

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 20, 2021

TO: Honorable Terry Canales, Chair, House Committee on Transportation

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3314 by Cain (Relating to toll collection and enforcement by toll project entities; authorizing an administrative fee; imposing a civil penalty.), **As Introduced**

Because the number of offenses committed related to violation of toll payments is not known, the fiscal implications to State court cost revenue cannot be determined at this time.

This bill would add Subchapter B-1 to Chapter 372 of the Transportation Code, relating to toll collection and enforcement by toll project entities, including the Texas Department of Transportation (TxDOT) and local toll project entities. The bill would require a second invoice for unpaid tolls to provide the customer an option to enter into a payment plan. The bill would require a customer to be notified immediately when a payment by credit card or debit card was declined on the first billing attempt and unable to be processed. The bill would repeal certain Class C misdemeanor offenses for failure to pay a toll on a TxDOT or local toll project and instead provide for a civil penalty of \$25 on a person who receives two or more invoices for unpaid tolls and has not paid by the due date. The bill would repeal various sections of the Transportation Code related to criminal offenses for nonpayment of tolls and the associated fines and court costs and certain remedies available to toll project entities for habitual toll violators.

The bill would take effect immediately if it receives a vote of two-thirds of all members elected to each house or otherwise on September 1, 2021.

The Office of Court Administration (OCA) reports that Class C fine-only offenses result in the collection of criminal court costs of \$76, of which \$62 goes to the state consolidated court cost and \$14 stays with units of local government to be distributed for the local consolidated court cost. Because the number of Class C or fine-only offenses committed related to violations of toll payments is not known, the loss of criminal court cost revenue to the state that may result from the implementation of the bill cannot be determined at this time.

TxDOT reports that the agency's toll operations will incur costs to implement billing changes related to the payment plan option for customers and immediate notification for unsuccessful credit or debit card billing required by the bill. Based on the information provided by TxDOT, it is assumed these costs would be covered by the Center Texas Turnpike System toll collections. TxDOT also indicates that the repeal of habitual toll violator remedies and misdemeanor offenses under the provisions of the bill may result in a negative impact on toll collections on TxDOT toll projects and local toll project entities' toll projects.

Local Government Impact

The provisions of the bill would impact toll collection and enforcement procedures of local toll project entities, including a county toll road authority, a regional tollway authority, and regional mobility authorities that operate toll projects. Based on the information provided by TxDOT, a local toll project entity may incur costs to the extent that the billing procedures prescribed by the bill may require changes to the entities billing procedures and automated systems; and the elimination of misdemeanor offenses and habitual toll violator remedies may result in a negative impact on toll collections.

Based on the information provided by OCA, it is assumed implementation of the bill would result in an

indeterminate negative fiscal impact to local governments from the loss of criminal court cost and fine revenue.

Source Agencies: 212 Office of Court Admin, 304 Comptroller of Public Accounts, 601 Department of Transportation, 608 Department of Motor Vehicles

LBB Staff: JMc, AAL, MB, TG