

## **BILL ANALYSIS**

Senate Research Center  
82R8985 JTS-F

H.B. 1291  
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5/6/2011  
Engrossed

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

There is concern that the combination of toll and non-toll roads across the state, managed by various state and regional entities, has created confusion resulting in drivers unintentionally accessing toll roads because of inadequate notification. If they do not have the proper electronic tag, drivers may incur fines for driving on electronic-tag-only toll roads and some drivers have been charged for toll violations when using their personal toll tag in secondary, borrowed, or rented vehicles. This bill seeks to address these concerns by amending certain provisions of law realign to toll projects.

H.B. 1291 amends current law relating to the payment of tolls for highway toll projects.

### **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 Chapter 372, Transportation Code, by adding Sections 372.054 and 372.055, as follows:

Sec. 372.054. USE OF TRANSPONDERS. (a) Defines, in this section, "transponder."

(b) Requires a toll project entity to waive any fees and penalties for the failure to pay a toll while driving or towing a vehicle through a toll booth or toll plaza if:

(1) a transponder registered to the vehicle and associated with the vehicle's license plate was used when the vehicle was driven or towed through the toll booth or plaza;

(2) the failure to collect the tolls is due solely to transponder or toll equipment error, including failure to read a transponder at a transponder toll plaza;

(3) the transponder was properly installed; and

(4) any transponder error was not due to damage to the transponder caused by the vehicle owner or another person.

(c) Authorizes a toll project entity that waives fees and penalties under Subsection (b) to notify the registered owner of the vehicle to which the transponder is registered that the transponder is required to be replaced and is not required to waive subsequent fees and penalties for tolls not paid after the owner has been given a reasonable opportunity to replace the transponder.

(d) Provides that Subsection (b) does not relieve the registered owner of liability for payment of the toll.

(e) Requires a toll project entity to waive any fees and penalties for driving or towing a vehicle through a toll booth or toll plaza while using a transponder on or in a motor vehicle to which the transponder was not registered if:

(1) the tolls are collected successfully by transponder; and

(2) the vehicle is of the same toll classification as the vehicle to which the transponder was registered.

Sec. 372.055. WAIVER FOR FAILURE TO PAY TOLL. (a) Requires a toll project entity to adopt a rule or order, as applicable, waiving penalties and fees associated with a failure to pay a toll while driving through a toll booth or toll plaza if:

(1) the toll booth or toll plaza at which the vehicle operator failed to pay the toll allowed for payment only through the use of a transponder and toll payment by mail is not a payment option; and

(2) the registered owner had not previously failed to pay a toll of the toll project entity during a period specified in the rule or order.

(b) Provides that a toll project entity is not required to waive penalties and fees under Subsection (a) if the registered owner subsequently fails to pay a toll of the toll project entity during a period specified in the rule or order.

(c) Provides that Subsection (a) does not relieve the registered owner of liability for payment of the toll.

SECTION 2. Effective date: September 1, 2011.