

## **BILL ANALYSIS**

Senate Research Center  
81R11668 TRH-F

S.B. 1610  
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Transportation & Homeland Security  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law appears to allow electronic submission of toll violator information from rental car companies, but the Texas Department of Transportation (TxDOT) requires that the physical paper document be sent. TxDOT's current practice is wasteful for both the sending and the receiving entities.

As proposed, S.B. 1610 requires TxDOT to accept, from rental car companies, toll violators' information electronically.

### **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 228.055, Transportation Code, by amending Subsection (d) and adding Subsection (d-1), as follows:

(d) Provides that it is an exception to the application of Subsection (a) (relating to a registered owner of a nonpaying vehicle liability for the payment of toll and administrative fees) or (c) (relating to an administrative fee for not nonpaying of a toll) if the registered owner of the vehicle is a lessor of the vehicle and not later than the 30th day after the date the notice of nonpayment is mailed provides to the Texas Department of Transportation (TxDOT) an electronic document, other than a photocopy or scan of a rental or lease contract, that contains the information required by Sections 521.460(c)(1)-(3) (relating to certain identifying information that a person who rents a motor vehicle to another is required to maintain a record of) covering the vehicle on the date of the nonpayment under Section 228.054 (Failure or Refusal to Pay Toll; Offense). Makes nonsubstantive changes.

(d-1) Creates this subsection from existing text. Authorizes TxDOT, if the lessor provides the required information within the period prescribed by Subsection (d), to send a notice of nonpayment to the lessee at the address provided in the document under that subsection, rather than shown on the contract document, by first class mail before the 30th day after the date of receipt of the required information from the lessor.

SECTION 2. Amends Section 228.056(b), Transportation Code, to provide that in the prosecution of an offense under Section 228.055(c), (d-1), or (e) (relating to nonpayment of a toll of during a transfer of a vehicle's title and sending the notice of nonpayment to the proper person) a copy of the rental, lease, or other contract document, or an electronic document provided to TxDOT under Section 228.055(d), rather than covering the vehicle on the date of the underlying event of nonpayment under Section 228.054, is prima facie evidence of its contents and that the defendant was the lessee of the vehicle when underlying event of nonpayment under Section 228.054 occurred. Makes a conforming change.

SECTION 3. Amends Section 284.0701, Transportation Code, by amending Subsection (d) and adding Subsection (d-1), as follows:

(d) Provides that it is an exception to the application of Subsection (a) or (c) (relating to the requirement that a registered owner of a nonpaying vehicle is liable for toll payments and administrative costs) if the registered owner of the vehicle is a lessor of the vehicle and not later than the 30th day after the date the notice of nonpayment is mailed provides to the authority an electronic document, other than a photocopy or scan of a rental or lease contract, that contains the information required by Section 521.460(c)(1)-(3) (relating to requiring each person who rents a motor vehicle to another to maintain a record of the number of the license plate issued for the motor vehicle; the name and address of the person to whom the vehicle is rented; and the license number of the person to whom the vehicle is rented) covering the vehicle on the date of the nonpayment under Section 284.070 (Nonpayment of Toll; Offense).

(d-1) Creates the subsection from existing text. Makes conforming changes.

SECTION 4. Amends Section 284.0702(b), Transportation Code, to provide that in the prosecution of an offense under Section 284.0701(c) (providing that it is an offense if a registered vehicle owner fails to pay the proper toll and administrative cost within the time specified by the notice of nonpayment), (d-1), or (e) (relating to nonpayment of a toll of during a transfer of a vehicle's title and sending the notice of nonpayment to the proper person) a copy of the rental, lease, or other contract document, or an electronic document provided to the authority under Section 284.0701(d), is prima facie evidence of its contents and that the defendant was the lessee of the vehicle when the underlying event of nonpayment under Section 284.070 occurred. Makes a conforming and nonsubstantive change.

SECTION 5. Amends Section 366.178, Transportation Code, by amending Subsections (f) and (i) and adding Subsection (j), as follows:

(f) Provides that in the prosecution of a violation for nonpayment, proof that the vehicle passed through a toll collection facility without payment of the proper toll together with proof that the defendant was the registered owner or the lessee, rather than driver, of the vehicle when the failure to pay occurred, establishes the nonpayment of the registered owner or lessee. Authorizes the proof to be by testimony of a peace officer or authority employee, video surveillance, or any other reasonable evidence, including a copy of a rental, lease, or other contract document, or an electronic document provided to the authority under Subsection (i), showing that the defendant was the lessee of the vehicle when the underlying event of nonpayment occurred.

(i) Provides that a registered owner who is the lessor of a vehicle for which a notice of nonpayment has been issued is not liable if, not later than the 30th day after the date the notice of nonpayment is mailed, the registered owner provides to the authority a copy of the rental, lease, or other contract document, rather than agreement, covering the vehicle on the date of the nonpayment, with the name and address of the lessee clearly legible; or an electronic document, other than a photocopy or scan of a rental or lease contract, that contains the information required by Sections 521.460(c)(1)-(3), covering the vehicle on the date of the nonpayment under this section. Makes nonsubstantive changes.

(j) Creates this subsection from existing text. Makes a conforming and a nonsubstantive change.

SECTION 6. Amends Section 370.177, Transportation Code, by amending Subsections (e) and (i) and adding Subsection (e-1), as follows:

(e) Provides that it is an exception to the application of Subsection (b) relating to the liability of a registered vehicle owner for nonpayment of a toll) or (d) (relating to the to nonpayment of a toll and that each nonpayment or administrative fee is a separate offense) that the registered owner of the vehicle is a lessor of the vehicle and not later than the 30th day after the date the notice of nonpayment is mailed provides to the authority an electronic document, other than a photocopy or scan of a rental or lease contract, that contains the information required by Sections 521.460(c)(1)-(3), covering the vehicle on the date of the nonpayment under Subsection (a). Makes nonsubstantive changes.

(e-1) Makes conforming changes.

(i) Makes conforming changes. Authorizes the proof to 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 an electronic document provided to the authority under Subsection (e) showing that the defendant was the lessee of the vehicle when the underlying event of nonpayment occurred.

SECTION 7. Makes application of this Act prospective.

SECTION 8. Effective date: September 1, 2009.