

AN ACT

relating to the collection of unpaid tolls by a regional tollway authority.

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

SECTION 1. Section 366.003, Transportation Code, is amended by adding Subdivision (10-a) to read as follows:

(10-a) "Toll assessment facility" means a location on a turnpike project where a vehicle that is driven or towed through the facility is assessed a toll for the use of the project.

SECTION 2. Section 366.178, Transportation Code, is amended by amending Subsections (a) through (g), (i), and (i-1) and adding Subsections (b-1), (b-2), (b-3), (b-4), (d-1), (d-2), and (f-1) to read as follows:

(a) A motor vehicle other than an authorized emergency vehicle, as defined by Section 541.201, that passes through a toll assessment ~~[collection]~~ facility, whether driven or towed, shall pay the proper toll. The exemption from payment of a toll for an authorized emergency vehicle applies regardless of whether the vehicle is:

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

(b) A person who fails or refuses to pay a toll provided for

the use of a project is liable for a fine not to exceed \$250, plus any ~~an~~ administrative fees ~~fee~~ incurred in connection with the violation.

(b-1) As an alternative to requiring payment of a toll at the time a vehicle is driven or towed through a toll assessment facility, the authority shall use video recordings, photography, electronic data, transponders, or other tolling methods to permit the registered owner of the nonpaying vehicle to pay the toll at a later date.

(b-2) If the authority does not collect the proper toll at the time a vehicle is driven or towed through a toll assessment facility, the authority shall send an invoice by first class mail to the registered owner of the vehicle. The invoice may include one or more tolls assessed by the authority for use of the project by the nonpaying vehicle and must specify the date by which the toll or tolls must be paid. Except as provided by Subsection (b-3), the registered owner shall pay the unpaid tolls included in the invoice not later than the 30th day after the date the invoice is mailed.

(b-3) If the address to which the invoice issued under Subsection (b-2) is mailed to the registered owner is determined to be incorrect, the registered owner shall pay the invoice not later than the 30th day after the date the invoice is mailed to the correct address.

(b-4) If the registered owner of the nonpaying vehicle fails to pay the unpaid tolls included in the invoice mailed under

Subsection (b-2) or (b-3) by the date specified in the invoice, the authority shall send the first notice of nonpayment by first class mail to the registered owner of the nonpaying vehicle as provided by Subsection (d).

(c) On [~~If a person fails to pay the proper toll:~~

~~[(1) on] issuance of the first [a] notice of nonpayment, the registered owner of the nonpaying vehicle shall pay both the unpaid tolls included in the invoice and an [the proper toll and the] administrative fee. The authority may charge only one administrative fee of not more than \$25 for the first notice of nonpayment that is sent to the registered owner of the nonpaying vehicle~~ [~~;~~ and

~~[(2) an authority may charge an administrative fee of not more than \$100 to recover the cost of collecting the unpaid toll].~~

(d) Unless an authority requires additional time to send a notice of nonpayment because of events outside the authority's reasonable control, the authority shall send the first notice of nonpayment not later than the 30th day after the date the 30-day period expires for the registered owner to pay the invoice issued under Subsection (b-2) or (b-3). If an authority requires additional time as provided by this subsection, the authority must send the notice not later than the 60th day after the date the 30-day period expires for the registered owner to pay the invoice issued under Subsection (b-2) or (b-3). The first notice [Notice] of nonpayment [under Subsection (c)(1)] shall [be sent by first

~~class mail and may not~~] require payment of the unpaid tolls included in the invoice [~~the proper toll~~] and the administrative fee before the 30th day after the date the first notice of nonpayment is mailed[. ~~The registered owner shall pay a separate toll and administrative fee for each nonpayment~~].

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

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

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

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

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

(2) any third-party collection service fees incurred by

the authority.

(e) If the registered owner of the vehicle fails to pay the amount included in the third notice of nonpayment by the date ~~[proper toll and administrative fee in the time]~~ specified in ~~[by]~~ the notice, the owner may ~~[shall]~~ be cited as for other traffic violations as provided by law, and the owner shall pay a fine of not more than \$250 for each nonpayment of a toll.

(f) Except as provided by Subsection (f-1), in ~~[It]~~ the prosecution of a violation for nonpayment, proof that the vehicle passed through a toll assessment ~~[collection]~~ facility and that the amount included in the third notice of nonpayment was not paid before the date specified in the notice, ~~[without payment of the proper toll]~~ together with proof that the defendant was the registered owner or the driver of the vehicle when the unpaid toll was assessed ~~[failure to pay occurred]~~, establishes the nonpayment of the registered owner. The proof may be by testimony of a peace officer or authority employee, video surveillance, or any other reasonable evidence, including a copy of the rental, lease, or other contract document or the electronic data provided to the authority under Subsection (i) that shows the defendant was the lessee of the vehicle when the unpaid toll was assessed ~~[underlying event of nonpayment occurred]~~.

(f-1) Nonpayment by the registered owner of the vehicle may be established by:

(1) a copy of a written agreement between the authority and the registered owner for the payment of unpaid tolls and

administrative fees; and

(2) evidence that the registered owner is in default under the agreement.

(g) The court of the local jurisdiction in which the unpaid toll was assessed [~~violation occurs~~] may assess and collect the fine in addition to any court costs. The court shall collect the unpaid tolls, [proper toll and] administrative fees, and third-party collection service fees incurred by the authority on or before the date the fines and court costs are collected by the court [fee] and forward the tolls [toll] and fees [fee] to the authority. Payment of the unpaid tolls, administrative fees, and third-party collection service fees by the registered owner may not be waived by the court unless the court finds that the registered owner of the vehicle is indigent.

(i) A registered owner who is the lessor of a vehicle for which an invoice is mailed under Subsection (b-2) or (b-3) [~~a notice of nonpayment has been issued~~] is not liable if, not later than the 30th day after the date the invoice [~~notice of nonpayment~~] is mailed, the registered owner provides to the authority:

(1) a copy of the rental, lease, or other contract document covering the vehicle on the date the unpaid toll was assessed [~~of the nonpayment~~], with the name and address of the lessee clearly legible; or

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

the date the unpaid toll was assessed [~~of the nonpayment~~] under this section.

(i-1) If the lessor timely provides the required information under Subsection (i), the lessee of the vehicle on the date the unpaid toll was assessed [~~of the violation~~] is considered to be the registered owner of the vehicle for purposes of this section, and the authority shall follow the procedures provided by this section as if the lessee were the registered owner of the vehicle, including sending an invoice [~~. The lessee is subject to prosecution for failure to pay the proper toll if the authority sends a notice of nonpayment~~] to the lessee by first-class mail not later than the 30th day after the date of the receipt of the information from the lessor.

SECTION 3. Section 366.178, Transportation Code, as amended by this Act, applies only to a vehicle that is driven or towed through a toll assessment facility, as defined by Section 366.003, Transportation Code, as amended by this Act, on or after the effective date of this Act. A toll that is assessed before the effective date of this Act is governed by the law in effect on the date the vehicle was driven or towed through a toll assessment facility, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2011.

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 469 passed the Senate on April 14, 2011, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 27, 2011, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

I hereby certify that S.B. No. 469 passed the House, with amendment, on May 23, 2011, by the following vote: Yeas 142, Nays 0, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor