

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 25, 2013

TO: Honorable Larry Phillips, Chair, House Committee on Transportation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3048 by Phillips (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.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to authorize the Texas Department of Transportation (TxDOT), the North Texas Tollway Authority (NTTA), and a regional mobility authority (RMA) to make or seek a determination that a registered owner of a vehicle is a “habitual violator” for the non-payment of tolls and administrative fees for use of the entities toll projects. The bill would prescribe policies and procedures for TxDOT to make and notify the registered owner of the department’s determination; authorize a person to request a hearing regarding TxDOT’s determination in a county justice court; and authorize a person to seek appeal of a justice of the peace’s decision in the applicable county court. The bill would authorize TxDOT, NTTA, and an RMA to report to a county assessor-collector or the Department of Motor Vehicles (DMV) that a determination that a registered vehicle owner is a habitual violator and require a county assessor-collector or DMV to refuse to register or renew the registration of a motor vehicle owned by the habitual violator. The bill would also authorize TxDOT, NTTA, and an RMA to provide notice to a habitual violator prohibiting the person from operating a vehicle or entering a toll project. A violation of the prohibition would constitute an offense under Section 30.05, Penal Code, regarding criminal trespass.

The bill would authorize TxDOT to publish certain information regarding the owners or lessees of nonpaying vehicles who at the time of publication are liable for the payment of past due and unpaid tolls and fees. The bill would authorize TxDOT to enter into a toll violation payment plan agreement with the registered owner of a vehicle allowing the person to pay the total amount of outstanding tolls and fees. The bill would authorize TxDOT to refer cases to the Office of the Attorney General (OAG) for collection or suit if, after a written notice from TxDOT, a person fails to pay the outstanding balance owed under the payment plan agreement. The bill would allow the OAG to recover reasonable attorney’s fees, investigative costs, and court costs incurred on behalf of the TxDOT in the proceeding.

Based on the information provided by TxDOT, OAG, and the DMV, it is assumed any costs or duties associated with implementing the provision bill could be absorbed within the agency’s existing resources.

It is assumed the remedies provided to TxDOT by the bill could result in increased collections of unpaid tolls and fees; however, most of the toll revenue from TxDOT toll projects is deposited

outside the State Treasury. The bill would require the DMV and County Assessor-Collectors to block the registration of a vehicle owned by a habitual violator until TxDOT or the other local tolling entities provide notice that the owner no longer determined to be a habitual violator. The provisions of the bill could result in a decrease in registration fee revenue depending on the number of blocked registrations and the duration of the habitual violator determination for a registered owner. However, information provided by the DMV indicates that this number would not be significant. Based on the information and analysis provided by TxDOT and the DMV, it is assumed the bill would not result in a significant impact to state revenue.

Local Government Impact

It is assumed the remedies provided to NTTA and an RMA could result in a positive fiscal impact from increased collections of unpaid tolls and fees.

Increased workload to courts would be offset by fees assess as provided for by the bill. Net fiscal impact to local courts is not anticipated to be significant.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 601 Department of Transportation, 608 Department of Motor Vehicles

LBB Staff: UP, AG, MW, TG, JJO, KKR