; and
- (3) the total amount due for the tolls and administrative fees.

Sec. 228.061. TOLL VIOLATION PAYMENT PLAN. The department may enter into an agreement with the registered owner of a vehicle allowing the person to pay the total amount of outstanding tolls and

1 administrative fees over a specified period. The agreement must be
2 in writing and specify the amount due for tolls and administrative
3 fees, the duration of the agreement, and the amount of each payment.

4 Sec. 228.062. DEFAULT; SUIT TO RECOVER OUTSTANDING BALANCE
5 DUE. (a) If the registered owner of the vehicle fails to comply with
6 the terms of an agreement described by Section 228.061, the
7 department may send by first class mail to the person at the address
8 shown on the agreement a written notice demanding payment of the
9 outstanding balance due.

10 (b) If the registered owner fails to pay the outstanding
11 balance due on or before the 30th day after the date on which the
12 notice is mailed, the department may refer the matter to the
13 attorney general for suit or collection.

14 (c) The attorney general may file suit in a district court
15 in Travis County to recover the outstanding balance due. The
16 attorney general may recover reasonable attorney's fees,
17 investigative costs, and court costs incurred on behalf of the
18 department in the proceeding in the same manner as provided by
19 general law for a private litigant.

20 SECTION 2. Chapter 228, Transportation Code, is amended by
21 adding Subchapter G to read as follows:

22 SUBCHAPTER G. HABITUAL VIOLATOR REMEDIES

23 Sec. 228.301. HABITUAL VIOLATOR. (a) For purposes of this
24 subchapter, a habitual violator is a registered owner of a vehicle
25 who the department determines:

26 (1) was issued at least two written notices of
27 nonpayment in accordance with Section 228.055 for ten or more days

of nonpayment under Section 228.054 or 228.0545 within a period of one year; and

(2) has not paid in full the total amount due for tolls and administrative fees under those notices.

(b) If the department makes a determination under Subsection (a), the department shall give written notice to the person at:

(1) the person's address as shown in the vehicle registration records of the Texas Department of Motor Vehicles or the analogous department or agency of another state or country; or

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

(c) The notice must:

(1) be sent by first class mail and is presumed received on the fifth day after the date the notice is mailed; and

(2) state:

(A) the total number of dates of nonpayment under Section 228.054 or 228.0545 and the total amount due for tolls and administrative fees;

(B) the date of the determination under Subsection (a);

(C) the right of the person to request a hearing on the determination; and

(D) the procedure for requesting a hearing, including the period during which the request must be made.

(d) If not later than the 30th day after the date on which the person is presumed to have received the notice the department

1 receives a written request for a hearing, a hearing shall be held as
2 provided by Section 228.302. A hearing request received within the
3 period provided by this subsection stays the effect of the
4 department's determination until the date of the final decision of
5 the justice of the peace under Section 228.302.

6 (e) If the person does not request a hearing within the
7 period provided by Subsection (d), the department's determination
8 becomes final on the expiration of that period.

9 Sec. 228.302. HEARING. (a) A justice court has jurisdiction
10 to conduct a hearing in accordance with this section.

11 (b) A hearing requested under Section 228.301 shall be
12 conducted in a justice court:

13 (1) in the county in which the toll collection
14 facilities where the events of nonpayment occurred are located; or

15 (2) if events of nonpayment occurred in more than one
16 county, the county in which the toll collection facilities where a
17 majority of the events of nonpayment occurred are located.

18 (c) The justice of the peace is entitled to receive a fee not
19 to exceed \$100 for conducting the hearing. The party that does not
20 prevail under the justice's finding under Subsection (f) is liable
21 for payment of the fee.

22 (d) The issues that must be proven at the hearing by a
23 preponderance of the evidence are:

24 (1) whether the registered owner was issued at least
25 two written notices of nonpayment in accordance with Section
26 228.055 for 10 or more days of nonpayment under Section 228.054 or
27 228.0545 within a period of one year; and

1 (2) whether the total amount due for tolls and
2 administrative fees specified in those notices was not paid in full
3 by the dates specified in the notices and remains not fully paid.

4 (e) Proof under Subsection (d) may be by oral testimony,
5 documentary evidence, video surveillance, or any other reasonable
6 evidence.

