

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

29 May, 2009  
Date

Honorable David Dewhurst  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on CSHB 300 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Glenn Hegar  
Glenn Hegar Chair

Juan Arriola  
Juan Arriola

Robert Lee Nichols  
Robert Lee Nichols

On the part of the Senate

Carol Issett  
Carol Issett Chair

Joe C. Pickett  
Joe C. Pickett

Wayne Smith  
Wayne Smith

Linda Harper Brown  
Linda Harper Brown

Ruth Jones McClendon  
On the part of the House  
RUTH JONES McCLENDON

## Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

9-1 228.0545, the operator of a vehicle, other than an authorized  
9-2 emergency vehicle, as defined by Section 541.201, that is driven or  
9-3 towed through a toll collection facility shall pay the proper toll.  
9-4 The exemption from payment of a toll for an authorized emergency  
9-5 vehicle applies regardless of whether the vehicle is:

- 9-6 (1) responding to an emergency;
- 9-7 (2) displaying a flashing light; or
- 9-8 (3) marked as an emergency vehicle.

9-9 SECTION 1.18. Subchapter B, Chapter 228, Transportation  
9-10 Code, is amended by adding Section 228.0545 to read as follows:

9-11 Sec. 228.0545. ALTERNATIVE TOLLING METHODS. (a) As an  
9-12 alternative to requiring payment of a toll at the time a vehicle is  
9-13 driven or towed through a toll collection facility, the department  
9-14 may use video billing or other tolling methods to permit the  
9-15 registered owner of the vehicle to pay the toll on a later date.

9-16 (b) The department may use automated enforcement technology  
9-17 authorized by Section 228.058 to identify the registered owner of  
9-18 the vehicle for purposes of billing, collection, and enforcement  
9-19 activities.

9-20 (c) The department shall send by first class mail to the  
9-21 registered owner of the vehicle a written notice of the total amount  
9-22 due. The notice must specify the date, which may not be earlier  
9-23 than the 15th day after the date the notice is mailed, by which the  
9-24 amount due must be paid. The registered owner shall pay the amount  
9-25 due on or before the date specified in the notice.

9-26 (d) The department shall send the notice required by  
9-27 Subsection (c) and subsequent notices to:

- 9-28 (1) the registered owner's address as shown in the
- 9-29 vehicle registration records of the department; or
- 9-30 (2) an alternate address provided by the owner or
- 9-31 derived through other reliable means.

9-32 (e) On or before October 1 of each year, the department  
9-33 shall conduct a cost analysis to determine a policy on whether to  
9-34 mail a notice under Subsection (c) after each time a vehicle is  
9-35 driven or towed through a toll collection facility or only after a  
9-36 certain number of times a vehicle is driven or towed through a  
9-37 facility. The policy must ensure that the cost to the department of  
9-38 collecting tolls as provided by this section does not exceed the  
9-39 amount of the tolls and fees collected.

9-40 SECTION 1.19. Section 228.055, Transportation Code, is  
9-41 amended by amending Subsections (a), (b), (d), (e), (h), and (i),  
9-42 and adding Subsection (d-1) to read as follows:

9-43 (a) In the event of nonpayment of the [~~proper~~] toll as  
9-44 required by Section 228.054 or 228.0545, on issuance of a written  
9-45 notice of nonpayment, the registered owner of the nonpaying vehicle  
9-46 is liable for the payment of both the proper toll and an  
9-47 administrative fee.

9-48 (b) The department may impose and collect the  
9-49 administrative fee, so as to recover the cost of collecting the  
9-50 unpaid toll, not to exceed \$100. The department shall send a  
9-51 written notice of nonpayment to the registered owner of the vehicle  
9-52 at that owner's address as shown in the vehicle registration  
9-53 records of the department or an alternate address provided by the  
9-54 owner or derived through other reliable means. The notice of  
9-55 nonpayment shall be sent by first class mail not later than the 90th  
9-56 day after the date of the alleged failure to pay and may require  
9-57 payment not sooner than the 30th day after the date the notice was  
9-58 mailed. The registered owner shall pay a separate toll and  
9-59 administrative fee for each event of nonpayment under Section  
9-60 228.054 or 228.0545.

