

## **BILL ANALYSIS**

C.S.S.B. 198  
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Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Many Texans choose to drive on toll roads for the greater flexibility and improved mobility they offer in getting from place to place. However, with reports indicating more than a dozen tolling entities in Texas, using these toll roads can also potentially create a confusing maze of toll charges and billing practices. Concerns have been raised regarding the significant differences between how these entities toll and bill users, causing Texans to incur unexpected tolls and fees, misplace related mailings, and sometimes be surprised by unintentionally unpaid bills. C.S.S.B. 198 seeks to address many of the common frustrations and concerns related to toll road billing and payment practices by providing more uniformity, predictability, and fairness to toll billing across the state.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 198 amends the Transportation Code to require the Texas Department of Transportation (TxDOT) to provide electronic toll collection customers with the option to authorize automatic payment of tolls through the withdrawal of funds from the customer's bank account. The bill requires an electronic toll collection customer using a transponder to pay tolls electronically to:

- activate and mount the transponder in accordance with the procedures provided by the applicable toll project entity;
- provide to the toll project entity accurate license plate and customer contact information; and
- update such information as necessary.

The bill conditions a toll project entity's authority to send an invoice or a notice of unpaid tolls to the registered owner of a vehicle that solicits payment of a toll or any related administrative fee on the entity first determining, for a toll collection customer using a transponder, whether there is an active electronic toll collection customer account that corresponds to the transponder. The bill requires a toll project entity to satisfy an unpaid toll, at the standard electronic collection rate and without the imposition of administrative or late fees, from such an account if the account corresponds to a transponder issued by the entity, the account is sufficiently funded, and the customer to whom the transponder was issued has complied with the bill's requirements relating to the use of a transponder by a customer.

C.S.S.B. 198 authorizes a toll project entity, regardless of whether an active electronic toll collection customer account is discovered, to send an invoice or notice for payment to collect an unpaid toll and related costs if the account is insufficiently funded or the electronic toll collection customer's failure to comply with the bill's provisions relating to transponder use prevents satisfaction of the unpaid toll from the account. The bill requires a toll project entity that discovers a transponder issued by the entity did not work correctly more than 10 times in a 30-day period and must be replaced to send the customer to whom the transponder was issued a notice stating that the transponder is not working correctly and must be replaced. The bill establishes that the toll project entity is not required to send additional notice to the customer if the customer does not replace the transponder.

C.S.S.B. 198 sets out the information required to be stated in a notice or invoice of unpaid tolls by a toll project entity and the authorized methods of sending the invoice or notice to a recipient. The bill establishes that a toll project entity is not required to send such invoice or notice by those methods if the entity does not have access to the contact information provided in the electronic toll collection customer account.

C.S.S.B. 198 authorizes a toll project entity with an electronic toll collection customer to provide to another toll project entity the customer's account information for purposes of customer service, toll collection, enforcement, or reporting requirements and requires the provision of such information to ensure the confidentiality of all account information. The bill requires a contract between toll project entities for the collection of tolls to specify which entity is responsible for making the determinations, sending notices, and taking other actions, as applicable, under the bill's provisions and to include terms to ensure that customers do not receive invoices from more than one entity for the same transaction.

#### **EFFECTIVE DATE**

September 1, 2020.

#### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 198 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute changes the purposes for which a toll project entity with an electronic toll collection customer may provide to another toll project entity customer account information from purposes of soliciting payment under the bill's provisions to purposes of customer service, toll collection, enforcement, or reporting requirements.

The substitute does not include contracts for related purposes other than the collection of tolls in the applicability of the bill's requirements imposed on certain contracts between toll project entities. The substitute changes one of the requirements imposed on such a contract for the collection of tolls from ensuring that customers do not receive invoices or incur fees or other charges from more than one entity to including terms to ensure that customers do not receive invoices from more than one entity for the same transaction.

The substitute changes the bill's effective date from September 1, 2019, to September 1, 2020.