

Amend CSSB 312 (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. The heading to Section 228.054, Transportation Code, is amended to read as follows:

Sec. 228.054. TOLL PAYMENT REQUIRED [~~FAILURE OR REFUSAL TO PAY TOLL~~]; EMERGENCY VEHICLES EXEMPT [~~OFFENSE~~].

SECTION _____. Section 228.054(a), Transportation Code, is amended to read as follows:

(a) Except as provided by Subsection (e) [~~or Section 228.0545~~], the operator of a vehicle, other than an authorized emergency vehicle, as defined by Section 541.201, that is driven or towed through a toll collection facility shall pay the proper toll. The exemption from payment of a toll for an authorized emergency vehicle applies regardless of whether the vehicle is:

- (1) responding to an emergency;
- (2) displaying a flashing light; or
- (3) marked as an emergency vehicle.

SECTION _____. The heading to Section 228.0545, Transportation Code, is amended to read as follows:

Sec. 228.0545. TOLL NOT PAID AT TIME OF USE; INVOICE [~~ALTERNATIVE TOLLING METHODS~~].

SECTION _____. Sections 228.0545(c) and (d), Transportation Code, are amended to read as follows:

(c) The department shall send by first class mail to the registered owner of a [the] vehicle a written invoice containing an assessment for tolls incurred by the vehicle [~~notice of the total amount due. The notice must specify the date, which may not be earlier than the 30th day after the date the notice is mailed, by which the amount due must be paid. The registered owner shall pay the amount due on or before the date specified in the notice~~].

(d) The department shall send the invoice [~~notice~~] required under Subsection (c) and related communications [~~subsequent notices~~] to:

- (1) the registered 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

(2) an alternate address provided by the owner or derived through other reliable means.

SECTION _____. Subchapter B, Chapter 228, Transportation Code, is amended by adding Sections 228.0546 and 228.0547 to read as follows:

Sec. 228.0546. INVOICE REQUIREMENTS; PAYMENT DUE DATE. An invoice containing an assessment for the use of a toll project must:

(1) require payment not later than the 30th day after the date the invoice is mailed; and

(2) conspicuously state:

(A) the amount due;

(B) the date by which the amount due must be paid;

and

(C) that failure to pay the amount due in the required period:

(i) will result in the assessment of an administrative fee; and

(ii) may result in liability for a civil penalty.

Sec. 228.0547. PAYMENT OF TOLL INVOICE; CIVIL PENALTY FOR FAILURE TO PAY AMOUNT OF INVOICE WITHIN 30 DAYS. (a) A person who receives an invoice from the department for the use of a toll project shall, not later than the due date specified in the invoice:

(1) pay the amount owed as stated in the invoice; or

(2) send a written request to the entity for a review of the toll assessments contained in the invoice.

(b) If a person fails to comply with Subsection (a), the department may add an administrative fee, not to exceed \$6, to the amount the person owes. The department:

(1) must set the administrative fee by rule in an amount that does not exceed the cost of collecting the toll; and

(2) may not charge a person more than \$48 in administrative fees in a 12-month period.

(c) A person who receives two or more invoices for unpaid tolls and who has not paid the amount due within 30 days of the date of the invoice is subject to a civil penalty of \$25. Only one civil

penalty may be assessed in a six-month period. An appropriate district or county attorney may sue to collect the civil penalty and the underlying toll and administrative fee.

(d) The court in which a person is found liable for a civil penalty under Subsection (c) shall collect the civil penalty, unpaid tolls, administrative fees, and any additional court costs and forward the amounts to the department.

SECTION _____. The heading to Section 228.055, Transportation Code, is amended to read as follows:

Sec. 228.055. EXCEPTIONS FOR LEASED OR TRANSFERRED VEHICLE [~~ADMINISTRATIVE FEE; NOTICE; OFFENSE~~].

SECTION _____. Sections 228.055(d), (d-1), (e), and (i), Transportation Code, are amended to read as follows:

(d) It is an exception to liability of a vehicle's registered owner for a toll incurred by the vehicle [~~the application of Subsection (a) or (c)~~] if the registered owner of the vehicle is a lessor of the vehicle and not later than the 30th day after the date the invoice containing an assessment of the toll [~~notice of nonpayment~~] is mailed provides to the department:

(1) a copy of the rental, lease, or other contract document covering the vehicle on the date the toll was incurred [~~of the nonpayment under Section 228.054 or the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545~~], with the name and address of the lessee clearly legible; or

(2) electronic data, in a format agreed on by the department and the lessor, other than a photocopy or scan of a rental or lease contract, that contains the information required under Sections 521.460(c)(1), (2), and (3) covering the vehicle on the date the toll was incurred [~~of the nonpayment under Section 228.054 or the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545~~].