9-61 (d) It is an exception to the application of Subsection (a)  
9-62 or (c) if the registered owner of the vehicle is a lessor of the  
9-63 vehicle and not later than the 30th day after the date the notice of  
9-64 nonpayment is mailed provides to the department:

- 9-65 (1) a copy of the rental, lease, or other contract
- 9-66 document covering the vehicle on the date of the nonpayment under
- 9-67 Section 228.054 or the date the vehicle was driven or towed through
- 9-68 a toll collection facility that results in a notice issued under
- 9-69 Section 228.0545, with the name and address of the lessee clearly

10-1 legible; or  
10-2 (2) electronic data, in a format agreed on by the  
10-3 department and the lessor, other than a photocopy or scan of a  
10-4 rental or lease contract, that contains the information required  
10-5 under Sections 521.460(c)(1), (2), and (3) covering the vehicle on  
10-6 the date of the nonpayment under Section 228.054 or the date the  
10-7 vehicle was driven or towed through a toll collection facility that  
10-8 results in a notice issued under Section 228.0545.

10-9 (d-1) If the lessor provides the required information  
10-10 within the period prescribed under Subsection (d), the department  
10-11 may send a notice of nonpayment to the lessee at the address  
10-12 provided under Subsection (d) [~~shown on the contract document~~]  
10-13 by first class mail before the 30th day after the date of receipt of  
10-14 the required information from the lessor. The lessee of the vehicle  
10-15 for which the proper toll was not paid who is mailed a written  
10-16 notice of nonpayment under this subsection and fails to pay the  
10-17 proper toll and administrative fee within the time specified by the  
10-18 notice of nonpayment commits an offense. The lessee shall pay a  
10-19 separate toll and administrative fee for each event of nonpayment.  
10-20 Each failure to pay a toll or administrative fee under this  
10-21 subsection is a separate offense.

10-22 (e) It is an exception to the application of Subsection (a)  
10-23 or (c) if the registered owner of the vehicle transferred ownership  
10-24 of the vehicle to another person before the event of nonpayment  
10-25 under Section 228.054 occurred or before the date the vehicle was  
10-26 driven or towed through a toll collection facility that results in a  
10-27 notice issued under Section 228.0545, submitted written notice of  
10-28 the transfer to the department in accordance with Section 520.023,  
10-29 and, before the 30th day after the date the notice of nonpayment is  
10-30 mailed, provides to the department the name and address of the  
10-31 person to whom the vehicle was transferred. If the former owner of  
10-32 the vehicle provides the required information within the period  
10-33 prescribed, the department may send a notice of nonpayment to the  
10-34 person to whom ownership of the vehicle was transferred at the  
10-35 address provided by the former owner by first class mail before the  
10-36 30th day after the date of receipt of the required information from  
10-37 the former owner. The department may send all subsequent notices of  
10-38 nonpayment associated with the vehicle to the person to whom  
10-39 ownership of the vehicle was transferred at the address provided by  
10-40 the former owner or an alternate address provided by the subsequent  
10-41 owner or derived through other reliable means. The subsequent  
10-42 owner of the vehicle for which the proper toll was not paid who is  
10-43 mailed a written notice of nonpayment under this subsection and  
10-44 fails to pay the proper toll and administrative fee within the time  
10-45 specified by the notice of nonpayment commits an offense. The  
10-46 subsequent owner shall pay a separate toll and administrative fee  
10-47 for each event of nonpayment under Section 228.054 or 228.0545.  
10-48 Each failure to pay a toll or administrative fee under this  
10-49 subsection is a separate offense.

10-50 (h) [~~In this section, "registered owner" means the owner of~~  
10-51 ~~a vehicle as shown on the vehicle registration records of the~~  
10-52 ~~department or the analogous department or agency of another state~~  
10-53 ~~or country.~~

10-54 [~~(i)~~] The department may contract, in accordance with  
10-55 Section 2107.003, Government Code, with a person to collect the  
10-56 unpaid toll and administrative fee before referring the matter to a  
10-57 court with jurisdiction over the offense.

