

BILL ANALYSIS

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S.B. 198
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Many Texans choose to drive on toll roads due to the increased mobility options they offer to get from place to place. However, using these toll roads can also potentially create a confusing maze of toll charges and billing practices. With more than a dozen tolling entities in the state, the variances between these entities in tolling and billing practices can cause Texans to experience unexpected tolls and fees, misplaced mail, and unintentionally unpaid bills. S.B. 198 addresses many of the common frustrations and concerns related to toll road billing and payment practices by providing more uniformity, predictability, and fairness to toll billing across the state.

Key Provisions for All Tolling Entities

- Prior to mailing an invoice or a notice of unpaid tolls to a customer or charging any administrative fee, toll entities must first determine whether there is an active account connected to a vehicle transponder. If the account exists, the toll entities must pay the toll from the account.
- Ensures that if a toll customer has more than 10 transponder misreads in a month, tolling entities must inform the customer that there may be a problem with the transponder.
- Notices or invoices of unpaid tolls sent by tolling entities must clearly state that the document is a bill that must be paid.
- All tolling entities can provide invoices via email to customers who authorize this contact delivery method.

Key Provision for TxDOT-Controlled Toll Roads

- TxDOT toll customers may authorize automatic payment of tolls through a bank account.

As proposed, S.B. 198 amends current law relating to payment for the use of a highway toll project.

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 228.057, Transportation Code, by adding Subsection (i) to require the Texas Department of Transportation to provide electronic toll collection customers with an option to an option to authorize automatic payment of tolls through the withdrawal of funds from the customer's bank account.

SECTION 2. Amends Subchapter B, Chapter 372, Transportation Code, by adding Sections 372.054, 372.055, and 372.056, as follows;

Sec. 372.054. DETERMINATION OF ELECTRONIC TOLL COLLECTION CUSTOMER ACCOUNT BEFORE PAYMENT SOLICITATION. (a) Prohibits a toll project entity from sending an invoice or a notice of unpaid tolls to the registered owner of a vehicle soliciting payment of a toll or any related administrative fee unless the entity first determines whether there is an active electronic toll collection customer account that corresponds to a transponder issued for the vehicle.

(b) Requires a toll project entity, if the entity determines under Subsection (a) that there is a sufficiently funded electronic toll collection customer account that corresponds to a transponder issued for the vehicle, to:

(1) satisfy the outstanding toll from the account at the standard electronic collection rate and prohibits the entity from collecting any administrative fees or late fees; and

(2) send to the customer a notice informing the customer that the transponder issued for the customer's vehicle may not be working correctly if the entity determines that the transponder issued to an electronic toll collection customer did not work correctly more than 10 times in a 30-day period.

Sec. 372.055. INFORMATION REQUIRED ON NOTICE OR INVOICE. Requires a notice or an invoice of unpaid tolls sent by a toll project entity under Section 372.054 or any other section to clearly state that the document is a bill and the recipient is expected to pay the amount indicated.

Sec. 372.056. METHOD OF SENDING INVOICE OR NOTICE. Authorizes a toll project entity to provide an invoice or notice to a person under this subchapter by first class mail or e-mail if the person has provided an e-mail address to the entity and has elected to receive notice electronically.

SECTION 3. Makes application of the Act prospective.

SECTION 4. Effective date: September 1, 2019.