(d-1) If the lessor provides the required information within the period prescribed under Subsection (d), the department may send an invoice [~~a notice of nonpayment~~] to the lessee at the address provided under Subsection (d) by first class mail before

the 30th day after the date of receipt of the required information from the lessor. ~~[The lessee of the vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under this subsection and fails to pay the proper toll and administrative fee within the time specified by the notice of nonpayment commits an offense. The lessee shall pay a separate toll and administrative fee for each event of nonpayment. Each failure to pay a toll or administrative fee under this subsection is a separate offense.]~~

(e) It is an exception to liability of a vehicle's registered owner for a toll incurred by the vehicle ~~[the application of Subsection (a) or (c)]~~ if the registered owner of the vehicle transferred ownership of the vehicle to another person before the toll was incurred ~~[event of nonpayment under Section 228.054 occurred or before the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545]~~, submitted written notice of the transfer to the department in accordance with Section 501.147, and, before the 30th day after the date the invoice ~~[notice of nonpayment]~~ is mailed, provides to the department the name and address of the person to whom the vehicle was transferred. If the former owner of the vehicle provides the required information within the period prescribed, the department may send an invoice ~~[a notice of nonpayment]~~ to the person to whom ownership of the vehicle was transferred at the address provided by the former owner by first class mail before the 30th day after the date of receipt of the required information from the former owner. The department may send all subsequent invoices ~~[notices of nonpayment]~~ associated with the vehicle to the person to whom ownership of the vehicle was transferred at the address provided by the former owner or an alternate address provided by the subsequent owner or derived through other reliable means. ~~[The subsequent owner of the vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under this subsection and fails to pay the proper toll and administrative fee within the time specified by the notice of nonpayment commits an offense. The subsequent owner shall pay a separate toll and administrative fee for each event of nonpayment under Section 228.054 or 228.0545. Each failure to pay a~~

~~toll or administrative fee under this subsection is a separate offense.]~~

(i) The department may contract, in accordance with Section 2107.003, Government Code, with a person to collect the unpaid toll and any applicable administrative fee before referring the matter to a court for collection of a civil penalty under Section 228.0547 ~~[with jurisdiction over the offense].~~

SECTION _____. Section 228.056, Transportation Code, is amended to read as follows:

Sec. 228.056. PROOF OF LIABILITY FOR TOLL; DEFENSE FOR STOLEN VEHICLE ~~[PRESUMPTIONS, PRIMA FACIE EVIDENCE, DEFENSES]~~. (a) Proof ~~[In the prosecution of an offense under Section 228.054 or 228.055, proof]~~ that a ~~[the]~~ vehicle was driven or towed through a ~~[the]~~ toll collection facility without payment of the proper toll may be shown by a video recording, photograph, electronic recording, or other appropriate evidence, including evidence obtained by automated enforcement technology.

(b) In determining liability for an incurred toll ~~[the prosecution of an offense under Section 228.055(c), (d-1), or (e)]~~:

(1) it is presumed that the invoice containing the assessment for the toll ~~[notice of nonpayment]~~ was received on the fifth day after the date of mailing;

(2) a computer record of the Texas Department of Motor Vehicles of the registered owner of the vehicle is prima facie evidence of its contents and that the person identified in the record as the vehicle's registered owner ~~[defendant]~~ was the registered owner of the vehicle when the toll was incurred ~~[underlying event of nonpayment under Section 228.054 occurred or on the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545]~~; and

(3) a copy of a ~~[the]~~ rental, lease, or other contract document, or the electronic data provided to the department under Section 228.055(d), covering the vehicle on the date the toll was incurred ~~[of the underlying event of nonpayment under Section 228.054 or on the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under~~

~~Section 228.0545]~~ is prima facie evidence of its contents and that the person identified in the document [~~defendant~~] was the lessee of the vehicle when the toll was incurred [~~underlying event of nonpayment under Section 228.054 occurred or when the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545]~~].

(c) It is a defense to liability of a vehicle's registered owner for a toll incurred by the vehicle [~~prosecution under Section 228.055(c), (d-1), or (e)]~~ that the [~~motor~~] vehicle [~~in question~~] was stolen before the toll was incurred [~~failure to pay the proper toll occurred~~] and had not been recovered before the toll was incurred [~~failure to pay occurred~~], but only if the theft was reported to the appropriate law enforcement authority before the earlier of:

(1) the time the toll was incurred [~~the occurrence of the failure to pay~~]; or

(2) eight hours after the discovery of the theft.

SECTION _____. Section 228.059, Transportation Code, is amended to read as follows:

Sec. 228.059. TOLL COLLECTION AND ENFORCEMENT BY OTHER ENTITY[~~, OFFENSE~~]. An entity operating a toll lane pursuant to Section 228.007(b) has, with regard to toll collection and enforcement for that toll lane, the same powers and duties as the department under this chapter. [~~A person who fails to pay a toll or administrative fee imposed by the entity commits an offense. Each failure to pay a toll or administrative fee imposed by the entity is a separate offense. An offense under this section is a misdemeanor punishable by a fine not to exceed \$250, and the provisions of Section 228.056 apply to the prosecution of the offense under this section.~~] The entity may use revenues for improvement, extension, expansion, or maintenance of the toll lane.

SECTION _____. Section 372.101, Transportation Code, is amended to read as follows:

Sec. 372.101. APPLICABILITY. This subchapter does not apply to:

- (1) a county acting under Chapter 284; or
- (2) the department.

SECTION _____. The following sections of the Transportation Code are repealed:

(1) Sections 228.054(b) and (c); and

(2) Sections 228.055(a), (b), (c), (f), (g), and (h).

SECTION _____. The changes in law made by this Act to the law regarding toll collection procedures and billing apply only to a toll incurred on or after the effective date of this Act. A toll incurred before the effective date of this Act is governed by the law in effect on the date the toll was incurred, and the former law is continued in effect for that purpose.