

By: Middleton

S.B. No. 756

A BILL TO BE ENTITLED

1 AN ACT

2 relating to repealing certain offenses involving toll violations.

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

4 SECTION 1. The heading to Section 228.0547, Transportation
5 Code, is amended to read as follows:

6 Sec. 228.0547. PAYMENT OF TOLL INVOICE [~~;~~ OFFENSE].

7 SECTION 2. Section 228.0547(e), Transportation Code, is
8 amended to read as follows:

9 (e) The department may contract, in accordance with Section
10 2107.003, Government Code, with a person to collect the unpaid toll
11 and any applicable administrative fee [~~before referring the matter~~
12 ~~to a court with jurisdiction over the offense~~].

13 SECTION 3. The heading to Section 284.070, Transportation
14 Code, is amended to read as follows:

15 Sec. 284.070. EXEMPTION FOR AUTHORIZED EMERGENCY VEHICLES
16 [~~NONPAYMENT OF TOLL; OFFENSE~~].

17 SECTION 4. Section 284.204(b), Transportation Code, is
18 amended to read as follows:

19 (b) A hearing procedure adopted under Subsection (a) must
20 provide:

21 (1) a period for a person charged with violating the
22 order:

23 (A) to pay the toll or charge plus administrative
24 costs authorized by Section [~~Sections~~] 284.202 [~~and 284.2031~~]; or

- 1 (B) to request a hearing;
- 2 (2) for appointment of one or more hearing officers
- 3 with authority to administer oaths and issue orders compelling the
- 4 attendance of witnesses and the production of documents; and
- 5 (3) for the amount and disposition of civil fines,
- 6 costs, and fees.

7 SECTION 5. Section 284.206(d), Transportation Code, is

8 amended to read as follows:

9 (d) A person may establish that the person did not violate

10 ~~[It is a defense to prosecution under]~~ this subchapter by

11 presenting evidence that the vehicle in question was stolen before

12 the failure to pay the proper toll occurred and had not been

13 recovered before the failure to pay occurred, but only if the theft

14 was reported to the appropriate law enforcement authority before

15 the earlier of:

- 16 (1) the occurrence of the failure to pay; or
- 17 (2) eight hours after the discovery of the theft.

18 SECTION 6. Section 284.209, Transportation Code, is amended

19 to read as follows:

20 Sec. 284.209. ENFORCEMENT OF DECISION. A decision issued

21 under Section 284.208(a) may be enforced by:

- 22 (1) placing a device that prohibits movement of a
- 23 motor vehicle on the vehicle that is the subject of the decision; or
- 24 (2) imposing an additional fine if the fine for the
- 25 violation ~~[offense]~~ is not paid within a specified time ~~[, or~~
- 26 ~~[(3) refusing to allow the registration of the~~
- 27 ~~vehicle].~~

1 SECTION 7. The heading to Section 370.177, Transportation
2 Code, is amended to read as follows:

3 Sec. 370.177. FAILURE OR REFUSAL TO PAY TURNPIKE PROJECT
4 TOLL; ~~[OFFENSE,]~~ ADMINISTRATIVE PENALTY.

5 SECTION 8. Sections 370.177(a), (e), (e-1), (f), and (j),
6 Transportation Code, are amended to read as follows:

7 (a) Except as provided by Subsection (a-1), the operator of
8 a vehicle, other than an authorized emergency vehicle as defined by
9 Section 541.201, that is driven or towed through a toll collection
10 facility of a turnpike project shall pay the proper toll. ~~[The~~
11 ~~operator of a vehicle who drives or tows a vehicle through a toll~~
12 ~~collection facility and does not pay the proper toll commits an~~
13 ~~offense. An offense under this subsection is a misdemeanor~~
14 ~~punishable by a fine not to exceed \$250.]~~ The exemption from
15 payment of a toll for an authorized emergency vehicle applies
16 regardless of whether the vehicle is:

- 17 (1) responding to an emergency;
18 (2) displaying a flashing light; or
19 (3) marked as an emergency vehicle.

