

By: Minjarez

H.B. No. 3017

A BILL TO BE ENTITLED

1 AN ACT

2 relating to toll collections and the imposition of administrative
3 fees and civil penalties for past-due tolls; eliminating certain
4 criminal offenses.

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

6 ARTICLE 1. PAYMENT OF TOLLS

7 SECTION 1.01. The heading to Subchapter C, Chapter 372,
8 Transportation Code, is amended to read as follows:

9 SUBCHAPTER C. TOLL INVOICES AND PAYMENT [~~NONPAYMENT OF TOLLS~~];

10 REMEDIES FOR NONPAYMENT

11 SECTION 1.02. Section 372.101, Transportation Code, is
12 amended to read as follows:

13 Sec. 372.101. APPLICABILITY. Sections 372.102, 372.103,
14 372.104, and 372.105 do [~~This subchapter does~~] not apply to a county
15 acting under Chapter 284.

16 SECTION 1.03. Subchapter C, Chapter 372, Transportation
17 Code, is amended by adding Sections 372.1011, 372.1012, and
18 372.1013 to read as follows:

19 Sec. 372.1011. TOLL NOT PAID AT TIME OF USE; INVOICE. (a)
20 As an alternative to requiring payment of a toll at the time a
21 vehicle uses a toll project, a toll project entity shall use video
22 recordings, photography, electronic data, transponders, or other
23 tolling methods, including automated enforcement technology, to
24 permit the registered owner of the vehicle to pay the toll at a

1 later date.

2 (b) A toll project entity shall send, using the address as
3 shown in vehicle registration records or obtained through other
4 reliable means, an invoice to the registered owner of a vehicle for
5 which a toll is not paid at the time the toll is incurred.

6 (c) Information collected for the purposes of collecting
7 toll payment, including contact, payment, and other account
8 information and trip data, is confidential and not subject to
9 disclosure under Chapter 552, Government Code.

10 Sec. 372.1012. INVOICE REQUIREMENTS; PAYMENT DUE DATE. An
11 invoice containing an assessment for the use of a toll project must:

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

14 (2) conspicuously state:

15 (A) the amount due;

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

17 and

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

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

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

24 Sec. 372.1013. PAYMENT OF TOLL INVOICE; CIVIL PENALTY FOR
25 FAILURE TO PAY AMOUNT OF INVOICE WITHIN 30 DAYS. (a) A person who
26 receives an invoice from a toll project entity for the use of a toll
27 project shall, not later than the due date specified in the invoice:

1 (1) pay the amount owed as stated in the invoice; or
2 (2) send a written request to the entity for a review
3 of the toll assessments contained in the invoice.

4 (b) If a person fails to comply with Subsection (a), the
5 toll project entity may add an administrative fee, not to exceed \$6,
6 to the amount the person owes. A toll project entity:

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

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

11 (c) A person who receives two or more invoices for unpaid
12 tolls and who has not paid the amount due within 30 days of the date
13 of the invoice is subject to a civil penalty of \$25. Only one civil
14 penalty may be assessed in a six-month period. An appropriate
15 district or county attorney may sue to collect the civil penalty and
16 the underlying toll and administrative fee.

17 (d) The court in which a person is found liable for a civil
18 penalty under Subsection (c) shall collect the civil penalty,
19 unpaid tolls, administrative fees, and any additional court costs
20 and forward the amounts to the appropriate toll project entity.

21 ARTICLE 2. CONFORMING CHANGES

22 SECTION 2.01. Section [102.0213](#), Government Code, is amended
23 to read as follows:

24 Sec. 102.0213. COURT COSTS ON CONVICTION: TRANSPORTATION
25 CODE. A person convicted of an offense shall pay the following
26 under the Transportation Code, in addition to all other costs:

27 (1) court cost on conviction of a misdemeanor under

1 Subtitle C, Title 7, Transportation Code (Sec. 542.403,
2 Transportation Code) . . . \$3;

3 (2) cost for impoundment of vehicle (Sec. 601.263,
4 Transportation Code) . . . \$15 per day; and

5 (3) a civil [~~and criminal~~] enforcement cost on a
6 finding of liability for a civil penalty in connection with an
7 assessed [~~conviction of an offense of, or related to, the~~
8 ~~nonpayment of a~~] toll in certain counties (Sec. 284.2031,
9 Transportation Code) . . . \$1.

