

1-1 By: Schwertner, Kolkhorst S.B. No. 198
 1-2 (In the Senate - Filed November 16, 2018; February 1, 2019,
 1-3 read first time and referred to Committee on Transportation;
 1-4 March 25, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; March 25, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 198 By: Schwertner

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to payment for the use of a highway toll project.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Section 228.057, Transportation Code, is amended
 1-24 by adding Subsection (i) to read as follows:
 1-25 (i) The department shall provide electronic toll collection
 1-26 customers with an option to authorize automatic payment of tolls
 1-27 through the withdrawal of funds from the customer's bank account.
 1-28 SECTION 2. Subchapter B, Chapter 372, Transportation Code,
 1-29 is amended by adding Sections 372.054, 372.055, 372.056, 372.057,
 1-30 and 372.058 to read as follows:
 1-31 Sec. 372.054. USE OF TRANSPONDER BY ELECTRONIC TOLL
 1-32 COLLECTION CUSTOMER. An electronic toll collection customer using
 1-33 a transponder must:
 1-34 (1) activate and mount the transponder in accordance
 1-35 with the procedures provided by the toll project entity;
 1-36 (2) provide to the toll project entity accurate
 1-37 license plate and customer contact information; and
 1-38 (3) update as necessary the information provided under
 1-39 Subdivision (2).
 1-40 Sec. 372.055. DETERMINATION OF ELECTRONIC TOLL COLLECTION
 1-41 CUSTOMER ACCOUNT BEFORE PAYMENT SOLICITATION. (a) A toll project
 1-42 entity may not send an invoice or a notice of unpaid tolls to the
 1-43 registered owner of a vehicle soliciting payment of a toll or any
 1-44 related administrative fee unless the entity first determines
 1-45 whether there is an active electronic toll collection customer
 1-46 account that corresponds to a transponder issued for the vehicle.
 1-47 (b) A toll project entity shall satisfy an unpaid toll, at
 1-48 the standard electronic collection rate and without the imposition
 1-49 of administrative or late fees, from an active electronic toll
 1-50 collection customer account discovered under Subsection (a) if:
 1-51 (1) the account:
 1-52 (A) corresponds to a transponder issued by the
 1-53 entity; and
 1-54 (B) is sufficiently funded; and
 1-55 (2) the customer to whom the transponder was issued
 1-56 has complied with Section 372.054.
 1-57 (c) Regardless of whether an active electronic toll
 1-58 collection customer account is discovered under Subsection (a), a
 1-59 toll project entity may send an invoice or notice for payment to
 1-60 collect an unpaid toll and related costs if:

2-1 (1) the account is insufficiently funded; or
2-2 (2) the electronic toll collection customer's failure
2-3 to comply with Section 372.054 prevents satisfaction of the unpaid
2-4 toll from the electronic toll collection customer account.

2-5 (d) If in complying with Subsection (a) a toll project
2-6 entity discovers that a transponder issued by the entity did not
2-7 work correctly more than 10 times in a 30-day period and must be
2-8 replaced, the entity shall send to the customer to whom the
2-9 transponder was issued a notice that the transponder is not working
2-10 correctly and must be replaced.

2-11 (e) A toll project entity is not required to send additional
2-12 notice to an electronic toll collection customer under Subsection
2-13 (d) if the toll project entity has sent notice to the customer under
2-14 that subsection and the customer does not replace the transponder.

2-15 Sec. 372.056. INFORMATION REQUIRED ON NOTICE OR INVOICE. A
2-16 notice or an invoice of unpaid tolls sent by a toll project entity
2-17 must clearly state that the document is a bill and the recipient is
2-18 expected to pay the amount indicated.

2-19 Sec. 372.057. METHOD OF SENDING INVOICE OR NOTICE. (a) An
2-20 invoice or notice provided to a person by a toll project entity may
2-21 be provided by:

2-22 (1) first class mail; or
2-23 (2) e-mail if the person has provided an e-mail
2-24 address to the entity and has elected to receive notice
2-25 electronically.

2-26 (b) A toll project entity is not required to send an invoice
2-27 or notice as required by Subsection (a) if the entity does not have
2-28 access to the contact information provided in the electronic toll
2-29 collection customer account.

2-30 Sec. 372.058. INFORMATION SHARING AND CONTRACTS BETWEEN
2-31 TOLL PROJECT ENTITIES. (a) Notwithstanding the confidentiality
2-32 of electronic toll collection customer account information,
2-33 including confidentiality under Sections 228.057(e), 366.179(d),
2-34 370.177(m), 370.178(d), and 372.051(a), a toll project entity with
2-35 an electronic toll collection customer may provide to another toll
2-36 project entity electronic toll collection customer account
2-37 information for the purposes of Section 372.055.

2-38 (b) The provision of electronic toll collection customer
2-39 account information under Subsection (a) must ensure the
2-40 confidentiality of all account information.

2-41 (c) A contract between toll project entities for the
2-42 collection of tolls or other related purposes must:

2-43 (1) specify which entity is responsible for making the
2-44 determinations, sending notices, and taking other actions, as
2-45 applicable, under Section 372.055; and

2-46 (2) ensure that customers do not receive invoices or
2-47 incur fees or other charges from more than one entity.

2-48 SECTION 3. The change in law made by this Act applies only
2-49 to the collection of a toll incurred on or after the effective date
2-50 of this Act. The collection of a toll incurred before the effective
2-51 date of this Act is governed by the law in effect immediately before
2-52 the effective date of this Act, and that law is continued in effect
2-53 for that purpose.

2-54 SECTION 4. This Act takes effect September 1, 2019.

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