7 (f) If the justice of the peace finds in the affirmative on
8 each issue in Subsection (d), the department's determination that
9 the registered owner is a habitual violator is sustained and
10 becomes final. If the justice does not find in the affirmative on
11 each issue in Subsection (d), the department shall rescind its
12 determination under Section 228.301. Rescission of the
13 determination under Section 228.301 does not limit the department's
14 authority to pursue collection of the outstanding tolls and
15 administrative fees in accordance with Section 228.055.

16 (g) A registered owner who requests a hearing and fails to
17 appear without just cause waives the right to a hearing and the
18 department's determination is final.

19 Sec. 228.303. APPEAL. (a) A registered owner may appeal the
20 justice of the peace's decision by filing a petition not later than
21 the 30th day after the date on which the decision is rendered:

22 (1) in the county court at law of the county in which
23 the justice of the peace precinct is located; or

24 (2) if there is no county court at law in that county,
25 in the county court.

26 (b) The registered owner must send a file-stamped copy of
27 the petition, certified by the clerk of the court, to the department

1 by certified mail.

2 (c) The court shall notify the department of the hearing not
3 later than the 31st day before the date the court sets for the
4 hearing.

5 (d) A trial on appeal is a trial de novo.

6 Sec. 228.304. PERIOD DETERMINATION IS EFFECTIVE. (a) A
7 final determination under Section 228.301 or 228.302 that a person
8 is a habitual violator remains in effect until:

9 (1) the total amount due for the person's tolls and
10 administrative fees is paid; or

11 (2) the department, in its sole discretion, determines
12 that the amount has been otherwise addressed.

13 (b) When a determination terminates, the department
14 immediately shall send notice of the termination:

15 (1) to the registered owner who is the subject of the
16 determination; and

17 (2) if the department provided notice to a county
18 assessor-collector or the Texas Department of Motor Vehicles under
19 Section 502.011, to that county assessor-collector or the Texas
20 Department of Motor Vehicles, as appropriate.

21 Sec. 228.305. ORDER PROHIBITING OPERATION OF MOTOR VEHICLE
22 ON TOLL PROJECT; OFFENSE. (a) The department, by order of the
23 commission, may prohibit the operation of a motor vehicle on a toll
24 project of the department if:

25 (1) the registered owner of the vehicle has been
26 finally determined to be a habitual violator under Section 228.060
27 or 228.061; and

1 (2) the department has provided notice of the
2 prohibition order to the registered owner.

3 (b) The notice required by Subsection (a)(2) must be sent by
4 first class mail to the registered owner at least 10 days before the
5 date the prohibition order takes effect and is presumed received on
6 the fifth day after the date the notice is mailed.

7 (c) Notwithstanding the confidentiality of electronic toll
8 collection customer account information under Section 228.057, the
9 order described in Subsection (a) may include the person's name,
10 the city and state of residence, and the license plate number of the
11 nonpaying vehicle.

12 (d) A person commits an offense under Section 30.05, Penal
13 Code, if the person operates a motor vehicle on a toll project in
14 violation of an order issued under Subsection (a).

15 Sec. 228.306. DENIAL OF VEHICLE REGISTRATION. After a final
16 determination under Section 228.301 or 228.302 that the registered
17 owner of the vehicle is a habitual violator, the department may
18 report the determination to a county-assessor collector or the
19 Texas Department of Motor Vehicles in order to cause the denial of
20 registration of the owner's vehicle, as provided by Section
21 502.011.

22 SECTION 3. Sections 366.178(d-2) and (g), Transportation
23 Code, are amended to read as follows:

24 (d-2) If the registered owner of the nonpaying vehicle fails
25 to pay the amount included in the second notice of nonpayment by the
26 date specified in that notice, the authority shall send a third
27 notice of nonpayment by first class mail to the registered owner of

the nonpaying vehicle. The third notice of nonpayment:

(1) must specify the date by which payment must be made;

(2) ~~and~~ may require payment of:

(A) ~~(1)~~ the amount included in the second notice of nonpayment; and

(B) ~~(2)~~ any third-party collection service fees incurred by the authority; and

(3) must include a warning that the failure to pay the amounts specified in the notice may result in the authority's exercise of habitual violator remedies under Subchapter I.

