

By: Schwertner

S.B. No. 1437

A BILL TO BE ENTITLED

AN ACT

relating to payment for the use of a highway toll project.

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

SECTION 1. Section 228.052, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) The department may include in an agreement for toll collection services entered into under this section provisions requiring the person performing the services to:

(1) provide refunds of improperly charged tolls by crediting the accounts of improperly charged electronic toll collection customers with amounts equal to the improperly charged tolls; and

(2) credit the accounts of improperly charged electronic toll collection customers with an additional amount of not more than \$20 as compensation for time spent by the customer contesting an improper charge.

SECTION 2. Section 228.0545(d), Transportation Code, is amended to read as follows:

(d) The department shall send the notice required under Subsection (c) and 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 as shown in the driver's license records of the

1 Department of Public Safety; or

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

4 SECTION 3. Section 228.055(b), Transportation Code, is  
5 amended to read as follows:

6 (b) The department may impose and collect the  
7 administrative fee, so as to recover the cost of collecting the  
8 unpaid toll, not to exceed \$100. The department shall send a  
9 written notice of nonpayment to the registered owner of the vehicle  
10 at that owner's address as shown in the vehicle registration  
11 records of the Texas Department of Motor Vehicles or the analogous  
12 department or agency of another state or country, at that owner's  
13 address as shown in the driver's license records of the Department  
14 of Public Safety, or at an alternate address provided by the owner  
15 or derived through other reliable means. The notice of nonpayment  
16 shall be sent by first class mail and may require payment not sooner  
17 than the 30th day after the date the notice was mailed. The  
18 registered owner shall pay a separate toll and administrative fee  
19 for each event of nonpayment under Section 228.054 or 228.0545.

20 SECTION 4. Section 228.057, Transportation Code, is amended  
21 by adding Subsection (i) to read as follows:

22 (i) The department shall provide electronic toll collection  
23 customers with an option to authorize automatic payment of tolls  
24 through the withdrawal of funds from the customer's bank account.

25 SECTION 5. Subchapter B, Chapter 372, Transportation Code,  
26 is amended by adding Sections 372.054, 372.055, and 372.056 to read  
27 as follows:

1       Sec. 372.054. TOLL COLLECTION BY MAIL. (a) As an  
2 alternative to requiring payment of a toll at the time a vehicle is  
3 driven or towed through a toll collection facility, a toll project  
4 entity shall use automated toll collection methods to allow the  
5 registered owner of the vehicle to pay the toll at a later date as  
6 provided by this section.

7       (b) For purposes of this section and Sections [228.054](#),  
8 [284.070](#), [366.178](#), and [370.177](#), the use of a transponder is  
9 considered payment of a toll at the time a vehicle is driven or  
10 towed through a toll collection facility if there are sufficient  
11 funds in the account associated with the transponder at the time the  
12 vehicle is driven or towed through the facility.

13       (c) A toll project entity shall send an invoice of unpaid  
14 tolls by first class mail to the registered owner of a vehicle that  
15 has incurred one or more unpaid tolls.

16       Sec. 372.055. DETERMINATION OF ELECTRONIC TOLL COLLECTION  
17 CUSTOMER ACCOUNT BEFORE PAYMENT SOLICITATION. (a) A toll project  
18 entity may not send by first class mail an invoice or a notice of  
19 unpaid tolls to the registered owner of a vehicle soliciting  
20 payment of a toll or any related administrative fee unless the  
21 entity first determines whether there is an active electronic toll  
22 collection customer account that corresponds to a transponder  
23 issued for the vehicle.

24       (b) If a toll project entity determines under Subsection (a)  
25 that there is a sufficiently funded electronic toll collection  
26 customer account that corresponds to a transponder issued for the  
27 vehicle, the entity must:

1           (1) satisfy the outstanding toll from the account at  
2 the standard electronic collection rate and may not collect any  
3 administrative fees or late fees; and

4           (2) send by first class mail to the electronic toll  
5 collection customer a notice informing the customer that the  
6 transponder issued for the customer's vehicle may not be working  
7 correctly.

8           Sec. 372.056. INFORMATION REQUIRED ON NOTICE OR INVOICE. A  
9 notice or an invoice of unpaid tolls sent by a toll project entity  
10 under Section 372.054 or any other section must clearly state that  
11 the document is a bill and the recipient is expected to pay the  
12 amount indicated.

13           SECTION 6. The change in law made by this Act applies only  
14 to the collection of a toll incurred on or after the effective date  
15 of this Act. The collection of a toll incurred before the effective  
16 date of this Act is governed by the law in effect immediately before  
17 the effective date of this Act, and that law is continued in effect  
18 for that purpose.

19           SECTION 7. This Act takes effect September 1, 2017.