10-58 SECTION 1.20. Subsections (b) and (c), Section 228.056,  
10-59 Transportation Code, are amended to read as follows:

10-60 (b) In the prosecution of an offense under Section  
10-61 228.055(c), (d-1) [~~(d)~~], or (e):

10-62 (1) it is presumed that the notice of nonpayment was  
10-63 received on the fifth day after the date of mailing;

10-64 (2) a computer record of the department of the  
10-65 registered owner of the vehicle is prima facie evidence of its  
10-66 contents and that the defendant was the registered owner of the  
10-67 vehicle when the underlying event of nonpayment under Section  
10-68 228.054 occurred or on the date the vehicle was driven or towed  
10-69 through a toll collection facility that results in a notice issued

11-1 under Section 228.0545; and  
11-2 (3) a copy of the rental, lease, or other contract  
11-3 document, or the electronic data provided to the department under  
11-4 Section 228.055(d), covering the vehicle on the date of the  
11-5 underlying event of nonpayment under Section 228.054 or on the date  
11-6 the vehicle was driven or towed through a toll collection facility  
11-7 that results in a notice issued under Section 228.0545 is prima  
11-8 facie evidence of its contents and that the defendant was the lessee  
11-9 of the vehicle when the underlying event of nonpayment under  
11-10 Section 228.054 occurred or when the vehicle was driven or towed  
11-11 through a toll collection facility that results in a notice issued  
11-12 under Section 228.0545.

11-13 (c) It is a defense to prosecution under Section 228.055(c),  
11-14 (d-1) [(d)], or (e) that the motor vehicle in question was stolen  
11-15 before the failure to pay the proper toll occurred and had not been  
11-16 recovered before the failure to pay occurred, but only if the theft  
11-17 was reported to the appropriate law enforcement authority before  
11-18 the earlier of:

- 11-19 (1) the occurrence of the failure to pay; or
- 11-20 (2) eight hours after the discovery of the theft.

11-21 SECTION 1.21. Section 228.057, Transportation Code, is  
11-22 amended by adding Subsections (g) and (h) to read as follows:

11-23 (g) The department may, following closure of an electronic  
11-24 toll collection customer account and at the request of the account  
11-25 holder, refund the balance of funds in the account after making a  
11-26 deduction for any outstanding tolls and fees.

11-27 (h) The department may enter into an agreement with a  
11-28 governmental or private entity regarding the use of a transponder  
11-29 issued by the department and the corresponding electronic toll  
11-30 collection customer account to pay for parking services offered by  
11-31 the entity.

11-32 SECTION 1.22. Subsection (b), Section 228.058,  
11-33 Transportation Code, is amended to read as follows:

11-34 (b) Automated enforcement technology approved by the  
11-35 department under Subsection (a) may be used only for the purpose of  
11-36 producing, depicting, photographing, or recording an image that  
11-37 depicts that portion of a vehicle necessary to establish the  
11-38 classification of vehicle and the proper toll to be charged, the  
11-39 license plate number, and the state or country of registration,  
11-40 including an image:

- 11-41 (1) of a license plate attached to the front or rear of  
11-42 a vehicle; and
- 11-43 (2) showing the vehicle dimensions, the presence of a  
11-44 trailer, and the number of axles.

11-45 ~~SECTION 1.28. (a) Section 228.201, Transportation Code, is~~  
11-46 ~~amended by amending Subsection (a) and adding Subsection (a-1) to~~  
11-47 ~~read as follows:~~

11-48 ~~(a) The [Except as provided by Section 228.2015, the~~  
11-49 ~~Department may not operate a nontolled state highway or a segment of~~  
11-50 ~~a nontolled state highway as a toll project, and may not transfer a~~  
11-51 ~~highway or segment to another entity for operation as a toll~~  
11-52 ~~project, unless:~~

- 11-53 ~~(1) the commission by order designated the highway or~~  
11-54 ~~segment as a toll project before the contract to construct the~~  
11-55 ~~highway or segment was awarded;~~
- 11-56 ~~(2) the highway or segment was open to traffic as a~~  
11-57 ~~turnpike project on or before September 1, 2005;~~
- 11-58 ~~(3) the project was designated as a toll project in a~~  
11-59 ~~plan or program of a metropolitan planning organization on or~~  
11-60 ~~before September 1, 2005;~~

11-61 ~~(4) the highway or segment is reconstructed so that~~  
11-62 ~~the number of nontolled lanes on the highway or segment is greater~~  
11-63 ~~than or equal to the number in existence before the reconstruction;~~

11-64 ~~(5) a facility that has access, function, and control~~  
11-65 ~~devices similar to the converted highway or segment before~~  
11-66 ~~conversion is constructed adjacent to the highway or segment so~~  
11-67 ~~that the number of nontolled lanes on the converted highway or~~  
11-68 ~~segment and the adjacent facility together is greater than or equal~~  
11-69 ~~to the number in existence on the converted highway or segment.~~

1 (2) shall require the repayment of any money spent by  
2 the department for the cost of a toll facility of a private entity.