10 SECTION 2.02. The heading to Section [228.054](#),
11 Transportation Code, is amended to read as follows:

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

14 SECTION 2.03. Section [228.054](#)(a), Transportation Code, is
15 amended to read as follows:

16 (a) Except as provided by Subsection (e) [~~or Section~~
17 ~~228.0545~~], the operator of a vehicle, other than an authorized
18 emergency vehicle, as defined by Section [541.201](#), that is driven or
19 towed through a toll collection facility shall pay the proper toll.
20 The exemption from payment of a toll for an authorized emergency
21 vehicle applies regardless of whether the vehicle is:

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

25 SECTION 2.04. The heading to Section [228.055](#),
26 Transportation Code, is amended to read as follows:

27 Sec. 228.055. EXCEPTIONS FOR LEASED OR TRANSFERRED VEHICLE

1 ~~[ADMINISTRATIVE FEE, NOTICE, OFFENSE]~~.

2 SECTION 2.05. Sections 228.055(d), (d-1), (e), and (i),
3 Transportation Code, are amended to read as follows:

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

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

16 (2) electronic data, in a format agreed on by the
17 department and the lessor, other than a photocopy or scan of a
18 rental or lease contract, that contains the information required
19 under Sections 521.460(c)(1), (2), and (3) covering the vehicle on
20 the date the toll was incurred ~~[of the nonpayment under Section~~
21 ~~228.054 or the date the vehicle was driven or towed through a toll~~
22 ~~collection facility that results in a notice issued under Section~~
23 ~~228.0545]~~.

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

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

9 (e) It is an exception to liability of a vehicle's
10 registered owner for a toll incurred by the vehicle [~~the
11 application of Subsection (a) or (c)~~] if the registered owner of the
12 vehicle transferred ownership of the vehicle to another person
13 before the toll was incurred [~~event of nonpayment under Section
14 228.054 occurred or before the date the vehicle was driven or towed
15 through a toll collection facility that results in a notice issued
16 under Section 228.0545], submitted written notice of the transfer
17 to the department in accordance with Section 501.147, and, before
18 the 30th day after the date the invoice [~~notice of nonpayment~~] is
19 mailed, provides to the department the name and address of the
20 person to whom the vehicle was transferred. If the former owner of
21 the vehicle provides the required information within the period
22 prescribed, the department may send an invoice [~~a notice of
23 nonpayment~~] to the person to whom ownership of the vehicle was
24 transferred at the address provided by the former owner by first
25 class mail before the 30th day after the date of receipt of the
26 required information from the former owner. The department may
27 send all subsequent invoices [~~notices of nonpayment~~] associated~~

1 with the vehicle to the person to whom ownership of the vehicle was
2 transferred at the address provided by the former owner or an
3 alternate address provided by the subsequent owner or derived
4 through other reliable means. [~~The subsequent owner of the vehicle
5 for which the proper toll was not paid who is mailed a written
6 notice of nonpayment under this subsection and fails to pay the
7 proper toll and administrative fee within the time specified by the
8 notice of nonpayment commits an offense. The subsequent owner
9 shall pay a separate toll and administrative fee for each event of
10 nonpayment under Section 228.054 or 228.0545. Each failure to pay a
11 toll or administrative fee under this subsection is a separate
12 offense.~~]

13 (i) The department may contract, in accordance with Section
14 2107.003, Government Code, with a person to collect the unpaid toll
15 and any applicable administrative fee before referring the matter
16 to a court for collection of a civil penalty under Section 372.1013
17 [~~with jurisdiction over the offense~~].

18 SECTION 2.06. Section 228.056, Transportation Code, is
19 amended to read as follows:

20 Sec. 228.056. PROOF OF LIABILITY FOR TOLL; DEFENSE FOR
21 STOLEN VEHICLE [~~PRESUMPTIONS, PRIMA FACIE EVIDENCE, DEFENSES~~]. (a)
22 Proof [~~In the prosecution of an offense under Section 228.054 or~~
23 ~~228.055, proof~~] that a [~~the~~] vehicle was driven or towed through a
24 [~~the~~] toll collection facility without payment of the proper toll
25 may be shown by a video recording, photograph, electronic
26 recording, or other appropriate evidence, including evidence
27 obtained by automated enforcement technology.