(g) The court of the local jurisdiction in which the unpaid toll was assessed may assess and collect the fine in addition to any court costs. The court may ~~shall~~ collect the unpaid tolls, administrative fees, and third-party collection service fees incurred by the authority ~~[on or before the date the fines and court costs are collected by the court]~~ and forward the tolls and fees to the authority. ~~[Payment of the unpaid tolls, administrative fees, and third party collection service fees by the registered owner may not be waived by the court unless the court finds that the registered owner of the vehicle is indigent.]~~

SECTION 4. Chapter 366, Transportation Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. HABITUAL VIOLATOR REMEDIES

Sec. 366.451. NOTICE OF INTENTION TO SEEK ADMINISTRATIVE DECISION REGARDING HABITUAL VIOLATOR REMEDIES. (a) An authority may seek an administrative decision to determine whether habitual

violator remedies under this subchapter may be exercised against the registered owner of a vehicle if the authority sends to the owner:

(1) one or more third notices of nonpayment containing the warning under Section 366.178(d-2)(3) indicating that a vehicle or vehicles of the owner incurred 10 or more days of tolls that were not paid in full by the dates specified in the notices and that remain not fully paid; and

(2) notice of the authority's intent to seek an administrative decision by first class mail to:

(A) the last address of the owner known to the authority; or

(B) the owner's address as recorded in the Texas Department of Motor Vehicles vehicle registration records.

(b) A notice issued under Subsection (a)(2) must:

(1) include the total amount of unpaid tolls and fees not paid in full as specified in one or more third notices of nonpayment; and

(2) advise the registered owner that:

(A) the registered owner is entitled to a hearing under Section 366.452 to contest a proposed administrative decision; and

(B) the authority may exercise habitual violator remedies against the owner if the administrative decision authorizes the exercise of those remedies, and the administrative decision will remain in effect until all unpaid tolls and fees owed to the authority by the owner are paid or are otherwise addressed to

1 the satisfaction of the authority in the authority's sole
2 discretion.

3 Sec. 366.452. HEARING. (a) A registered owner may, not
4 later than the 30th day after the date of the notice under Section
5 366.451, request a hearing on the issue of whether the authority may
6 exercise habitual violator remedies.

7 (b) An authority shall adopt rules for a hearing under this
8 section. The rules must:

9 (1) specify issues that are germane to a hearing;

10 (2) include reasonable rules of procedure;

11 (3) include the process through which an
12 administrative decision is issued;

13 (4) prohibit an administrative decision from going
14 into effect before the opportunity for a hearing has expired;

15 (5) require that a hearing officer be an independent
16 contractor retained by the authority solely to serve as a hearing
17 officer;

18 (6) prohibit compensation of the hearing officer by
19 the authority that is related to the outcome of the hearings before
20 the hearing officer;

21 (7) provide that the registered owner has a right to:

22 (A) be represented by an attorney; and

23 (B) offer witnesses and evidence, cross-examine
24 witnesses, and make opening and closing statements; and

25 (8) vest the hearing officer with discretion to
26 control the scope and duration of the proceedings and to exclude
27 oral or written evidence that the hearing officer determines is

1 irrelevant, immaterial, or unduly repetitious.

2 (c) A registered owner who fails to request a hearing within
3 the time specified under Subsection (a) or appear at a scheduled
4 hearing is considered to have waived the right to a hearing and
5 consented to the administrative decision, and:

6 (1) the hearing officer shall issue an administrative
7 decision authorizing the exercise of habitual violator remedies
8 under this subchapter if the hearing officer makes the findings
9 described by Section 366.453(a); and

10 (2) if the hearing officer issues an administrative
11 decision authorizing the exercise of habitual violator remedies,
12 the authority may exercise the habitual violator remedies without
13 further proceedings or action.

14 Sec. 366.453. ADMINISTRATIVE DECISION. (a) A hearing
15 officer may issue an administrative decision authorizing the
16 authority to exercise habitual violator remedies only if a
17 preponderance of the evidence demonstrates that:

18 (1) one or more third notices of nonpayment containing
19 the warning under Section 366.178(d-2)(3) were sent to the
20 registered owner indicating that a vehicle or vehicles of the owner
21 incurred 10 or more days of unpaid authority tolls, not including
22 any unpaid tolls for which the defense of theft of the vehicle has
23 been proven under Section 366.178(h);

24 (2) the vehicle or vehicles were owned by the
25 registered owner at the time of passage through a toll assessment
26 facility; and

27 (3) the amounts in the third notice or notices of

1 nonpayment were not paid in full by the dates specified in the
2 notices and remain not fully paid.

