

By: Klick

H.B. No. 4864

A BILL TO BE ENTITLED

AN ACT

relating to the method of providing certain notices or invoices relating to toll collections by a toll project entity.

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

SECTION 1. Sections 228.0545(c) and (e), Transportation Code, are amended to read as follows:

(c) The department shall send by certified ~~[first-class]~~ mail to the registered owner of a vehicle a written invoice containing an assessment for tolls incurred by the vehicle.

(e) Notwithstanding Section 322.008(d), Business & Commerce Code, the ~~[The]~~ department may provide that the invoice under Subsection (c), instead of being sent by certified ~~[first-class]~~ mail, be sent as an electronic record to a registered owner that agrees to the terms of the electronic record transmission of the information, provided that the notice is sent using a method approved by the department under Section 372.057(a)(2).

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

(d-1) If the lessor provides the required information within the period prescribed under Subsection (d), the department may send an invoice to the lessee at the address provided under Subsection (d) by certified ~~[first-class]~~ mail before the 30th day after the date of receipt of the required information from the lessor.

1           (e) It is an exception to liability of a vehicle's  
2 registered owner for a toll incurred by the vehicle if the  
3 registered owner of the vehicle transferred ownership of the  
4 vehicle to another person before the toll was incurred, submitted  
5 written notice of the transfer to the department in accordance with  
6 Section 501.147, and, before the 30th day after the date the invoice  
7 is mailed, provides to the department the name and address of the  
8 person to whom the vehicle was transferred. If the former owner of  
9 the vehicle provides the required information within the period  
10 prescribed, the department may send an invoice to the person to whom  
11 ownership of the vehicle was transferred at the address provided by  
12 the former owner by certified ~~[first-class]~~ mail before the 30th day  
13 after the date of receipt of the required information from the  
14 former owner. The department may send all subsequent invoices  
15 associated with the vehicle to the person to whom ownership of the  
16 vehicle was transferred at the address provided by the former owner  
17 or an alternate address provided by the subsequent owner or derived  
18 through other reliable means.

19           SECTION 3. Section 228.056(b), Transportation Code, is  
20 amended to read as follows:

21           (b) In the prosecution of an offense under Section 228.0547:

22                   (1) ~~[it is presumed that the invoice containing the~~  
23 ~~assessment for the toll was received on the fifth day after the date~~  
24 ~~of mailing,~~

25                   ~~[(2)]~~ a computer record of the Texas Department of  
26 Motor Vehicles of the registered owner of the vehicle is prima facie  
27 evidence of its contents and that the defendant was the registered

owner of the vehicle when the toll was incurred; and

(2) ~~[(3)]~~ a copy of the rental, lease, or other contract document, or the electronic data provided to the department under Section 228.055(d), covering the vehicle on the date the toll was incurred is prima facie evidence of its contents and that the defendant was the lessee of the vehicle when the toll was incurred.

SECTION 4. Sections 284.0701(b), (d-1), and (e), Transportation Code, are amended to read as follows:

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

(d-1) If the lessor provides the required information within the period prescribed under Subsection (d), the authority may send a notice of nonpayment to the lessee at the address provided under Subsection (d) by certified ~~[first-class]~~ mail before the 30th day after the date of receipt of the required information from the lessor. The lessee of the vehicle for which the proper toll was not paid who is mailed a written notice of

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

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

1 this subsection is a separate offense.

2 SECTION 5. Sections 366.178(b-2), (b-4), (d-1), (d-2),  
3 (i-1), and (k), Transportation Code, are amended to read as  
4 follows:

5 (b-2) If the authority does not collect the proper toll at  
6 the time a vehicle is driven or towed through a toll assessment  
7 facility, the authority shall send an invoice by certified [~~first~~  
8 ~~class~~] mail to the registered owner of the vehicle. The invoice may  
9 include one or more tolls assessed by the authority for use of the  
10 project by the nonpaying vehicle and must specify the date by which  
11 the toll or tolls must be paid. Except as provided by Subsection  
12 (b-3), the registered owner shall pay the unpaid tolls included in  
13 the invoice not later than the 25th day after the date the invoice  
14 is mailed.