20 (e) It is an exception to the application of Subsection (b)
21 ~~[or (d)]~~ that the registered owner of the vehicle is a lessor of the
22 vehicle and not later than the 30th day after the date the notice of
23 nonpayment is mailed provides to the authority:

- 24 (1) a copy of the rental, lease, or other contract
25 document covering the vehicle on the date of the nonpayment under
26 Subsection (a), with the name and address of the lessee clearly
27 legible; or

1 (2) electronic data, other than a photocopy or scan of
2 a rental or lease contract, that contains the information required
3 under Sections 521.460(c)(1), (2), and (3) covering the vehicle on
4 the date of the nonpayment under Subsection (a).

5 (e-1) If the lessor provides the required information
6 within the period prescribed under Subsection (e), the authority
7 may send a notice of nonpayment to the lessee at the address
8 provided under Subsection (e) by first class mail before the 30th
9 day after the date of receipt of the required information from the
10 lessor. ~~[The lessee of the vehicle for which the proper toll was
11 not paid who is mailed a written notice of nonpayment under this
12 subsection and fails to pay the proper toll and administrative fee
13 within the time specified by the notice of nonpayment commits an
14 offense. The lessee shall pay a separate toll and administrative
15 fee for each event of nonpayment. Each failure to pay a toll or
16 administrative fee under this subsection is a separate offense.]~~

17 (f) It is an exception to the application of Subsection (b)
18 ~~[or (d)]~~ that the registered owner of the vehicle transferred
19 ownership of the vehicle to another person before the event of
20 nonpayment under Subsection (a) occurred, submitted written notice
21 of the transfer to the department in accordance with Section
22 501.147, and before the 30th day after the date the notice of
23 nonpayment is mailed, provides to the authority the name and
24 address of the person to whom the vehicle was transferred. If the
25 former owner of the vehicle provides the required information
26 within the period prescribed, the authority may send a notice of
27 nonpayment to the person to whom ownership of the vehicle was

1 transferred at the address provided by the former owner by first
2 class mail before the 30th day after the date of receipt of the
3 required information from the former owner. [~~The subsequent owner
4 of the vehicle for which the proper toll was not paid who is mailed a
5 written notice of nonpayment under this subsection and fails to pay
6 the proper toll and administrative fee within the time specified by
7 the notice of nonpayment commits an offense. The subsequent owner
8 shall pay a separate toll and administrative fee for each event of
9 nonpayment under Subsection (a). Each failure to pay a toll or
10 administrative fee under this subsection is a separate offense.~~]

11 (j) A person may establish that the person did not violate
12 [~~It is a defense to prosecution under~~] this section by presenting
13 evidence that the motor vehicle in question was stolen before the
14 failure to pay the proper toll occurred and was not recovered by the
15 time of the failure to pay, but only if the theft was reported to the
16 appropriate law enforcement authority before the earlier of:

- 17 (1) the occurrence of the failure to pay; or
18 (2) eight hours after the discovery of the theft.

19 SECTION 9. The heading to Section 372.110, Transportation
20 Code, is amended to read as follows:

21 Sec. 372.110. ORDER PROHIBITING OPERATION OF MOTOR VEHICLE
22 ON TOLL PROJECT [~~, OFFENSE~~].

23 SECTION 10. The following provisions of the Transportation
24 Code are repealed:

- 25 (1) Sections 228.0547(c) and (d);
26 (2) Section 228.056;
27 (3) Sections 284.070(a), (b), (c), and (d);

- 1 (4) Section 284.0701;
- 2 (5) Section 284.0702;
- 3 (6) Section 284.203;
- 4 (7) Section 284.2031;
- 5 (8) Section 284.207;
- 6 (9) Sections 370.177(d), (g), (h), and (i);
- 7 (10) Sections 372.105(c), (d), (e), and (f);
- 8 (11) Section 372.110(d);
- 9 (12) Section 372.111; and
- 10 (13) Section 502.011.

11 SECTION 11. The changes in law made by this Act apply only
12 to a toll incurred on or after the effective date of this Act. A
13 toll incurred before the effective date of this Act is governed by
14 the law in effect on the date the toll was incurred, and the former
15 law is continued in effect for that purpose.

16 SECTION 12. This Act takes effect September 1, 2025.