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

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

6 (2) a computer record of the Texas Department of Motor
7 Vehicles of the registered owner of the vehicle is prima facie
8 evidence of its contents and that the person identified in the
9 record as the vehicle's registered owner [~~defendant~~] was the
10 registered owner of the vehicle when the toll was incurred
11 [~~underlying event of nonpayment under Section 228.054 occurred or~~
12 ~~on the date the vehicle was driven or towed through a toll~~
13 ~~collection facility that results in a notice issued under Section~~
14 ~~228.0545~~]; and

15 (3) a copy of a [~~the~~] rental, lease, or other contract
16 document, or the electronic data provided to the department under
17 Section 228.055(d), covering the vehicle on the date the toll was
18 incurred [~~of the underlying event of nonpayment under Section~~
19 ~~228.054 or on the date the vehicle was driven or towed through a~~
20 ~~toll collection facility that results in a notice issued under~~
21 ~~Section 228.0545~~] is prima facie evidence of its contents and that
22 the person identified in the document [~~defendant~~] was the lessee of
23 the vehicle when the toll was incurred [~~underlying event of~~
24 ~~nonpayment under Section 228.054 occurred or when the vehicle was~~
25 ~~driven or towed through a toll collection facility that results in a~~
26 ~~notice issued under Section 228.0545~~].

27 (c) It is a defense to liability of a vehicle's registered

1 owner for a toll incurred by the vehicle [~~prosecution under Section~~
2 ~~228.055(c), (d-1), or (e)] that the [motor] vehicle [in question]
3 was stolen before the toll was incurred [~~failure to pay the proper~~
4 ~~toll occurred~~] and had not been recovered before the toll was
5 incurred [~~failure to pay occurred~~], but only if the theft was
6 reported to the appropriate law enforcement authority before the
7 earlier of:~~

- 8 (1) the time the toll was incurred [~~the occurrence of~~
9 ~~the failure to pay~~]; or
10 (2) eight hours after the discovery of the theft.

11 SECTION 2.07. Section 228.059, Transportation Code, is
12 amended to read as follows:

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

25 SECTION 2.08. The heading to Section 284.070,
26 Transportation Code, is amended to read as follows:

27 Sec. 284.070. TOLL PAYMENT REQUIRED; EMERGENCY VEHICLES

1 EXEMPT [~~NONPAYMENT OF TOLL, OFFENSE~~].

2 SECTION 2.09. Sections 284.070(a) and (d), Transportation
3 Code, are amended to read as follows:

4 (a) A person who [~~commits an offense if the person~~
5 [~~(1)~~] operates a vehicle on a county project shall[~~+~~
6 ~~and~~
7 [~~(2)~~ fails or refuses to] pay a toll imposed under
8 Section 284.069.

9 (d) In a county with a population over 2.8 million,
10 liability for a civil penalty under Section 372.1013 [~~an offense~~
11 ~~under this section~~] may be determined [~~prosecuted~~] in any precinct
12 in the county in which the toll was incurred [~~offense was~~
13 ~~committed~~].

14 SECTION 2.10. The heading to Section 284.0701,
15 Transportation Code, is amended to read as follows:

16 Sec. 284.0701. INVOICE; EXCEPTIONS FOR LEASED OR
17 TRANSFERRED VEHICLE [~~ADMINISTRATIVE COSTS, NOTICE, OFFENSE~~].

18 SECTION 2.11. Sections 284.0701(a), (b), (d), (d-1), and
19 (e), Transportation Code, are amended to read as follows:

20 (a) If a county does not collect a toll at the time the toll
21 is incurred by a vehicle [~~In the event of an offense committed~~]
22 under Section 284.070, the county shall assess the toll on and send
23 an invoice containing the assessment to the vehicle's registered
24 owner [~~on issuance of a written notice of nonpayment, the~~
25 ~~registered owner of the nonpaying vehicle is liable for the payment~~
26 ~~of both the proper toll and an administrative cost~~].

