

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 9, 2013

TO: Honorable Robert Nichols, Chair, Senate Committee on Transportation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1792 by Watson (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 a regional mobility authority (RMA) to 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 a RMA's toll projects. The bill would prescribe policies and procedures required of a RMA to seek an administrative decision regarding habitual violator remedies and notify the affected registered owner or lessee; authorize a person to request a hearing regarding the administrative decision; and authorize a person to seek appeal of an administrative decision in the applicable county court. The bill would authorize a RMA to report to a county assessor-collector or the Department of Motor Vehicles (DMV) that a registered vehicle owner is a habitual violator and require them to refuse to issue or renew the registration of a motor vehicle owned or leased by that person. The bill would also authorize a 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 also allow a RMA in lieu of mailing, to serve a written notice of nonpayment to an owner of a vehicle that is not registered in the state.

Based on the information provided by TxDOT, the Office of Court Administration, the Comptroller of Public Accounts, and the DMV, it is assumed any costs or duties associated with implementing the provision bill could be absorbed within existing resources.

It is assumed the remedies provided to a RMA by the bill could result in increased collections of unpaid tolls and fees; however, the toll project revenue 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 the tolling entity provided notice that the owner was 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 the DMV, it is assumed the bill would not result in a significant impact to state revenue.

Local Government Impact

It is assumed habitual violators would be more likely to resolve unpaid tolls, providing some additional revenue to local RMAs that receive funds from toll roads. However, the number of tolls that would be paid in the future due to the provisions of the bill cannot be estimated.

The bill would create a misdemeanor punishable by a fine not to exceed \$250. Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue from fines imposed and collected is not anticipated to have a significant fiscal impact.

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

LBB Staff: UP, AG, TG, LXH, KKR