3 ARTICLE 16. NOTIFICATION BY DEPARTMENT REGARDING HIGHWAY  
4 CONSTRUCTION PROJECTS.

5 SECTION 16.01. Section 203.022(c), Transportation Code, is  
6 amended to read as follows:

7 (c) The department shall by rule provide procedures for  
8 informing adjoining property owners and affected local governments  
9 and public officials of impending construction. The rules must  
10 require the department to provide written notice to the governing  
11 body of a municipality not later than the 14th day before the date  
12 the department begins construction of a state highway project in  
13 the municipality. The department may provide the notice in an  
14 electronic format, if requested by the governing body of the  
15 municipality.

6 ~~ARTICLE 22. PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEMS~~

7 ~~SECTION 22.01. (a) Subchapter D, Chapter 201,~~  
8 ~~Transportation Code, is amended by adding Section 201.210 to read~~  
9 ~~as follows:~~

10 ~~Sec. 201.210. DEPARTMENT APPROVAL. (a) The department has~~  
11 ~~jurisdiction regarding photographic traffic signal enforcement~~  
12 ~~systems in this state and shall adopt rules regarding photographic~~  
13 ~~traffic signal enforcement systems in this state, including:~~

- 14 ~~(1) the specifications for the systems;~~  
15 ~~(2) the identification of intersections where a~~  
16 ~~system may be installed; and~~  
~~(3) the operation and maintenance of the systems.~~

(b) The department may not approve the implementation or operation of a photographic traffic signal enforcement system that was not in operation on June 1, 2009, or for which a contract for the administration or enforcement of the system had not been entered into by a local authority on or before that date.

(c) A local authority may not enter into a contract for the administration or enforcement of a photographic traffic signal enforcement system after June 1, 2009. A contract for the administration or enforcement of such a system entered into by a local authority on or before June 1, 2009, may not be renewed or the term of the contract extended.

(d) The department by rule shall require that the change interval in a light equipped with a photographic traffic signal enforcement system must be at least one second longer than the minimum change interval established in accordance with the Texas Manual on Uniform Traffic Control Devices.

(b) This subsection and Subsection (a) of this section take effect immediately if this Act receives a vote of two thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this subsection and Subsection

ARTICLE 17. REGIONAL MOBILITY AUTHORITIES

SECTION 17.01. Sections 370.003(12) and (14), Transportation Code, are amended to read as follows:

(12) "Surplus revenue" means revenue that exceeds:

(A) an authority's debt service requirements for

114-2 expenditures made with money in those subaccounts.  
 114-3 (d) [(e)] The commission or the department may not  
 114-4 (1) revise the formula as provided in the department  
 114-5 unified transportation program or a successor document in a manner  
 114-6 that results in a decrease of a department district's allocation  
 114-7 because of the deposit of a payment into a project subaccount [or  
 114-8 commitment to undertake an additional transportation project under  
 114-9 Section 228.0111]; or  
 114-10 (2) take any other action that would reduce funding  
 114-11 allocated to a department district because of the deposit of  
 114-12 payment [received from the department or local toll project entity  
 114-13 into a project subaccount for a commitment to undertake a  
 114-14 additional transportation project under Section 228.0111].  
 114-15 SECTION 228.013. Section 228.012, Transportation Code, is  
 114-16 amended by this article, applies only to payments received by the  
 114-17 Texas Department of Transportation under that section on or after  
 114-18 the effective date of this Act. Payments received by the department  
 114-19 under Section 228.012, Transportation Code, before the effective  
 114-20 date of this Act are governed by the law in effect immediately  
 114-21 before the effective date of this Act.

114-22 ARTICLE 21. PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEMS

114-23 SECTION 21.01. Section 707.002, Transportation Code, is  
114-24 amended to read as follows:

114-25 Sec. 707.002. AUTHORITY TO PROVIDE FOR CIVIL PENALTY AND  
 114-26 INTERSECTION SAFETY COURSE. (a) The governing body of a local  
 114-27 authority by ordinance may implement a photographic traffic signal  
 114-28 enforcement system and provide that the owner of a motor vehicle is  
 114-29 liable to the local authority for a civil penalty if, while facing  
 114-30 only a steady red signal displayed by an electrically operated  
 114-31 traffic-control signal located in the local authority, the vehicle  
 114-32 is operated in violation of the instructions of that  
 114-33 traffic-control signal, as specified by Section 544.007(d).