27 (b) [~~The county may impose and collect the administrative~~

1 ~~cost so as to recover the expense of collecting the unpaid toll, not~~
2 ~~to exceed \$100.]~~ The county shall send the invoice [~~a written~~
3 ~~notice of nonpayment~~] to the registered owner of the vehicle at that
4 owner's address as shown in the vehicle registration records of the
5 Texas Department of Motor Vehicles by first-class mail not later
6 than the 30th day after the date the toll was incurred [~~of the~~
7 ~~alleged failure to pay and may require payment not sooner than the~~
8 ~~30th day after the date the notice was mailed. The registered owner~~
9 ~~shall pay a separate toll and administrative cost for each event of~~
10 ~~nonpayment under Section 284.070)].~~

11 (d) It is an exception to the application of Subsection (a)
12 [~~or (c)~~] if the registered owner of the vehicle is a lessor of the
13 vehicle and not later than the 30th day after the date an invoice
14 containing an assessment of a toll [~~the notice of nonpayment~~] is
15 mailed provides to the authority:

16 (1) a copy of the rental, lease, or other contract
17 document covering the vehicle on the date the toll was incurred [~~of~~
18 ~~the nonpayment under Section 284.070)], with the name and address of
19 the lessee clearly legible; or~~

20 (2) electronic data, other than a photocopy or scan of
21 a rental or lease contract, that contains the information required
22 under Sections 521.460(c)(1), (2), and (3) covering the vehicle on
23 the date the toll was incurred [~~of the nonpayment under Section~~
24 ~~284.070)].~~

25 (d-1) If the lessor provides the required information
26 within the period prescribed under Subsection (d), the authority
27 may send an invoice containing an assessment of the incurred toll [~~a~~

1 ~~notice of nonpayment]~~ to the lessee at the address provided under
2 Subsection (d) by first class mail before the 30th day after the
3 date of receipt of the required information from the lessor. [~~The~~
4 ~~lessee of the vehicle for which the proper toll was not paid who is~~
5 ~~mailed a written notice of nonpayment under this subsection and~~
6 ~~fails to pay the proper toll and administrative cost within the time~~
7 ~~specified by the notice of nonpayment commits an offense. The~~
8 ~~lessee shall pay a separate toll and administrative cost for each~~
9 ~~event of nonpayment. Each failure to pay a toll or administrative~~
10 ~~cost under this subsection is a separate offense.]~~

11 (e) It is an exception to the application of Subsection (a)
12 or Section 372.1011 [~~(e)~~] if the registered owner of the vehicle
13 transferred ownership of the vehicle to another person before the
14 time the toll was incurred [~~event of nonpayment under Section~~
15 ~~284.070 occurred~~], submitted written notice of the transfer to the
16 Texas Department of Motor Vehicles in accordance with Section
17 501.147, and before the 30th day after the date the invoice
18 containing an assessment of the incurred toll [~~notice of~~
19 ~~nonpayment~~] is mailed, provides to the county the name and address
20 of the person to whom the vehicle was transferred. If the former
21 owner of the vehicle provides the required information within the
22 period prescribed, the county may send an invoice [~~a notice of~~
23 ~~nonpayment~~] to the person to whom ownership of the vehicle was
24 transferred at the address provided by the former owner by
25 first-class mail before the 30th day after the date of receipt of
26 the required information from the former owner. [~~The subsequent~~
27 ~~owner of the vehicle for which the proper toll was not paid who is~~

1 ~~mailed a written notice of nonpayment under this subsection and~~
2 ~~fails to pay the proper toll and administrative cost within the time~~
3 ~~specified by the notice of nonpayment commits an offense. The~~
4 ~~subsequent owner shall pay a separate toll and administrative cost~~
5 ~~for each event of nonpayment under Section 284.070. Each failure to~~
6 ~~pay a toll or administrative cost under this subsection is a~~
7 ~~separate offense.]~~

8 SECTION 2.12. Section 284.0702, Transportation Code, is
9 amended to read as follows:

10 Sec. 284.0702. PRIMA FACIE EVIDENCE; DEFENSE OF STOLEN
11 VEHICLE. (a) Proof [~~In the prosecution of an offense under Section~~
12 ~~284.070 or 284.0701, proof~~] that a [the] vehicle was driven or towed
13 through a [the] toll collection facility without payment of the
14 proper toll may be shown by a video recording, photograph,
15 electronic recording, or other appropriate evidence, including
16 evidence obtained by automated enforcement technology.

