

By: Dale

H.B. No. 3108

A BILL TO BE ENTITLED

AN ACT

relating to the collection of unpaid tolls.

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

SECTION 1. Sections 228.055(b) and (h), Transportation Code, are amended to read as follows:

(b) The department may impose and collect the administrative fee, so as to recover the cost of collecting the unpaid toll, in an amount not to exceed the lesser of six percent of the amount of the unpaid toll or \$100. The department shall send a written notice of nonpayment to the registered owner of the vehicle at that owner's address as shown in the vehicle registration records of the Texas Department of Motor Vehicles or the analogous department or agency of another state or country or at an alternate address provided by the owner or derived through other reliable means. The notice of nonpayment shall be sent by first class mail not later than the 30th day after the date of the alleged failure to pay and may require payment not sooner than the 30th day after the date the notice was mailed. The registered owner shall pay a separate toll and administrative fee for each event of nonpayment under Section 228.054 or 228.0545.

(h) Notwithstanding the requirement in Subsections (b), (d-1), and (e) for payment of a separate administrative fee for each event of nonpayment under Section 228.054 or 228.0545, the department may impose one administrative fee that covers multiple

1 events of nonpayment. The department may not charge a person an  
2 administrative fee under this subsection in an amount that exceeds  
3 six percent of the amount of unpaid tolls the person owes the  
4 department.

5 SECTION 2. Section 284.0701, Transportation Code, is  
6 amended by amending Subsection (b) and adding Subsections (e-1) and  
7 (e-2) to read as follows:

8 (b) The county may impose and collect the administrative  
9 cost so as to recover the expense of collecting the unpaid toll, in  
10 an amount not to exceed the lesser of six percent of the amount of  
11 the unpaid toll or \$100. The county shall send a written notice of  
12 nonpayment to the registered owner of the vehicle at that owner's  
13 address as shown in the vehicle registration records of the Texas  
14 Department of Motor Vehicles by first-class mail not later than the  
15 30th day after the date of the alleged failure to pay and may  
16 require payment not sooner than the 30th day after the date the  
17 notice was mailed. The registered owner shall pay a separate toll  
18 and administrative cost for each event of nonpayment under Section  
19 284.070.

20 (e-1) A county that collects an administrative cost under  
21 this section based on a mistake of fact or law shall refund to the  
22 person who paid the cost an amount that is double the amount of the  
23 paid cost.

24 (e-2) A person alleged to have failed to pay a toll may,  
25 before the deadline for payment specified in the written notice of  
26 nonpayment for the unpaid toll, contest the facts of that  
27 allegation by submitting to the county in writing, by certified

1 mail, return receipt requested, information demonstrating that the  
2 person was not required to pay the toll. If the county fails to  
3 send, by certified mail, return receipt requested, a written  
4 decision in response to the contest on or before the 20th day after  
5 the date the county received the contest, the county may not collect  
6 the alleged unpaid toll or any costs associated with the toll.

7 SECTION 3. Section [284.202](#), Transportation Code, is amended  
8 by amending Subsection (c) and adding Subsection (d) to read as  
9 follows:

10 (c) If the registered owner of the vehicle fails to pay a  
11 toll or charge not later than the 10th day after the notice under  
12 Subsection (b) is mailed, the commissioners court by order may  
13 impose a reasonable cost for expenses associated with collecting  
14 the unpaid toll or charge. The amount of a collection cost imposed  
15 under this subsection may not exceed six percent of the unpaid toll  
16 or charge.

17 (d) A commissioners court that collects a cost under this  
18 section based on a mistake of fact or law shall refund to the person  
19 who paid the cost an amount that is double the amount of the paid  
20 cost.

21 SECTION 4. Sections [366.178](#)(b-2), (c), (d), and (d-1),  
22 Transportation Code, are amended to read as follows:

23 (b-2) If the authority does not collect the proper toll at  
24 the time a vehicle is driven or towed through a toll assessment  
25 facility, the authority shall send an invoice by first class mail to  
26 the registered owner of the vehicle not later than the 30th day  
27 after the date the vehicle was driven or towed through the facility.