3 (b) Proof under Subsection (a) may be by testimony of a
4 peace officer or authority employee, video surveillance, or any
5 other reasonable evidence, including, for the purposes of pursuing
6 habitual violator remedies against a lessee under Section 366.457,
7 a copy of a contract document or electronic data described by
8 Section 366.178(i).

9 Sec. 366.454. APPEAL. (a) A registered owner may appeal an
10 administrative decision authorizing the exercise of habitual
11 violator remedies by:

12 (1) filing, not later than the 30th day after the date
13 on which the decision is rendered, a petition with the clerk of a
14 district court in the county in which the authority's
15 administrative offices are located; and

16 (2) paying the costs required by law for that court.

17 (b) The court in which an appeal petition is filed shall
18 schedule a hearing and notify each party of the date, time, and
19 place of the hearing.

20 (c) Neither the filing of the appeal petition nor service of
21 notice of the appeal stays the authority's exercise of the habitual
22 violator remedies unless the person who files the appeal posts a
23 bond with the authority issued by a sufficient surety in the total
24 amount of unpaid tolls and fees owed by the registered owner to the
25 authority.

26 Sec. 366.455. HABITUAL VIOLATOR REMEDY: CRIMINAL TRESPASS.

27 (a) When an administrative decision authorizing the exercise of

habitual violator remedies is in effect, the authority may provide the registered owner by any means the notice required under Section 30.05, Penal Code, for the offense of criminal trespass, including by service on the registered owner by a peace officer who stops or detains a vehicle for a traffic or other violation or who renders aid to the vehicle. The notice may forbid the registered owner's entry onto any portion of a turnpike project designated by the authority as a controlled-access toll road under Section 366.180, and the owner commits an offense under Section 30.05, Penal Code, by the owner's entry onto the turnpike project without effective consent.

(b) In addition to an authority's exercise of its rights under Subsection (a) against a registered owner, the authority may exercise those rights against a person who drives a vehicle owned by the registered owner by providing the driver with the criminal trespass notice described in Subsection (a). The driver commits an offense under Section 30.05, Penal Code, by the driver's subsequent entry onto the portion of the turnpike project described in the notice.

(c) Nothing in this section limits an authority's rights under Section 30.05, Penal Code.

Sec. 366.456. HABITUAL VIOLATOR REMEDY: REFUSAL TO REGISTER VEHICLE. (a) An authority may request that a county assessor-collector or the Texas Department of Motor Vehicles refuse under Section 502.011 to register any vehicle that is owned by a person subject to an administrative decision authorizing the exercise of habitual violator remedies by the authority.

1 (b) For the purposes of this section, a vehicle is
2 considered to be owned by a person if the person holds legal title
3 to the vehicle, regardless of whether the person obtains legal
4 title before or after an administrative decision is issued.

5 Sec. 366.457. HABITUAL VIOLATOR REMEDIES AGAINST LESSEE OF
6 VEHICLE. (a) An authority may seek an administrative decision
7 authorizing the exercise of habitual violator remedies against a
8 lessee of a vehicle and not the registered owner if the authority,
9 as authorized under Section 366.178(i-1), sends to the lessee one
10 or more third notices of nonpayment containing the warning under
11 Section 366.178(d-2)(3) indicating that a vehicle or vehicles of
12 the owner incurred 10 or more days of unpaid tolls that:

13 (1) were not paid in full by the dates specified in the
14 notice or notices and that remain not fully paid; and

15 (2) were incurred during the period of the lease as
16 shown in the contract document or electronic data submitted to the
17 authority under Section 366.178(i).

18 (b) An authority seeking an administrative decision against
19 a lessee under Subsection (a) shall use the procedures of this
20 subchapter as if the lessee were the registered owner.

21 SECTION 5. Section 370.177, Transportation Code, is amended
22 by adding Subsection (c-1) to read as follows:

23 (c-1) The notice under Subsection (c) must include a warning
24 that the failure to pay the amounts specified in the notice may
25 result in the authority's exercise of habitual violator remedies
26 under Subchapter L.