17 (b) In determining liability for an incurred toll [~~the~~
18 ~~prosecution of an offense under Section 284.0701(c), (d-1), or~~
19 ~~(e)~~]:

20 (1) a computer record of the department of the
21 registered owner of the vehicle is prima facie evidence of its
22 contents and that the person identified in the record [~~defendant~~]
23 was the registered owner of the vehicle when the toll was incurred
24 [~~underlying event of nonpayment under Section 284.070 occurred~~];
25 and

26 (2) a copy of the rental, lease, or other contract
27 document, or the electronic data provided to the authority under

1 Section 284.0701(d), covering the vehicle on the date a toll was
2 incurred [~~of the underlying event of nonpayment under Section~~
3 ~~284.070~~] is prima facie evidence of its contents and that the person
4 identified in the document [~~defendant~~] was the lessee of the
5 vehicle when the toll was incurred [~~underlying event of nonpayment~~
6 ~~under Section 284.070 occurred~~].

7 (c) It is a defense to liability of a vehicle's registered
8 owner for a toll incurred by the vehicle [~~prosecution under Section~~
9 ~~284.0701(c), (d-1), or (e)~~] that the vehicle in question was stolen
10 before the time the toll was incurred [~~failure to pay the proper~~
11 ~~toll occurred~~] and had not been recovered before the time the toll
12 was incurred [~~failure to pay occurred~~], but only if the theft was
13 reported to the appropriate law enforcement authority before the
14 earlier of:

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

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

18 SECTION 2.13. The heading to Subchapter D, Chapter 284,
19 Transportation Code, is amended to read as follows:

20 SUBCHAPTER D. MISCELLANEOUS TOLL COLLECTION PROVISIONS
21 [~~UNAUTHORIZED USE OF TOLL ROADS IN CERTAIN COUNTIES~~]

22 SECTION 2.14. The heading to Section 284.2031,
23 Transportation Code, is amended to read as follows:

24 Sec. 284.2031. CIVIL [~~AND CRIMINAL~~] ENFORCEMENT COST.

25 SECTION 2.15. Section 284.2031(a), Transportation Code, is
26 amended to read as follows:

27 (a) A county may impose, in addition to other costs, \$1 as a

1 court cost on the imposition of a civil penalty associated with an
2 invoice for a toll incurred [~~conviction to a defendant convicted of~~
3 ~~an offense~~] under Section [~~284.070,~~] 284.0701[~~, or 284.203~~] in an
4 action brought by the county or district attorney.

5 SECTION 2.16. Section 284.2032(a), Transportation Code, is
6 amended to read as follows:

7 (a) A county with a population of 3.3 million or more may
8 impose, in addition to other costs, \$1 as an administrative cost
9 associated with collecting an incurred [~~a~~] toll or charge for each
10 toll or charge incurred [~~event of nonpayment of a required toll or~~
11 ~~charge imposed~~] under Section 284.069.

12 SECTION 2.17. The heading to Section 366.178,
13 Transportation Code, is amended to read as follows:

14 Sec. 366.178. TOLL PAYMENT REQUIRED; EMERGENCY VEHICLES
15 EXEMPT; DEFENSES FOR STOLEN OR LEASED VEHICLE [~~FAILURE OR REFUSAL~~
16 ~~TO PAY TOLL~~].

17 SECTION 2.18. Sections 366.178(b-2), (f), (f-1), (g), (h),
18 (i), (i-1), and (k), Transportation Code, are amended to read as
19 follows:

20 (b-2) If the authority does not collect the proper toll at
21 the time a vehicle is driven or towed through a toll assessment
22 facility, the authority shall assess the incurred toll on and send
23 an invoice containing the assessment by first class mail to the
24 registered owner of the vehicle. The invoice may include one or more
25 tolls assessed by the authority for use of the project by the
26 [~~nonpaying~~] vehicle [~~and must specify the date by which the toll or~~
27 ~~tolls must be paid. Except as provided by Subsection (b-3), the~~

1 ~~registered owner shall pay the unpaid tolls included in the invoice~~
2 ~~not later than the 25th day after the date the invoice is mailed].~~

3 (f) Except as provided by Subsection (f-1), [~~in the~~
4 ~~prosecution of a violation for nonpayment,~~] proof that a [~~the~~
5 vehicle passed through a toll assessment facility and that the
6 amount included in the invoice [~~the third notice of nonpayment~~] was
7 not paid before the date specified in the invoice [~~notice~~],
8 together with proof that the person to whom the invoice was mailed
9 [~~defendant~~] was the registered owner or the driver of the vehicle
10 when the [~~unpaid~~] toll was incurred [~~assessed~~], establishes
11 liability of the invoice recipient [~~the nonpayment of the~~
12 ~~registered owner~~]. The proof may be by testimony of a peace officer
13 or authority employee, video surveillance, or any other reasonable
14 evidence, including a copy of the rental, lease, or other contract
15 document or the electronic data provided to the authority under
16 Subsection (i) that shows the invoice recipient [~~defendant~~] was the
17 lessee of the vehicle when the [~~unpaid~~] toll was incurred
18 [~~assessed~~].

