

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1672
By: Howard (Janek)
Transportation & Homeland Security
5/20/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Fort Bend County and other counties surrounding Harris County supported the passage of HB. 2384, enacted by the 78th Legislature, Regular Session, 2003, which expanded Harris County's authority to impose administrative sanctions against toll violators to include the surrounding counties. H.B. 2384 was passed by the legislature and signed by the governor.

During the same legislative session, Harris County supported passage of S.B. 1464, which clarified the administrative hearing procedures for collecting unpaid tolls in Harris County. The bill also included a provision that reflected an agreement between Harris County officials to impose an additional fee for failure to pay a toll and dedicated the revenue to a special fund under the control of the county's district or county attorney. S.B. 1464 was also passed by the legislature and signed by the governor.

The unforeseen result of the passage of both bills was to include the counties surrounding Harris County under the language dedicating the additional fund revenue and restricting its use. This dedicated fund was intended to be unique to Harris County and was not contemplated by the surrounding counties prior to passage. C.S.H.B. 1672 inserts the appropriate population bracket into the dedication provision making it applicable to Harris County only. It also allows a \$1 fee as an administrative cost associated with collecting a toll or charge for each event of nonpayment of a required toll or charge imposed under Section 284.069

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 284.2031, Transportation Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Requires money collected under Subsection (a) (A county imposing a \$1 court cost on conviction to a defendant convicted of an offense.), in a county with a population of 3.3 million or more, to be deposited in the county treasury in a special fund to be administered by the county attorney or district attorney.

(d) Requires money collected under Subsection (a), in a county with a population of less than 3.3 million to be deposited in the general fund of the county.

SECTION 2. Amends Subchapter D, Chapter 284, Transportation Code, by adding Section 284.2032, as follows:

Sec. 284.2032. ADDITIONAL ADMINISTRATIVE COST IN CERTAIN COUNTIES.

(a) Authorizes a county with a population of 3.3 million or more to impose, in addition to other costs, \$1 as an administrative cost associated with collecting a toll or charge for each event of nonpayment of a required toll or charge imposed under Section 284.069 (Toll Charges).

(b) Requires money collected under Subsection (a) to be deposited in the county treasury in a special fund to be administered by the county attorney. Requires

expenditures from the fund to be at the sole discretion of the attorney and authorizes them to be used only to defray the salaries and expenses of the attorney's office, but in no event may the county attorney supplement his or her own salary from the fund.

(b) Repealer: Sections 284.208(d) and (e) (Decision of Hearing Officer), Transportation Code.

(c) Makes application of this section prospective.

(d) Effective date: September 1, 2005.

SECTION 3. Effective date: upon passage or September 1, 2005.