27 SECTION 6. Subchapter E, Chapter 370, Transportation Code,

is amended by adding Section 370.1771 to read as follows:

Sec. 370.1771. NONPAYMENT BY VEHICLES NOT REGISTERED IN THIS STATE. (a) An authority may, in lieu of mailing a written notice of nonpayment under Section 370.177(c), serve with a written notice of nonpayment in person an owner of a vehicle that is not registered in this state, including the owner of a vehicle registered in another state of the United States, the United Mexican States, a state of the United Mexican States, or another country or territory. A notice of nonpayment may also be served by an employee of a governmental entity operating an international bridge at the time a vehicle with a record of nonpayment seeks to enter or leave this state.

(b) Each written notice of nonpayment issued under Subsection (a) shall include a warning that the failure to pay the amounts in the notice may result in the authority's exercise of the habitual violator remedies under Section 370.455.

(c) A person who is served a written notice of nonpayment under Subsection (a) and fails to pay the proper toll and administrative fee within the time specified in the notice commits an offense. Each failure to pay a toll or administrative fee under this subsection is a separate offense.

(d) An offense under Subsection (c) is a misdemeanor punishable by a fine not to exceed \$250. The court in which a person is convicted of an offense under this section shall also collect the proper toll and administrative fee and forward the toll and fee to the authority.

(e) Section 370.177(e) applies to an offense under

1 Subsection (c), except that the person must provide the contract
2 document or electronic data not later than the 30th day after the
3 date notice is served under Subsection (a).

4 (f) Sections 370.177(i) and (j) apply to an offense under
5 this section.

6 SECTION 7. Chapter 370, Transportation Code, is amended by
7 adding Subchapter L to read as follows:

8 SUBCHAPTER L. HABITUAL VIOLATOR REMEDIES

9 Sec. 370.451. NOTICE OF INTENTION TO SEEK ADMINISTRATIVE
10 DECISION REGARDING HABITUAL VIOLATOR REMEDIES. (a) An authority may
11 seek an administrative decision to determine whether habitual
12 violator remedies under this subchapter may be exercised against
13 the registered owner of a vehicle if the authority sends to the
14 owner:

15 (1) one or more notices of nonpayment containing the
16 warning under Section 370.177(c-1) indicating that a vehicle or
17 vehicles of the owner incurred 10 or more days that were not paid in
18 full by the dates specified in the notices and that remain not fully
19 paid; and

20 (2) notice of the authority's intent to seek an
21 administrative decision by first class mail to:

22 (A) the last address of the owner known to the
23 authority; or

24 (B) the owner's address as recorded in the Texas
25 Department of Motor Vehicles vehicle registration records.

26 (b) A notice issued under Subsection (a)(2) must:

27 (1) include the dates of nonpayment and the total

amount of unpaid tolls and fees not paid in full as specified in one or more notices of nonpayment; and

(2) advise the registered owner that:

(A) the registered owner is entitled to a hearing under Section 370.452 to contest a proposed administrative decision; and

(B) the authority may exercise habitual violator remedies against the owner if the administrative decision authorizes the exercise of those remedies, and the administrative decision will remain in effect until all unpaid tolls and fees owed to the authority by the owner are paid or are otherwise addressed to the satisfaction of the authority in the authority's sole discretion.

Sec. 370.452. HEARING. (a) A registered owner may, not later than the 30th day after the date of the notice under Section 370.451, request a hearing on the issue of whether the authority may exercise habitual violator remedies.

(b) An authority shall by written policy establish a hearing process under this section. The policy must:

(1) specify issues that are germane to a hearing;

(2) include reasonable rules of procedure;

(3) include the process through which an administrative decision is issued;

(4) prohibit an administrative decision from going into effect before the opportunity for a hearing has expired;

(5) require that a hearing officer be an independent contractor retained by the authority solely to serve as a hearing

1 officer;

2 (6) prohibit compensation of the hearing officer by
3 the authority that is related to the outcome of the hearings before
4 the hearing officer;

5 (7) provide that the registered owner has a right to:

6 (A) be represented by an attorney; and

7 (B) offer witnesses and evidence, cross-examine
8 witnesses, and make opening and closing statements; and

9 (8) vest the hearing officer with discretion to
10 control the scope and duration of the proceedings and to exclude
11 oral or written evidence that the hearing officer determines is
12 irrelevant, immaterial, or unduly repetitious.

