

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

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 3, 2013**

**TO:** Honorable David Dewhurst, Lieutenant Governor, Senate

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** SB1792 by Watson (Relating to remedies for nonpayment of tolls for the use of toll projects; authorizing a fee; creating an offense. ), **As Passed 2nd House**

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

The bill would amend the Transportation Code to authorize a toll project entity, including the Texas Department of Transportation (TxDOT), to make 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 a toll project entity to make and notify the registered owner of the department's determination; authorize a person to request a hearing regarding the 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 a toll project entity 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 authorize 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 a toll project entity to provide notice to a habitual violator prohibiting the person from operating a vehicle on a toll project of the entity. A violation of the prohibition would constitute an offense under Section 30.05, Penal Code, regarding criminal trespass. The bill would authorize a toll project entity to seek habitual toll violator remedies against lessees of vehicles and owners of vehicles not registered in Texas.

The bill would authorize a toll project entity 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 a toll project entity 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 a toll project entity to refer the matter to an authorized attorney for collection or suit if, after a written notice from the toll project entity, a person fails to pay the outstanding balance owed under the payment plan agreement. The bill would allow the attorney to recover reasonable attorney's fees, investigative costs, and court costs incurred on behalf of the toll project entity in the proceeding.

Based on the information provided by TxDOT, the Office of the Attorney General, 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 local toll project entities could result in a positive fiscal impact from increased collections of unpaid tolls and fees.

Increased workload to courts would be offset by fees assessed 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, 304 Comptroller of Public Accounts, 608 Department of Motor Vehicles, 302 Office of the Attorney General, 601 Department of Transportation

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