1 The invoice may include one or more tolls assessed by the authority  
2 for use of the project by the nonpaying vehicle and must specify the  
3 date by which the toll or tolls must be paid. Except as provided by  
4 Subsection (b-3), the registered owner shall pay the unpaid tolls  
5 included in the invoice not later than the 30th day after the date  
6 the invoice is mailed.

7 (c) On issuance of the first notice of nonpayment, the  
8 registered owner of the nonpaying vehicle shall pay both the unpaid  
9 tolls included in the invoice and an administrative fee. The  
10 authority may charge only one administrative fee in an amount not to  
11 exceed the lesser of six percent of the amount of the unpaid tolls  
12 or [not more than] \$25 for the first notice of nonpayment that is  
13 sent to the registered owner of the nonpaying vehicle.

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

27 (d-1) If the registered owner of the nonpaying vehicle fails

1 to pay the unpaid tolls and the administrative fee by the date  
2 specified in the first notice of nonpayment, the authority shall  
3 send a second notice of nonpayment by first class mail to the  
4 registered owner of the nonpaying vehicle. The second notice of  
5 nonpayment must specify the date by which payment must be made and  
6 may require payment of:

7 (1) the unpaid tolls and administrative fee included  
8 in the first notice of nonpayment; and

9 (2) an additional administrative fee of not more than  
10 six percent of the [~~\$25 for each~~] unpaid tolls [~~toll~~] included in  
11 the notice, not to exceed a total of \$200.

12 SECTION 5. Section 370.177(c), Transportation Code, is  
13 amended to read as follows:

14 (c) The authority may impose and collect the administrative  
15 fee to recover the cost of collecting the unpaid toll, in an amount  
16 not to exceed the lesser of six percent of the amount of the unpaid  
17 toll or \$100. The authority shall send a written notice of  
18 nonpayment to the registered owner of the vehicle at that owner's  
19 address as shown in the vehicle registration records of the  
20 department by first class mail not later than the 30th day after the  
21 date of the alleged failure to pay and may require payment not  
22 sooner than the 30th day after the date the notice was mailed. The  
23 registered owner shall pay a separate toll and administrative fee  
24 for each event of nonpayment under Subsection (a).

25 SECTION 6. Subchapter C, Chapter 372, Transportation Code,  
26 is amended by adding Sections 372.117 and 372.118 to read as  
27 follows:

1       Sec. 372.117. ADMINISTRATIVE FEES FOR UNPAID TOLLS. (a) A  
2 toll project entity may not charge a person an administrative fee  
3 associated with the collection of unpaid tolls in an amount that  
4 exceeds six percent of the amount of outstanding tolls the person  
5 owes the entity.

6       (b) A toll project entity that charges an administrative fee  
7 based on a mistake of fact or law shall refund to the person who paid  
8 the fee an amount that is double the amount of the paid fee.

9       Sec. 372.118. CONTESTED TOLL; RESPONSE BY TOLL PROJECT  
10 ENTITY. A person alleged to have failed to pay a toll under Chapter  
11 228, 366, or 370 may, before the deadline for payment specified in  
12 the invoice or written notice of nonpayment for the unpaid toll,  
13 contest the facts of that allegation by submitting to the  
14 applicable toll project entity in writing, by certified mail,  
15 return receipt requested, information demonstrating that the  
16 person was not required to pay the toll. If the toll project entity  
17 fails to send, by certified mail, return receipt requested, a  
18 written decision in response to the contest on or before the 20th  
19 day after the date the toll project entity received the contest, the  
20 toll project entity may not collect the alleged unpaid toll or any  
21 fees associated with the toll.

22       SECTION 7. The changes in law made by this Act apply to an  
23 unpaid toll or unpaid administrative fee or cost associated with an  
24 unpaid toll that is pending on the effective date of this Act,  
25 regardless of when the failure to pay the toll or administrative fee  
26 or cost occurred.

27       SECTION 8. This Act takes effect immediately if it receives

H.B. No. 3108

1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2015.