

By: Davis of Dallas

H.B. No. 2549

A BILL TO BE ENTITLED

AN ACT

relating to the authority and operation of regional tollway authorities.

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

SECTION 1. Section 366.038, Transportation Code, is amended by adding Subsection (h) to read as follows:

(h) For purposes of Subchapter C, Chapter 372, a toll project for which an authority provides tolling services under a tolling services agreement is considered a toll project of the authority and the authority is considered the toll project entity with respect to all rights and remedies arising under that subchapter regarding the toll project. The authority may not stop, detain, or impound a motor vehicle as authorized under that subchapter on a toll project's active traffic lanes unless a tolling service agreement addresses that action.

SECTION 2. Section 366.178, Transportation Code, is amended by amending Subsections (b-2), (b-3), (d), and (g) and adding Subsection (k) to read as follows:

(b-2) If the authority does not collect the proper toll at the time a vehicle is driven or towed through a toll assessment facility, the authority shall send an invoice by first class mail to the registered owner of the vehicle. The invoice may include one or more tolls assessed by the authority for use of the project by the nonpaying vehicle and must specify the date by which the toll or

1 tolls must be paid. Except as provided by Subsection (b-3), the  
2 registered owner shall pay the unpaid tolls included in the invoice  
3 not later than the 25th [~~30th~~] day after the date the invoice is  
4 mailed.

5 (b-3) If the address to which the invoice issued under  
6 Subsection (b-2) is mailed to the registered owner is determined to  
7 be incorrect, the registered owner shall pay the invoice not later  
8 than the 25th [~~30th~~] day after the date the invoice is mailed to the  
9 correct address.

10 (d) Unless an authority requires additional time to send a  
11 notice of nonpayment because of events outside the authority's  
12 reasonable control, the authority shall send the first notice of  
13 nonpayment not later than the 30th day after the date the 25-day  
14 [~~30-day~~] period expires for the registered owner to pay the invoice  
15 issued under Subsection (b-2) or (b-3). If an authority requires  
16 additional time as provided by this subsection, the authority must  
17 send the notice not later than the 60th day after the date the  
18 25-day [~~30-day~~] period expires for the registered owner to pay the  
19 invoice issued under Subsection (b-2) or (b-3). The first notice of  
20 nonpayment shall require payment of the unpaid tolls included in  
21 the invoice and the administrative fee before the 25th [~~30th~~] day  
22 after the date the first notice of nonpayment is mailed.

23 (g) The court of the local jurisdiction in which the unpaid  
24 toll was assessed may assess and collect the fine in addition to any  
25 court costs. The court may [~~shall~~] collect and forward to the  
26 authority properly assessed [~~the~~] unpaid tolls, administrative  
27 fees, and third-party collection service fees incurred by the

1 authority as determined by:

2 (1) the court after a hearing; or

3 (2) written agreement of the registered owner ~~[on or~~  
4 ~~before the date the fines and court costs are collected by the court~~  
5 ~~and forward the tolls and fees to the authority. Payment of the~~  
6 ~~unpaid tolls, administrative fees, and third-party collection~~  
7 ~~service fees by the registered owner may not be waived by the court~~  
8 ~~unless the court finds that the registered owner of the vehicle is~~  
9 ~~indigent].~~

10 (k) As authorized under Section 322.008(d)(2), Business &  
11 Commerce Code, an authority may provide information, including an  
12 invoice or notice, required under this section to be sent first  
13 class mail instead as an electronic record:

14 (1) if the recipient of the information agrees to the  
15 transmission of the information as an electronic record; and

16 (2) on terms acceptable to the recipient.

17 SECTION 3. Section 366.261(b), Transportation Code, is  
18 amended to read as follows:

19 (b) Not later than June 30 ~~[March 31]~~ of each year, an  
20 authority shall file with the commissioners court of each county of  
21 the authority a written report on the authority's activities  
22 describing all turnpike revenue bond issuances anticipated for the  
23 coming year, the financial condition of the authority, all project  
24 schedules, and the status of the authority's performance under the  
25 most recent strategic plan. At the invitation of a commissioners  
26 court of a county in the authority, representatives of the board and  
27 the administrative head of an authority shall appear before the

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1 commissioners court to present the report and receive questions and  
2 comments.

3 SECTION 4. This Act takes effect September 1, 2015.