

## **BILL ANALYSIS**

Senate Research Center  
85R25485 JAM-D

C.S.S.B. 1437  
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Transportation  
4/26/2017  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Many Texans choose to drive on toll roads due to the increased mobility options they offer to get from place to place. However, using these toll roads can also potentially lead to creating a confusing maze of toll charges and billing practices. With more than a different dozen tolling entities in the state, the variances between these entities in tolling and billing practices can cause Texans to experience unexpected tolls and fees, misplaced mail, and unintentionally unpaid bills.

S.B. 1437 addresses many of the common frustrations and concerns related to toll road billing and payment practices. The bill requires all tolling entities to offer a pay-by-mail option, to check for active toll stickers and accounts prior to issuing a bill by mail, and to clearly distinguish between statements and bills that must be paid. The bill extends additional protections to customers of Texas Department of Transportation-controlled toll roads by authorizing automatic bank account drafting at a customer's request, using driver's license addresses for mailings, and clarifying that toll collection service agreements may include refunds and credits resulting from improper bills.

S.B. 1437 provides uniformity, predictability, and fairness to toll billing across the state. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1437 amends current law relating to payment for the use of a highway toll project.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 228.057, Transportation Code, by adding Subsection (i), to require the Texas Department of Transportation (TxDOT) to provide electronic toll collection customers with an option to authorize automatic payment of tolls through the withdrawal of funds from the customer's bank account.

SECTION 2. Amends Subchapter B, Chapter 372, Transportation Code, by adding Sections 372.054, 372.055, and 372.056, as follows:

Sec. 372.054. DETERMINATION OF ELECTRONIC TOLL COLLECTION CUSTOMER ACCOUNT BEFORE PAYMENT SOLICITATION. (a) Prohibits a toll project entity (entity) from sending an invoice or a notice of unpaid tolls to the registered owner of a vehicle soliciting payment of a toll or any related administrative fee unless the entity first determines whether there is an active electronic toll collection customer account (account) that corresponds to a transponder issued for the vehicle.

(b) Requires the entity, if the entity determines under Subsection (a) that there is a sufficiently funded account that corresponds to a transponder issued for the vehicle, to:

(1) satisfy the outstanding toll from the account at the standard electronic collection rate and is prohibited from collecting any administrative fees or late fees; and

(2) if the entity determines that a transponder issued to an electronic toll collection customer did not work correctly more than 10 times in a 30-day period, send to the customer a notice informing the customer that the transponder issued for the customer's vehicle may not be working correctly.

Sec. 372.055. INFORMATION REQUIRED ON NOTICE OR INVOICE. Requires a notice or an invoice of unpaid tolls sent by a toll project entity under Section 372.054 or any other section to clearly state that the document is a bill and the recipient is expected to pay the amount indicated.

Sec. 372.056. METHOD OF SENDING INVOICE OR NOTICE. Authorizes an invoice or notice provided to a person by an entity under this subchapter (Toll Project Operation) to be provided by first class mail or e-mail if the person has provided an e-mail address to the entity and has elected to receive notice electronically.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2017.