114-34 (b) Instead of a monetary penalty, the ordinance may require  
 114-35 that the owner of the motor vehicle successfully complete an  
 114-36 intersection safety course. A local authority that requires  
 114-37 completion of an intersection safety course may:

- 114-38 (1) charge a fee set by the governing body of the local
- 114-39 authority for the course; and
- 114-40 (2) contract with a third party to provide an
- 114-41 intersection safety course.

114-42 SECTION 22.02. Chapter 707, Transportation Code, is amended  
 114-43 by adding Section 707.0021 to read as follows:

114-44 Sec. 707.0021. IMPOSITION OF CIVIL PENALTY ON OWNER OF  
 114-45 AUTHORIZED EMERGENCY VEHICLE. (a) In this section, "authorize"  
 114-46 emergency vehicle has the meaning assigned by Section 541.201.

114-47 (b) A local authority may not impose or attempt to impose  
 114-48 civil penalty under this chapter on the owner of an authorize  
 114-49 emergency vehicle.

114-50 (c) This section does not prohibit an employer from taking  
 114-51 disciplinary action against an employee who as the operator of a  
 114-52 authorized emergency vehicle operated the vehicle in violation of  
 114-53 the rules of the employer.

114-54 SECTION 32.03. Section 1001.002, Education Code, is amended  
 114-55 by adding Subsection (d) to read as follows:

114-56 (d) An intersection safety course required by a local  
 114-57 authority under Section 707.002, Transportation Code, is exempt  
 114-58 from this chapter.

114-59 SECTION 33.01. Subchapter C, Chapter 202, Transportation  
 114-60 Code, is amended by adding Section 202.062 to read as follows:

114-61 Sec. 202.062. AGREEMENT TO INSTALL CERTAIN CAMERAS ON  
 114-62 RIGHT-OF-WAY. (a) "Automatic license plate  
 114-63 identification" means a camera that produces images on which  
 114-64 optical character recognition is used to read license plate on  
 114-65

114-66 (b) The department may enter into an agreement with  
 114-67 a federal law enforcement agency

109-2 been completed.

109-3 (f) For the eastern portion of the project, a local toll  
109-4 project entity or the department, as applicable, is not required to  
109-5 enter into a construction contract for any segment before the  
109-6 second anniversary of the date on which the final segment of the  
109-7 western portion is completed. After a construction contract has  
109-8 been entered into for the initial segment of the eastern portion  
109-9 excluding Segment I-2, for each of the remaining segments of the  
109-0 eastern portion, a local toll project entity or the department, as  
109-1 applicable, is not required to enter into a construction contract  
109-2 for any remaining segment before the second anniversary of the date  
109-3 construction of a segment in the eastern portion contiguous to the  
109-4 initial segment, excluding Segment I-2, has been completed.

109-5 (g) In all events, the contracting requirements shall be  
109-6 subject to the securing of all environmental requirements necessary  
109-7 for the development of the project and the conclusion of all legal  
109-8 challenges to development of the project, as provided in  
109-9 Subdivision (1), Subsection (g), Section 228.0111, or Subdivision  
109-0 (1), Subsection (i), Section 228.0111, as applicable.

109-1 (h) The department and the local toll project entity may  
109-2 enter into an agreement modifying the segment descriptions and the  
109-3 development sequence specified in this section.

109-4 (i) The local toll project entity or the department, as  
109-5 applicable, may enter into one or more agreements, including a  
109-6 comprehensive development agreement, with a public or private  
109-7 entity relating to the construction, development, financing,  
109-8 operation and maintenance of the State Highway 99 (Grand Parkway  
109-9 project. Notwithstanding any law to the contrary, the agreement  
109-0 may contain such provisions relating to revenue sharing and  
109-1 concession payments as the local toll project entity or the  
109-2 department, as applicable, may determine.

109-3 SECTION 27.07. Section 228.0111, Transportation Code, is  
109-4 repealed.

109-5 SECTION 27.08. The repeal of Section 228.0111,  
109-6 Transportation Code, by this Act does not affect any project  
109-7 described in Section 373.002(b), Transportation Code, as added by  
109-8 this Act. A project described in that subsection is governed by  
109-9 Section 228.0111, Transportation Code, as it existed immediately  
109-0 before the effective date of this Act, and that law is continued  
109-1 in effect for that purpose.