19 (f-1) Liability of [~~Nonpayment by~~] the registered owner of a
20 [~~the~~] vehicle for tolls incurred by the vehicle may be established
21 by:

22 (1) a copy of a written agreement between the
23 authority and the registered owner for the payment of unpaid tolls
24 and administrative fees; and

25 (2) evidence that the registered owner is in default
26 under the agreement.

27 (g) The court of the local jurisdiction in which a [~~the~~

1 ~~unpaid~~] toll was incurred [~~assessed~~] may assess and collect the
2 amounts owed under a written agreement between the authority and
3 the registered owner [~~fine~~] in addition to any court costs. The
4 court may collect and forward to the authority the amounts owed
5 under the agreement [~~properly assessed unpaid tolls,~~
6 ~~administrative fees, and third-party collection service fees~~
7 ~~incurred by the authority as determined by:~~

8 [(1) ~~the court after a hearing; or~~

9 [(2) ~~written agreement of the registered owner~~].

10 (h) It is a defense to liability of a vehicle's registered
11 owner for a toll incurred by the vehicle [~~nonpayment under this~~
12 ~~section~~] that the motor vehicle in question was stolen before the
13 time the toll was incurred [~~failure to pay the proper toll occurred~~]
14 and was not recovered by the time the toll was incurred [~~of the~~
15 ~~failure to pay~~], but only if the theft was reported to the
16 appropriate law enforcement authority before the earlier of:

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

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

20 (i) A registered owner who is the lessor of a vehicle for
21 which an invoice is mailed under Subsection (b-2) or (b-3) is not
22 liable if, not later than the 30th day after the date the invoice is
23 mailed, the registered owner provides to the authority:

24 (1) a copy of the rental, lease, or other contract
25 document covering the vehicle on the date the [~~unpaid~~]
26 incurred [~~assessed~~], with the name and address of the lessee
27 clearly legible; or

1 (2) electronic data, other than a photocopy or scan of
2 a rental or lease contract, that contains the information required
3 under Sections 521.460(c)(1), (2), and (3) covering the vehicle on
4 the date the ~~[unpaid]~~ toll was incurred ~~[assessed]~~ under this
5 section.

6 (i-1) If the lessor timely provides the required
7 information under Subsection (i), the lessee of the vehicle on the
8 date the ~~[unpaid]~~ toll was incurred ~~[assessed]~~ is considered to be
9 the registered owner of the vehicle for purposes of this section,
10 and the authority shall follow the procedures provided by this
11 section as if the lessee were the registered owner of the vehicle,
12 including sending an invoice to the lessee by first-class mail not
13 later than the 30th day after the date of the receipt of the
14 information from the lessor.

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

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

21 (2) on terms acceptable to the recipient.

22 SECTION 2.19. The heading to Section 370.177,
23 Transportation Code, is amended to read as follows:

24 Sec. 370.177. TOLL PAYMENT REQUIRED; INVOICE; EMERGENCY
25 VEHICLES EXEMPT; DEFENSES FOR STOLEN, TRANSFERRED, OR LEASED
26 VEHICLE ~~[FAILURE OR REFUSAL TO PAY TURNPIKE PROJECT TOLL; OFFENSE;~~
27 ~~ADMINISTRATIVE PENALTY]~~.

