

## **BILL ANALYSIS**

Senate Research Center

H.B. 2549  
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Transportation  
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Engrossed

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

H.B. 2549 seeks to make several changes to the Transportation Code to address issues of enforcement, billing, and reporting for the North Texas Tollway Authority.

Changes include allowing customers the option to receive electronic billing notifications, creating a 25-day customer payment period, and changing the authority's annual report due date from March 31 to June 30 in order to include the most accurate financial data.

H.B. 2549 provides for the efficient and effective operations of the North Texas Tollway Authority.

H.B. 2549 amends current law relating to the authority and operation of regional tollway authorities.

### **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 366.038, Transportation Code, by adding Subsection (h), as follows:

(h) Provides that, for purposes of Subchapter C (Nonpayment of Tolls; Remedies), Chapter 372 (Provisions Applicable to More Than One Type of Toll Project), a toll project for which a regional tollway authority (authority) provides tolling services under a tolling services agreement is considered a toll project of the authority and the authority is considered the toll project entity with respect to all rights and remedies arising under that subchapter regarding the toll project. Prohibits the authority from stopping, detaining, or impounding a motor vehicle as authorized under that subchapter on a toll project's active traffic lanes unless a tolling service agreement addresses that action.

SECTION 2. Amends Section 366.178, Transportation Code, by amending Subsections (b-2), (b-3), (d), and (g) and adding Subsection (k), as follows:

(b-2) Requires the authority, if the authority does not collect the proper toll at the time a vehicle is driven or towed through a toll assessment facility, to send an invoice by first class mail to the registered owner of the vehicle. Authorizes the invoice to include one or more tolls assessed by the authority for use of the project by the nonpaying vehicle and requires that it specify the date by which the toll or tolls must be paid. Requires the registered owner, except as provided by Subsection (b-3), to pay the unpaid tolls included in the invoice not later than the 25th day, rather than the 30th day, after the date the invoice is mailed.

(b-3) and (d) Changes references to the 30th day to the 25th day.

(g) Authorizes the court of the local jurisdiction in which the unpaid toll was assessed to assess and collect the fine in addition to any court costs. Authorizes the court to collect and forward to the authority properly assessed unpaid tolls, administrative fees, and third-party collection service fees incurred by the authority as determined by:

(1) the court after a hearing; or

(2) written agreement of the registered owner.

Deletes existing text requiring the court to collect the unpaid tolls, 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 and forward the tolls and fees to the authority. Deletes existing text prohibiting payment of the unpaid tolls, administrative fees, and third-party collection service fees by the registered owner from being waived by the court unless the court finds that the registered owner of the vehicle is indigent.

(k) Authorizes an authority, as authorized under Section 322.008(d)(2) (prohibiting the requirements of this section from being varied by agreement, but authorizing a requirement under a law other than this chapter to send, communicate, or transmit a record by first class mail to be varied by agreement to the extent permitted by the other law), Business & Commerce Code, to provide information, including an invoice or notice, required under this section to be sent first class mail instead as an electronic record:

(1) if the recipient of the information agrees to the transmission of the information as an electronic record; and

(2) on terms acceptable to the recipient.

SECTION 3. Amends Section 366.261(b), Transportation Code, as follows:

(b) Requires an authority, not later than June 30 of each year, rather than not later than March 31 of each year, to file with the commissioners court of each county of the authority a written report on the authority's activities describing all turnpike revenue bond issuances anticipated for the coming year, the financial condition of the authority, all project schedules, and the status of the authority's performance under the most recent strategic plan. Requires representatives of the board of an authority and the administrative head of an authority, at the invitation of a commissioners court of a county in the authority, to appear before the commissioners court to present the report and receive questions and comments.

SECTION 4. Effective date: September 1, 2015.