

By: Schwertner, et al.  
(Canales)

S.B. No. 198

Substitute the following for S.B. No. 198:

By: Raney

C.S.S.B. No. 198

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 228.057, Transportation Code, is amended by adding Subsection (i) to read as follows:

(i) The department shall 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. Subchapter B, Chapter 372, Transportation Code, is amended by adding Sections 372.054, 372.055, 372.056, 372.057, and 372.058 to read as follows:

Sec. 372.054. USE OF TRANSPONDER BY ELECTRONIC TOLL COLLECTION CUSTOMER. An electronic toll collection customer using a transponder must:

(1) activate and mount the transponder in accordance with the procedures provided by the toll project entity;

(2) provide to the toll project entity accurate license plate and customer contact information; and

(3) update as necessary the information provided under Subdivision (2).

Sec. 372.055. DETERMINATION OF ELECTRONIC TOLL COLLECTION CUSTOMER ACCOUNT BEFORE PAYMENT SOLICITATION. (a) A toll project entity may not send an invoice or a notice of unpaid tolls to the registered owner of a vehicle soliciting payment of a toll or any

1 related administrative fee unless the entity first determines, for  
2 a toll collection customer using a transponder, whether there is an  
3 active electronic toll collection customer account that  
4 corresponds to the transponder.

5 (b) A toll project entity shall satisfy an unpaid toll, at  
6 the standard electronic collection rate and without the imposition  
7 of administrative or late fees, from an active electronic toll  
8 collection customer account discovered under Subsection (a) if:

9 (1) the account:

10 (A) corresponds to a transponder issued by the  
11 entity; and

12 (B) is sufficiently funded; and

13 (2) the customer to whom the transponder was issued  
14 has complied with Section 372.054.

15 (c) Regardless of whether an active electronic toll  
16 collection customer account is discovered under Subsection (a), a  
17 toll project entity may send an invoice or notice for payment to  
18 collect an unpaid toll and related costs if:

19 (1) the account is insufficiently funded; or

20 (2) the electronic toll collection customer's failure  
21 to comply with Section 372.054 prevents satisfaction of the unpaid  
22 toll from the electronic toll collection customer account.

23 (d) If in complying with Subsection (a) a toll project  
24 entity discovers that a transponder issued by the entity did not  
25 work correctly more than 10 times in a 30-day period and must be  
26 replaced, the entity shall send to the customer to whom the  
27 transponder was issued a notice stating that the transponder is not

1 working correctly and must be replaced.

2 (e) A toll project entity is not required to send additional  
3 notice to an electronic toll collection customer under Subsection  
4 (d) if the toll project entity has sent notice to the customer under  
5 that subsection and the customer does not replace the transponder.

6 Sec. 372.056. INFORMATION REQUIRED ON NOTICE OR INVOICE. A  
7 notice or an invoice of unpaid tolls sent by a toll project entity  
8 must clearly state that the document is a bill and the recipient is  
9 expected to pay the amount indicated.

10 Sec. 372.057. METHOD OF SENDING INVOICE OR NOTICE. (a) An  
11 invoice or notice provided to a person by a toll project entity may  
12 be provided by:

13 (1) first class mail; or

14 (2) e-mail if the person has provided an e-mail  
15 address to the entity and has elected to receive notice  
16 electronically.

17 (b) A toll project entity is not required to send an invoice  
18 or notice as required by Subsection (a) if the entity does not have  
19 access to the contact information provided in the electronic toll  
20 collection customer account.

21 Sec. 372.058. INFORMATION SHARING AND CONTRACTS BETWEEN  
22 TOLL PROJECT ENTITIES. (a) Notwithstanding the confidentiality  
23 of electronic toll collection customer account information,  
24 including confidentiality under Sections [228.057\(e\)](#), [366.179\(d\)](#),  
25 [370.177\(m\)](#), [370.178\(d\)](#), and [372.051\(a\)](#), a toll project entity with  
26 an electronic toll collection customer may provide to another toll  
27 project entity electronic toll collection customer account

1 information for the purposes of customer service, toll collection,  
2 enforcement, or reporting requirements.

3 (b) The provision of electronic toll collection customer  
4 account information under Subsection (a) must ensure the  
5 confidentiality of all account information.

6 (c) A contract between toll project entities for the  
7 collection of tolls must:

8 (1) specify which entity is responsible for making the  
9 determinations, sending notices, and taking other actions, as  
10 applicable, under Section 372.055; and

11 (2) include terms to ensure that customers do not  
12 receive invoices from more than one entity for the same  
13 transaction.

14 SECTION 3. The change in law made by this Act applies only  
15 to the collection of a toll incurred on or after the effective date  
16 of this Act. The collection of a toll incurred before the effective  
17 date of this Act is governed by the law in effect immediately before  
18 the effective date of this Act, and that law is continued in effect  
19 for that purpose.

20 SECTION 4. This Act takes effect September 1, 2020.