1 SECTION 2.20. Sections 370.177(a), (b), (c), (e), (e-1),
2 (f), (i), and (j), Transportation Code, are amended to read as
3 follows:

4 (a) Except as provided by Subsection (a-1), the operator of
5 a vehicle, other than an authorized emergency vehicle as defined by
6 Section 541.201, that is driven or towed through a toll collection
7 facility of a turnpike project shall pay the proper toll. ~~[The~~
8 ~~operator of a vehicle who drives or tows a vehicle through a toll~~
9 ~~collection facility and does not pay the proper toll commits an~~
10 ~~offense. An offense under this subsection is a misdemeanor~~
11 ~~punishable by a fine not to exceed \$250.]~~ The exemption from
12 payment of a toll for an authorized emergency vehicle applies
13 regardless of whether the vehicle is:

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

17 (b) If a ~~[In the event of nonpayment of the proper]~~ toll is
18 not paid at the time the toll is incurred by a vehicle ~~[as required~~
19 ~~by Subsection (a)]~~, the authority shall assess the incurred toll on
20 and send an invoice containing the assessment to ~~[on issuance of a~~
21 ~~written notice of nonpayment,~~] the registered owner of the
22 ~~[nonpaying]~~ vehicle ~~[is liable for the payment of both the proper~~
23 ~~toll and an administrative fee].~~

24 (c) ~~[The authority may impose and collect the~~
25 ~~administrative fee to recover the cost of collecting the unpaid~~
26 ~~toll, not to exceed \$100.]~~ The authority shall send the invoice
27 containing the toll assessment ~~[a written notice of nonpayment]~~ to

1 the registered owner of the vehicle at that owner's address as shown
2 in the vehicle registration records of the department by first
3 class mail not later than the 30th day after the date the toll was
4 incurred [~~of the alleged failure to pay and may require payment not~~
5 ~~sooner than the 30th day after the date the notice was mailed. The~~
6 ~~registered owner shall pay a separate toll and administrative fee~~
7 ~~for each event of nonpayment under Subsection (a)].~~

8 (e) It is an exception to the liability of a vehicle's
9 registered owner for a toll incurred by the vehicle [~~the~~
10 ~~application of Subsection (b) or (d)] that the registered owner [~~of~~
11 ~~the vehicle]~~ is a lessor of the vehicle and not later than the 30th
12 day after the date the invoice [~~notice of nonpayment]~~ is mailed
13 provides to the authority:~~

14 (1) a copy of the rental, lease, or other contract
15 document covering the vehicle on the date the toll was incurred [~~of~~
16 ~~the nonpayment under Subsection (a)]~~, with the name and address of
17 the lessee clearly legible; or

18 (2) electronic data, other than a photocopy or scan of
19 a rental or lease contract, that contains the information required
20 under Sections 521.460(c)(1), (2), and (3) covering the vehicle on
21 the date the toll was incurred [~~of the nonpayment under Subsection~~
22 ~~(a)]~~.

23 (e-1) If the lessor provides the required information
24 within the period prescribed under Subsection (e), the authority
25 may send an invoice [~~a notice of nonpayment]~~ to the lessee at the
26 address provided under Subsection (e) by first class mail before
27 the 30th day after the date of receipt of the required information

1 from the lessor. [~~The lessee of the vehicle for which the proper~~
2 ~~toll was not paid who is mailed a written notice of nonpayment under~~
3 ~~this subsection and fails to pay the proper toll and administrative~~
4 ~~fee within the time specified by the notice of nonpayment commits an~~
5 ~~offense. The lessee shall pay a separate toll and administrative~~
6 ~~fee for each event of nonpayment. Each failure to pay a toll or~~
7 ~~administrative fee under this subsection is a separate offense.]~~

8 (f) It is an exception to the liability of a vehicle's
9 registered owner for a toll incurred by the vehicle [~~the~~
10 ~~application of Subsection (b) or (d)] that the registered owner [~~of~~
11 ~~the vehicle]~~ transferred ownership of the vehicle to another person
12 before the time the toll was incurred [~~event of nonpayment under~~
13 ~~Subsection (a) occurred~~], submitted written notice of the transfer
14 to the department in accordance with Section 501.147, and before
15 the 30th day after the date the invoice containing an assessment of
16 the toll [~~notice of nonpayment~~] is mailed, provides to the
17 authority the name and address of the person to whom the vehicle was
18 transferred. If the former owner of the vehicle provides the
19 required information within the period prescribed, the authority
20 may send an invoice containing an assessment of the toll [~~a notice~~
21 ~~of nonpayment~~] to the person to whom ownership of the vehicle was
22 transferred at the address provided by the former owner by first
23 class mail before the 30th day after the date of receipt of the
24 required information from the former owner. [~~The subsequent owner~~
25 ~~of the vehicle for which the proper toll was not paid who is mailed a~~
26 ~~written notice of nonpayment under this subsection and fails to pay~~
27 ~~the proper toll and administrative fee within the time specified by~~~~

