

BILL ANALYSIS

Senate Research Center

S.B. 1487
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Infrastructure
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As Filed

DIGEST

Currently, the Texas Turnpike Authority of the Texas Department of Transportation lacks the authority to implement an automated enforcement system on toll facilities. Certain photography and video surveillance system can be used as enforcement tools, as it has been for several years in many countries. These methods can positively and without discrimination identify a violator's vehicle, and eliminate the need to build expensive enforcement. S.B. 1487 would implement an automated enforcement system, including photography and video surveillance, on toll facilities on the state highway system, and make it an offense to operate a vehicle on a state highway facility without paying the proper toll.

PURPOSE

As proposed, S.B. 1487 authorizes the Texas Department of Transportation and the Texas Turnpike Authority Division to implement an automated enforcement system on toll roads, and creates criminal penalties.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 224.156, Transportation Code, as follows:

Sec. 224.156. New heading: OFFENSES AND ADMINISTRATIVE FEE; NOTICE. Provides that a person commits an offense if the person operates a vehicle on a state highway facility without paying a proper toll. Provides that the offense is a misdemeanor punishable by a fine not to exceed \$250. Deletes a prohibition that limits a toll fine to \$250. Makes conforming changes.

SECTION 2. Amends Section 224.157, Transportation Code, by amending Subsections (a), (c), and (d), and adding Subsection (e), to establish proof of a vehicle passing through a toll facility without proper payment, to include proof by video, photographic, or electronic recording, against an offense under Section 224.156, rather than Sections 224.155 and 224.156. Provides that it is a defense to prosecution of a violation under Section 224.156 that the vehicle was stolen prior to the offense, rather than prior to failure to pay the proper toll. Provides that an owner who is a lessor of a vehicle involved in an offense under Section 224.156 is not liable, if the lessor provides to the court or the Texas Department of Transportation (TxDOT) proof of the lease. Requires the lessee to be liable for prosecution, rather than for failure to pay the proper toll. Requires TxDOT to send a notice of nonpayment of the proper toll to the lessee. Provides that it is a defense to prosecution of a violation under Section 224.156 that the motor vehicle was a used vehicle transferred before the offense occurred, in accordance with Section 520.023, Transportation Code. Provides that the transferee is considered as the owner of the vehicle for purposes of this chapter and to is subject to prosecution. Makes nonsubstantive and conforming changes.

SECTION 3. Amends Section 224.158(b), Transportation Code, to delete text giving the authority to an officer of the Department of Public Safety to seize a stolen or insufficiently funded transponder and return it.

SECTION 4. Amends Chapter 224F, Transportation Code, by adding Section 224.160, as follows:

Sec. 224.160. AUTOMATED ENFORCEMENT TECHNOLOGY. Authorizes the Texas Transportation Commission to use certain photographic and electronic technology to aid in the

collection of tolls and enforcement of toll violations, including temporary toll projects authorized by Section 222.102.

SECTION 5. Amends Section 361.253, Transportation Code, as follows:

Sec. 361.253. New heading: OFFENSES AND ADMINISTRATIVE FEE; NOTICE. Provides that a person commits an offense if the person operates a vehicle on a turnpike project without paying the toll. Provides that the offense is a misdemeanor punishable by a fine not to exceed \$250. Makes conforming changes.

SECTION 6. Amends Section 361.254, Transportation Code, by amending Subsections (a), (c), and (d), and adding Subsection (e), to provide that it is a defense to prosecution of a violation under Section 361.253, rather than prosecution for nonpayment under Sections 361.252 or 361.253 that the vehicle was stolen before the offense occurred. Provides that an owner who is the lessor of a vehicle involved in an offense under Section 361.253 is not liable, if the lessor provides to the court or the Texas Turnpike Authority (TTA) proof of the lease. Requires TTA to send a notice of nonpayment of the proper toll to the lessee. Provides that it is a defense to prosecution of a violation under Section 361.253 that the motor vehicle was a used vehicle transferred before the offense occurred, in accordance with Section 520.023, Transportation Code. Makes nonsubstantive and conforming changes.

SECTION 7. Amends Chapter 361G, Transportation Code, by adding Section 361.2545, as follows:

Sec. 361.2545. AUTOMATED ENFORCEMENT TECHNOLOGY. Authorizes TTA to use such technology, including automatic vehicle license tag identification photography and video surveillance, either by electronic imaging or photographic copy, that it deems necessary to aid the collection of tolls and the enforcement of toll violations.

SECTION 8. Makes application of this Act prospective.

SECTION 9. Emergency clause.
Effective date: upon passage.