13 (c) A registered owner who fails to request a hearing within
14 the time specified or appear at a scheduled hearing is considered to
15 have waived the right to a hearing and consented to the
16 administrative decision, and:

17 (1) the hearing officer shall issue an administrative
18 decision authorizing the exercise of habitual violator remedies
19 under this subchapter if the hearing officer makes the findings
20 described by Section 370.453(a); and

21 (2) if the hearing officer issues an administrative
22 decision authorizing the exercise of habitual violator remedies,
23 the authority may exercise the habitual violator remedies without
24 further proceedings or action.

25 Sec. 370.453. ADMINISTRATIVE DECISION. (a) A hearing
26 officer may issue an administrative decision authorizing the
27 authority to exercise habitual violator remedies only if a

1 preponderance of the evidence demonstrates that:

2 (1) one or more notices of nonpayment containing the
3 warning under Section 370.177(c-1) were sent to the registered
4 owner indicating that a vehicle or vehicles of the owner incurred 10
5 or more days of unpaid authority tolls, not including any unpaid
6 tolls for which the defense of theft of the vehicle has been proven
7 under Section 370.177(j);

8 (2) the vehicle or vehicles were owned by the
9 registered owner at the time of passage through a toll collection
10 facility; and

11 (3) the amounts in the notice or notices of nonpayment
12 were not paid in full by the dates specified in the notices and
13 remain not fully paid.

14 (b) Proof under Subsection (a) may be by testimony of a
15 peace officer or authority employee, video surveillance, other
16 evidence establishing that a vehicle owned by a registered owner
17 passed through a toll collection facility, or any other reasonable
18 evidence, including, for the purposes of pursuing habitual violator
19 remedies against a lessee under Section 370.457, a copy of a
20 contract document or electronic data described by Section
21 370.177(e).

22 Sec. 370.454. APPEAL. (a) A registered owner may appeal an
23 administrative decision authorizing the exercise of habitual
24 violator remedies by:

25 (1) filing, not later than the 30th day after the date
26 on which the decision is rendered, a petition with the clerk of a
27 district court in the county in which the authority's

1 administrative offices are located; and

2 (2) paying the costs required by law for that court.

3 (b) The court in which an appeal petition is filed shall
4 schedule a hearing and notify each party of the date, time, and
5 place of the hearing.

6 (c) Neither the filing of the appeal petition nor service of
7 notice of the appeal stays the authority's exercise of the habitual
8 violation remedies unless the person who files the appeal posts a
9 bond with the authority issued by a sufficient surety in the total
10 amount of unpaid tolls and fees owed by the registered owner to the
11 authority.

12 Sec. 370.455. HABITUAL VIOLATOR REMEDY: CRIMINAL TRESPASS.

13 (a) When an administrative decision authorizing the exercise of
14 habitual violation remedies is in effect, the authority may provide
15 the registered owner by any means the notice required under Section
16 30.05, Penal Code, for the offense of criminal trespass, including
17 by service on the registered owner by a peace officer who stops or
18 detains a vehicle for a traffic or other violation or who renders
19 aid to the vehicle. The notice may forbid the registered owner's
20 entry onto any portion of a turnpike project designated by the
21 authority as a controlled-access toll road under Section 370.179,
22 and the owner commits an offense under Section 30.05, Penal Code, by
23 the owner's entry onto the turnpike project without effective
24 consent.

25 (b) In addition to an authority's exercise of its rights
26 under Subsection (a) against a registered owner, the authority may
27 exercise those rights against a person who drives a vehicle owned by

1 the registered owner by providing the driver with the criminal
2 trespass notice described in Subsection (a). The driver commits an
3 offense under Section 30.05, Penal Code, by the driver's subsequent
4 entry onto the portion of the turnpike project described in the
5 notice.

6 (c) Nothing in this section limits an authority's rights
7 under Section 30.05, Penal Code.

8 Sec. 370.456. HABITUAL VIOLATOR REMEDY: REFUSAL TO REGISTER
9 VEHICLE. (a) An authority may notify a county assessor-collector or
10 the Texas Department of Motor Vehicles under Section 502.011 that
11 the owner of a vehicle is subject to an administrative decision
12 authorizing the exercise of habitual violator remedies by the
13 authority.

14 (b) For the purposes of this section, a vehicle is
15 considered to be owned by a person if the person holds legal title
16 to the vehicle, regardless of whether the person obtains legal
17 title before or after an administrative decision is issued.

18 Sec. 370.457. HABITUAL VIOLATOR REMEDIES AGAINST LESSEE OF
19 VEHICLE. (a) An authority may seek an administrative decision
20 authorizing the exercise of habitual violator remedies against a
21 lessee of a vehicle and not the registered owner if the authority,
22 as authorized under Section 370.177(e-1), sends to the lessee one
23 or more notices of nonpayment containing the warning under Section
24 370.177(c-1) indicating that a vehicle or vehicles of the owner
25 incurred 100 or more tolls that:

26 (1) were not paid in full by the dates specified in the
27 notice or notices and that remain not fully paid; and

1 (2) were incurred during the period of the lease as
2 shown in the contract document or electronic data submitted to the
3 authority under Section 370.177(e).

4 (b) An authority seeking an administrative decision against
5 a lessee under Subsection (a) shall use the procedures of this
6 subchapter as if the lessee were the registered owner.

7 Sec. 370.458. HABITUAL VIOLATOR REMEDIES AGAINST OWNERS OF
8 VEHICLES NOT REGISTERED IN THIS STATE. (a) An authority may seek an
9 administrative decision under Section 370.453 to determine whether
10 habitual violator remedies under Section 370.455 may be exercised
11 against a person described by Section 370.1771(a) if:

12 (1) the person is served with five or more written
13 notices of nonpayment under Section 370.1771(a) and the amount
14 owing under the notices was not paid in full by the dates specified
15 in the notices and remains not fully paid; and

16 (2) notice of the authority's intent to seek an
17 administrative decision containing the information under Section
18 370.451(b) was served on the person in the manner described by
19 Section 370.1771(a) for a notice of nonpayment.

20 (b) A person described by Section 370.1771(a) may request a
21 hearing under Section 370.452 not later than the 30th day after the
22 date of the notice under Subsection (a)(2).

23 (c) In making an administrative decision under Section
24 370.453 against a person described by Section 370.1771(a), a
25 hearing officer must find that the requirements of Subsection (a)
26 (1) have been met in lieu of the finding otherwise required under
27 Section 370.453(a)(1).

1 Sec. 370.459. USE OF HABITUAL VIOLATOR REMEDIES OPTIONAL.

2 An authority's use of habitual violator remedies under this
3 subchapter is optional, and nothing in this subchapter prohibits an
4 authority from exercising any other enforcement remedies available
5 under this chapter or other law, including Section 370.177(1).

6 SECTION 8. Subchapter A, Chapter 502, Transportation Code,
7 is amended by adding Section 502.011 to read as follows:

8 Sec. 502.011. REFUSAL TO REGISTER VEHICLE FOR NONPAYMENT OF
9 TOLL OR ADMINISTRATIVE FEE. (a) A county assessor-collector or the
10 department shall refuse to register or renew the registration of a
11 motor vehicle if it has received written notice from the Texas
12 Department of Transportation, a regional tollway authority, or a
13 regional mobility authority that the owner of the vehicle, as
14 applicable:

15 (1) has been finally determined to be a habitual
16 violator under Section 228.301 or 228.302; or

17 (2) is subject to an administrative decision that
18 authorizes the use of habitual violator remedies against the owner.

19 (b) The Texas Department of Transportation, a regional
20 tollway authority, or a regional mobility authority shall notify a
21 county assessor-collector or the department, as applicable, that:

22 (1) a person for whom the assessor-collector or the
23 department has refused to register a vehicle is no longer
24 determined to be a habitual violator or subject to an
25 administrative decision, as applicable; or

26 (2) an appeal has been perfected and the appellant has
27 posted any bond required to stay the department's or authority's

1 exercise of habitual violator remedies pending the appeal.

2 SECTION 9. Subchapter B, Chapter 103, Government Code, is
3 amended by adding Section 103.0321 to read as follows:

4 Sec. 103.0321. MISCELLANEOUS FEES AND COSTS:
5 TRANSPORTATION CODE. A reasonable fee not to exceed \$100 may be
6 collected under Section 228.302(c), Transportation Code, as court
7 costs for determining whether a person is a habitual violator for
8 purposes of Subchapter G, Chapter 228, Transportation Code.

9 SECTION 10. This Act takes effect January 1, 2014.