1 ~~the notice of nonpayment commits an offense. The subsequent owner~~
2 ~~shall pay a separate toll and administrative fee for each event of~~
3 ~~nonpayment under Subsection (a). Each failure to pay a toll or~~
4 ~~administrative fee under this subsection is a separate offense.]~~

5 (i) Proof ~~[In the prosecution of an offense under this~~
6 ~~section, proof]~~ that a ~~[the]~~ vehicle passed through a toll
7 collection facility without payment of the proper toll together
8 with proof that the invoice recipient ~~[defendant]~~ was the
9 registered owner or the driver of the vehicle when the toll was
10 incurred ~~[failure to pay occurred]~~, establishes liability of the
11 invoice recipient ~~[the nonpayment of the registered owner]~~. The
12 proof may be by testimony of a peace officer or authority employee,
13 video surveillance, or any other reasonable evidence, including:

14 (1) evidence obtained by automated enforcement
15 technology that the authority determines is necessary, including
16 automated enforcement technology described by Sections [228.058\(a\)](#)
17 and (b); or

18 (2) a copy of the rental, lease, or other contract
19 document or the electronic data provided to the authority under
20 Subsection (e) that shows that the invoice recipient ~~[the~~
21 ~~defendant]~~ was the lessee of the vehicle when the toll was incurred
22 ~~[underlying event of nonpayment occurred]~~.

23 (j) It is a defense to liability of a vehicle's registered
24 owner for a toll incurred by the vehicle ~~[prosecution under this~~
25 ~~section]~~ that the motor vehicle in question was stolen before the
26 toll was incurred ~~[failure to pay the proper toll occurred]~~ and was
27 not recovered by the time the toll was incurred ~~[of the failure to~~

1 ~~pay~~], but only if the theft was reported to the appropriate law
2 enforcement authority before the earlier of:

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

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

6 SECTION 2.21. The heading to Section 372.105,
7 Transportation Code, is amended to read as follows:

8 Sec. 372.105. INVOICES PROVIDED IN PERSON FOR USE OF TOLL
9 PROJECT [~~NONPAYMENT~~] BY VEHICLES NOT REGISTERED IN THIS STATE.

10 SECTION 2.22. Sections 372.105(a) and (b), Transportation
11 Code, are amended to read as follows:

12 (a) A toll project entity may, in lieu of mailing an invoice
13 [~~a written notice of nonpayment~~], serve with an invoice [~~a written~~
14 ~~notice of nonpayment~~] in person an owner of a vehicle that is not
15 registered in this state, including the owner of a vehicle
16 registered in another state of the United States, the United
17 Mexican States, a state of the United Mexican States, or another
18 country or territory. An invoice [~~A notice of nonpayment~~] may also
19 be served by an employee of a governmental entity operating an
20 international bridge at the time a vehicle with a record of
21 nonpayment seeks to enter or leave this state.

22 (b) An invoice [~~Each written notice of nonpayment~~] issued
23 under Subsection (a) must be paid not later than the 30th day after
24 the date the invoice is issued [~~shall include a warning that the~~
25 ~~failure to pay the amounts in the notice may result in the toll~~
26 ~~project entity's exercise of the habitual violator remedies under~~
27 ~~this subchapter~~].

ARTICLE 3. REPEALERS

SECTION 3.01. The following sections of the Transportation Code are repealed:

- (1) Sections 228.054(b) and (c);
- (2) Section 228.0545;
- (3) Sections 228.055(a), (b), (c), (f), (g), and (h);
- (4) Sections 284.0701(c), (f), and (g);
- (5) Sections 284.202, 284.203, 284.2031(b), 284.204, 284.205, 284.206, 284.207, 284.208, 284.209, 284.210, 284.211, and 284.212;
- (6) Sections 366.178(b), (b-1), (b-4), (c), (d), (d-1), (d-2), and (e);
- (7) Sections 370.177(d), (g), and (h);
- (8) Sections 372.105(c), (d), (e), and (f);
- (9) Sections 372.106, 372.107, 372.108, 372.109, 372.110, 372.111, 372.112, 372.113, 372.114, and 372.115; and
- (10) Section 502.011.

ARTICLE 4. TRANSITION; EFFECTIVE DATE

SECTION 4.01. The changes in law made by this Act 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.

SECTION 4.02. This Act takes effect January 1, 2018.