

BILL ANALYSIS

Senate Research Center
81R20484 MTB-F

C.S.S.B. 1392
By: Wentworth
Transportation & Homeland Security
3/31/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Department of Transportation (TxDOT) has determined that video billing enhances the operation of toll projects statewide. Video billing allows customers to drive on a toll road without paying the toll at the time the road is used. The license plate of the vehicle is captured on video and a bill is sent to the registered owner of the vehicle at the address shown in TxDOT's vehicle registration records. However, many of these addresses are inaccurate. For example, an address listed for a particular car could be that of a previous owner.

Further, TxDOT has been approached by the City of Austin with regard to the possibility of using TxTag customer accounts to pay for parking services. While TxDOT has implied authority to perform all these functions, this bill explicitly grants this authority.

C.S.S.B. 1392 authorizes TxDOT to use video billing or other tolling methods to permit the registered owner of a vehicle to pay a toll on a later date. This bill also authorizes TxDOT to enter into an agreement with a governmental or private entity regarding the use of a transponder issued by TxDOT and the corresponding electronic toll collection customer account to pay for parking services offered by the entity.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 228.001, Transportation Code, by adding Subdivisions (2-a) and (7), as follows:

(2-a) Defines "operate" and "operation."

(7) Defines "registered owner."

SECTION 2. Amends Section 228.054(a), Transportation Code, as follows:

(a) Requires the operator of a vehicle, other than an authorized emergency vehicle as defined by Section 541.201, that is driven or towed through a toll collection facility, except as provided by Subsection (e) (relates to TxDOT's authority pertaining to tolls) or Section 228.0545, to pay the proper toll.

SECTION 3. Amends Subchapter B, Chapter 228, Transportation Code, by adding Section 228.0545, as follows:

Sec. 228.0545. ALTERNATIVE TOLLING METHODS. (a) Authorizes the Texas Department of Transportation (TxDOT), as an alternative to requiring payment of a toll at the time a vehicle is driven or towed through a toll collection facility, to use video billing or other tolling methods to permit the registered owner of the vehicle to pay the toll on a later date.

(b) Authorizes TxDOT to use automated enforcement technology authorized by Section 228.058 to identify the registered owner of the vehicle for purposes of billing, collection, and enforcement activities.

(c) Requires TxDOT to send by first class mail to the registered owner of the vehicle a written notice of the total amount due. Requires that the notice specify the date, which may not be earlier than the 15th day after the date the notice is mailed, by which the amount due is required to be paid. Requires the registered owner to pay the amount due on or before the date specified in the notice.

(d) Requires TxDOT to send the notice required by Subsection (c) and subsequent notices to the registered owner's address as shown in the vehicle registration records of TxDOT or an alternative address provided by the owner or derived through other reliable means.

SECTION 4. Amends Sections 228.055(a), (b), (d), (e), (h), and (i), Transportation Code, as follows:

(a) Provides that in the event of nonpayment of the toll, rather than the proper toll, as required by Section 228.054 or 228.0545, on issuance of a written notice of nonpayment, the registered owner of the nonpaying vehicle is liable for the payment of both the proper toll and an administrative fee.

(b) Requires TxDOT to send a written notice of nonpayment to the registered owner of the vehicle at that owner's address as shown on the vehicle registration records department or an alternative address provided by the owner or derived through other reliable means. Requires that the notice of nonpayment be sent by first class mail and authorizes the notice to require payment not sooner than the 30th day after the date the notice was mailed. Makes a conforming change.

(d) Provides that it is an exception to the application of Subsection (a) or (c) if the registered owner of the vehicle is a lessor of the vehicle completed certain steps, including and not later than the 30th day after the date the notice of nonpayment is mailed provides to TxDOT a copy of the rental, lease, or other contract document covering the vehicle on the date of nonpayment under Section 228.054 or the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545, with the name and address of the lessee clearly legible.

(e) Provides that it is an exception to the application of Subsection (a) or (c) if the registered owner of the owner of the vehicle completed certain steps, including transferred ownership of the vehicle to another person before the event of nonpayment under Section 228.054 occurred or before the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545. Authorizes TxDOT to send all subsequent notices of nonpayment associated with the vehicle to the person to whom ownership of the vehicle was transferred at the address provided by the former owner or an alternate address provided by the subsequent owner or delivered through other reliable means. Makes nonsubstantive and conforming changes.

(h) Redesignates Subsection (i) as Subsection (h). Deletes existing definition of "registered owner."

SECTION 5. Amends Section 228.056(b), Transportation Code, as follows:

(b) Provides that in the prosecution of an offense under Section 228.055(c) (relating to a defense to prosecution), (d), or (e), a computer record of TxDOT of the registered owner of the vehicle is prima facie evidence of its contents and that the defendant was the registered owner of the vehicle when the underlying event of nonpayment under Section 228.054 occurred or on the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545. Makes conforming changes.

SECTION 6. Amends Section 228.057, Transportation Code, by adding Subsections (g) and (h), as follows:

(g) Authorizes TxDOT, following closure of an electronic toll collection customer account and at the request of the account holder, to refund the balance of funds in the account after making a deduction for any outstanding tolls and fees.

(h) Authorizes TxDOT to enter into an agreement with a governmental or private entity regarding the use of a transponder issued by TxDOT and the corresponding electronic toll collection customer account to pay for parking services offered by the entity.

SECTION 7. Amends Section 228.058(b), Transportation Code, to authorize automated enforcement technology approved by TxDOT under Subsection (a) to be used only for the purpose of producing, depicting, photographing, or recording an image that depicts that portion of a vehicle necessary to establish the classification of vehicle and the proper toll to be charged, the license plate number, and the state or country of registration, including an image of a license plate attached to the front or rear of a vehicle; and showing the vehicle dimensions, the presence of a trailer, and the number of axles.

SECTION 8. Effective date: upon passage or September 1, 2009.