15 (b-4) If the registered owner of the nonpaying vehicle fails  
16 to pay the unpaid tolls included in the invoice mailed under  
17 Subsection (b-2) or (b-3) by the date specified in the invoice, the  
18 authority shall send the first notice of nonpayment by certified  
19 [~~first-class~~] mail to the registered owner of the nonpaying vehicle  
20 as provided by Subsection (d).

21 (d-1) If the registered owner of the nonpaying vehicle fails  
22 to pay the unpaid tolls and the administrative fee by the date  
23 specified in the first notice of nonpayment, the authority shall  
24 send a second notice of nonpayment by certified [~~first-class~~] mail  
25 to the registered owner of the nonpaying vehicle. The second  
26 notice of nonpayment must specify the date by which payment must be  
27 made and may require payment of:

1           (1) the unpaid tolls and administrative fee included  
2 in the first notice of nonpayment; and

3           (2) an additional administrative fee of not more than  
4 \$25 for each unpaid toll included in the notice, not to exceed a  
5 total of \$200.

6           (d-2) If the registered owner of the nonpaying vehicle fails  
7 to pay the amount included in the second notice of nonpayment by the  
8 date specified in that notice, the authority shall send a third  
9 notice of nonpayment by certified [~~first-class~~] mail to the  
10 registered owner of the nonpaying vehicle. The third notice of  
11 nonpayment must specify the date by which payment must be made and  
12 may require payment of:

13           (1) the amount included in the second notice of  
14 nonpayment; and

15           (2) any third-party collection service fees incurred  
16 by the authority.

17           (i-1) If the lessor timely provides the required  
18 information under Subsection (i), the lessee of the vehicle on the  
19 date the unpaid toll was assessed is considered to be the registered  
20 owner of the vehicle for purposes of this section, and the authority  
21 shall follow the procedures provided by this section as if the  
22 lessee were the registered owner of the vehicle, including sending  
23 an invoice to the lessee by certified [~~first-class~~] mail not later  
24 than the 30th day after the date of the receipt of the information  
25 from the lessor.

26           (k) Notwithstanding [~~As authorized under~~] Section  
27 322.008(d) [~~322.008(d)(2)~~], Business & Commerce Code, an authority

1 may provide information, including an invoice or notice, required  
2 under this section to be sent by certified [~~first-class~~] mail  
3 instead as an electronic record:

4 (1) if the recipient of the information agrees to the  
5 transmission of the information as an electronic record; [~~and~~]

6 (2) on terms acceptable to the recipient; and

7 (3) if the authority provides the information using a  
8 method approved by the department under Section 372.057(a)(2).

9 SECTION 6. Sections 370.177(c), (e-1), (f), and (n),  
10 Transportation Code, are amended to read as follows:

11 (c) The authority may impose and collect the administrative  
12 fee to recover the cost of collecting the unpaid toll, not to exceed  
13 \$100. The authority shall send a written notice of nonpayment to  
14 the registered owner of the vehicle at that owner's address as shown  
15 in the vehicle registration records of the department by certified  
16 [~~first-class~~] mail not later than the 30th day after the date of the  
17 alleged failure to pay and may require payment not sooner than the  
18 30th day after the date the notice was mailed. The registered owner  
19 shall pay a separate toll and administrative fee for each event of  
20 nonpayment under Subsection (a).

21 (e-1) If the lessor provides the required information  
22 within the period prescribed under Subsection (e), the authority  
23 may send a notice of nonpayment to the lessee at the address  
24 provided under Subsection (e) by certified [~~first-class~~] mail  
25 before the 30th day after the date of receipt of the required  
26 information from the lessor. The lessee of the vehicle for which  
27 the proper toll was not paid who is mailed a written notice of

1 nonpayment under this subsection and fails to pay the proper toll  
2 and administrative fee within the time specified by the notice of  
3 nonpayment commits an offense. The lessee shall pay a separate toll  
4 and administrative fee for each event of nonpayment. Each failure  
5 to pay a toll or administrative fee under this subsection is a  
6 separate offense.

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



1 subsection is a separate offense.

2 (n) Notwithstanding [~~As authorized under~~] Section  
3 322.008(d) [~~322.008(d)(2)~~], Business & Commerce Code, an authority  
4 may provide an invoice or notice required under this section to be  
5 sent by certified [~~first-class~~] mail instead as an electronic  
6 record:

7 (1) if the recipient of the information agrees to the  
8 transmission of the information as an electronic record; [~~and~~]

9 (2) on terms acceptable to the recipient; and

10 (3) if the authority provides the information using a  
11 method approved by the department under Section 372.057(a)(2).

12 SECTION 7. Section 372.057(a), Transportation Code, is  
13 amended to read as follows:

14 (a) Except as provided by Subsection (b), an [~~An~~] invoice or  
15 notice provided to a person by a toll project entity must [~~may~~] be  
16 provided by:

17 (1) certified [~~first-class~~] mail; or

18 (2) another method approved by the department:

19 (A) that is delivered electronically and  
20 confirms the person received the invoice or notice; and

21 (B) for which [~~e-mail if~~] the person has provided  
22 the necessary contact information [~~an e-mail address~~] to the entity  
23 and has elected to receive notice through that method  
24 [~~electronically~~].

25 SECTION 8. Section 372.104(a), Transportation Code, is  
26 amended to read as follows:

27 (a) If the registered owner of the vehicle fails to comply

1 with the terms of an agreement described by Section 372.103, a toll  
2 project entity may send by certified [~~first class~~] mail to the  
3 person at the address shown on the agreement a written notice  
4 demanding payment of the outstanding balance due.

5 SECTION 9. Sections 372.106(c) and (d), Transportation  
6 Code, are amended to read as follows:

7 (c) The notice must:

8 (1) be sent by certified [~~first class~~] mail [~~and is~~  
9 ~~presumed received on the fifth day after the date the notice is~~  
10 ~~mailed~~]; and

11 (2) state:

12 (A) the total number of events of nonpayment and  
13 the total amount due for tolls and administrative fees;

14 (B) the date of the determination under  
15 Subsection (a);

16 (C) the right of the person to request a hearing  
17 on the determination; and

18 (D) the procedure for requesting a hearing,  
19 including the period during which the request must be made.

20 (d) If not later than the 30th day after the date on which  
21 the person [~~is presumed to have~~] received the notice the toll  
22 project entity receives a written request for a hearing, a hearing  
23 shall be held as provided by Section 372.107.

24 SECTION 10. Section 372.110(b), Transportation Code, is  
25 amended to read as follows:

26 (b) The notice required by Subsection (a)(2) must be sent by  
27 certified [~~first class~~] mail to the registered owner at an address

1 under Section 372.106(b) at least 10 days before the date the  
2 prohibition order takes effect [~~and is presumed received on the~~  
3 ~~fifth day after the date the notice is mailed~~].

4 SECTION 11. Section 372.116, Transportation Code, is  
5 amended to read as follows:

6 Sec. 372.116. METHOD OF SENDING INVOICE OR NOTICE.  
7 Notwithstanding [~~As authorized under~~] Section 322.008(d)  
8 [~~322.008(d)(2)~~], Business & Commerce Code, a toll project entity  
9 may provide an invoice or notice required under this subchapter to  
10 be sent by certified [~~first class~~] mail instead as an electronic  
11 record:

12 (1) if the recipient of the information agrees to the  
13 transmission of the information as an electronic record; [~~and~~]

14 (2) on terms acceptable to the recipient; and

15 (3) if the entity provides the information using a  
16 method approved by the department under Section 372.057(a)(2).

17 SECTION 12. The changes in law made by this Act apply only  
18 to the collection of a toll incurred on or after the effective date  
19 of this Act. The collection of a toll incurred before the effective  
20 date of this Act is governed by the law in effect immediately before  
21 the effective date of this Act, and that law is continued in effect  
22 for that purpose.

23 SECTION 13. This Act takes effect September 1, 2023.