

1-1 By: Davis of Dallas (Senate Sponsor - Hancock) H.B. No. 2549
1-2 (In the Senate - Received from the House May 12, 2015;
1-3 May 13, 2015, read first time and referred to Committee on
1-4 Transportation; May 21, 2015, reported favorably by the following
1-5 vote: Yeas 8, Nays 0; May 21, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Nichols	X		
1-9	Huffines	X		
1-10	Ellis		X	
1-11	Fraser	X		
1-12	Garcia	X		
1-13	Hall	X		
1-14	Hancock	X		
1-15	Kolkhorst	X		
1-16	Taylor of Collin	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the authority and operation of regional tollway
1-20 authorities.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 366.038, Transportation Code, is amended
1-23 by adding Subsection (h) to read as follows:

1-24 (h) For purposes of Subchapter C, Chapter 372, a toll
1-25 project for which an authority provides tolling services under a
1-26 tolling services agreement is considered a toll project of the
1-27 authority and the authority is considered the toll project entity
1-28 with respect to all rights and remedies arising under that
1-29 subchapter regarding the toll project. The authority may not stop,
1-30 detain, or impound a motor vehicle as authorized under that
1-31 subchapter on a toll project's active traffic lanes unless a
1-32 tolling service agreement addresses that action.

1-33 SECTION 2. Section 366.178, Transportation Code, is amended
1-34 by amending Subsections (b-2), (b-3), (d), and (g) and adding
1-35 Subsection (k) to read as follows:

1-36 (b-2) If the authority does not collect the proper toll at
1-37 the time a vehicle is driven or towed through a toll assessment
1-38 facility, the authority shall send an invoice by first class mail to
1-39 the registered owner of the vehicle. The invoice may include one or
1-40 more tolls assessed by the authority for use of the project by the
1-41 nonpaying vehicle and must specify the date by which the toll or
1-42 tolls must be paid. Except as provided by Subsection (b-3), the
1-43 registered owner shall pay the unpaid tolls included in the invoice
1-44 not later than the 25th [~~30th~~] day after the date the invoice is
1-45 mailed.

1-46 (b-3) If the address to which the invoice issued under
1-47 Subsection (b-2) is mailed to the registered owner is determined to
1-48 be incorrect, the registered owner shall pay the invoice not later
1-49 than the 25th [~~30th~~] day after the date the invoice is mailed to the
1-50 correct address.

1-51 (d) Unless an authority requires additional time to send a
1-52 notice of nonpayment because of events outside the authority's
1-53 reasonable control, the authority shall send the first notice of
1-54 nonpayment not later than the 30th day after the date the 25-day
1-55 [~~30-day~~] period expires for the registered owner to pay the invoice
1-56 issued under Subsection (b-2) or (b-3). If an authority requires
1-57 additional time as provided by this subsection, the authority must
1-58 send the notice not later than the 60th day after the date the
1-59 25-day [~~30-day~~] period expires for the registered owner to pay the
1-60 invoice issued under Subsection (b-2) or (b-3). The first notice of
1-61 nonpayment shall require payment of the unpaid tolls included in

2-1 the invoice and the administrative fee before the 25th [~~30th~~] day
2-2 after the date the first notice of nonpayment is mailed.

2-3 (g) The court of the local jurisdiction in which the unpaid
2-4 toll was assessed may assess and collect the fine in addition to any
2-5 court costs. The court may [~~shall~~] collect and forward to the
2-6 authority properly assessed [~~the~~] unpaid tolls, administrative
2-7 fees, and third-party collection service fees incurred by the
2-8 authority as determined by:

2-9 (1) the court after a hearing; or

2-10 (2) written agreement of the registered owner [~~on or~~
2-11 ~~before the date the fines and court costs are collected by the court~~
2-12 ~~and forward the tolls and fees to the authority. Payment of the~~
2-13 ~~unpaid tolls, administrative fees, and third-party collection~~
2-14 ~~service fees by the registered owner may not be waived by the court~~
2-15 ~~unless the court finds that the registered owner of the vehicle is~~
2-16 ~~indigent~~].

2-17 (k) As authorized under Section 322.008(d)(2), Business &
2-18 Commerce Code, an authority may provide information, including an
2-19 invoice or notice, required under this section to be sent first
2-20 class mail instead as an electronic record:

2-21 (1) if the recipient of the information agrees to the
2-22 transmission of the information as an electronic record; and

2-23 (2) on terms acceptable to the recipient.

2-24 SECTION 3. Section 366.261(b), Transportation Code, is
2-25 amended to read as follows:

2-26 (b) Not later than June 30 [~~March 31~~] of each year, an
2-27 authority shall file with the commissioners court of each county of
2-28 the authority a written report on the authority's activities
2-29 describing all turnpike revenue bond issuances anticipated for the
2-30 coming year, the financial condition of the authority, all project
2-31 schedules, and the status of the authority's performance under the
2-32 most recent strategic plan. At the invitation of a commissioners
2-33 court of a county in the authority, representatives of the board and
2-34 the administrative head of an authority shall appear before the
2-35 commissioners court to present the report and receive questions and
2-36 comments.

2-37 SECTION 4. This Act takes effect September 1, 2015.

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