109-42 ARTICLE 25. NONCOMPETITION PROVISIONS IN COMPREHENSIVE  
109-43 DEVELOPMENT AGREEMENTS

109-44 SECTION 25.01. Sections 371.103(b) and (c), Transportation  
109-45 Code, as added by Chapter 264 (S.B. 792), Acts of the 80th  
109-46 Legislature, Regular Session, 2007, are amended to read as follows:

109-47 (b) Except as provided by Subsection (c), a comprehensive  
109-48 development agreement may contain a provision authorizing the toll  
109-49 project entity to compensate the private participant in the  
109-50 agreement for the loss of toll revenues attributable to the  
109-51 construction by the entity of a limited access highway project  
109-52 located within an area that extends up to four miles from either  
109-53 side of the centerline of the project developed under the  
109-54 agreement, less the private participant's decreased operating and  
109-55 maintenance costs attributable to the highway project, if any. A  
109-56 provision under this subsection may be effective only for a period  
109-57 of 30 years or less from the effective date of the agreement.

109-58 (c) A comprehensive development agreement may not require  
109-59 the toll project entity to provide compensation for the  
109-60 construction of:

109-61 (1) a highway project contained in the state  
109-62 transportation plan or a transportation plan of a metropolitan  
109-63 planning organization in effect on the effective date of the  
109-64 agreement;

109-65 (2) work on or improvements to a highway project  
109-66 necessary for improved safety, or for maintenance or operational  
109-67 purposes;

109-68 (3) a high occupancy vehicle exclusive lane addition  
109-69 or other work on any highway project that is required by an

1       Sec. 544.014. STUDY. (a) The department shall conduct a  
2 study regarding improvement of traffic-control signalization.

3       (b) In conducting the study, the department shall consider:

4           (1) methods to promote more efficient traffic flow,  
5 including a reduction in vehicle idling time, by:

6                   (A) synchronizing or eliminating traffic-control  
7 signals;

8                   (B) adopting smart light technologies, including  
9 cameras; and

10                   (C) adopting alternatives to red light signals;

11           (2) the funding sources available to municipalities  
12 wishing to implement new traffic control programs; and

13           (3) the economic and environmental effects of idling  
14 vehicles.

15       (c) The department may not spend more than \$200,000 on the  
16 study conducted under this section.

17       (d) Not later than December 1, 2010, the department shall  
18 report the results of the study conducted under this section to the  
19 governor, the lieutenant governor, the speaker of the house of  
20 representatives, and the appropriate oversight committees of each  
21 house of the legislature.

22       (e) This section expires September 1, 2011.

23       ~~ARTICLE 38. USE OF SAFETY BELTS BY VEHICLE OPERATORS~~

24       ~~SECTION 38.01. Sections 545.412(e) and (f), Transportation~~  
25 ~~Code, are amended to read as follows:~~

26       ~~(e) This section does not apply to a person:~~

27           ~~(1) operating a vehicle transporting passengers for~~

121-1  
121-2 bridge, tunnel, or highway, and any improvement, extension,  
121-3 expansion to the bridge, tunnel, or highway.

121-4 (g) A county that acquires right-of-way or obtains  
121-5 approvals, studies, or data under Subsection (f) may petition the  
121-6 applicable authority to negotiate a written agreement by which the  
121-7 county's and the authority's activities can be better coordinated  
121-8 and more efficiently accomplished. The agreement may include  
121-9 provisions by which the authority may agree to later reimburse the  
121-10 county for certain costs the county incurs for right-of-way and  
121-11 other deliverables transferred to and used by the authority if the  
121-12 authority ultimately develops the toll project. The department or  
121-13 the applicable metropolitan planning organization, or both, may be  
121-14 a party or parties to an agreement under this subsection if the  
121-15 county and the authority determine that the inclusion of one or both  
121-16 of those entities furthers the objectives of this subsection.

121-17 ARTICLE 39. AUTOMATED TRAFFIC CONTROL SYSTEMS

121-18 SECTION 39.01. Section 542.2035, Transportation Code, is  
121-19 amended to read as follows:

121-20 Sec. 542.2035. LIMITATION ON MUNICIPALITIES AND COUNTIES.

121-21 (a) A municipality or county may not implement or operate an  
121-22 automated traffic control system with respect to a highway or  
121-23 street under its jurisdiction for the purpose of enforcing  
121-24 compliance with posted speed limits. The attorney general shall  
121-25 enforce this subsection.

121-26 (b) In this section, "automated traffic control system"  
121-27 means a photographic device, radar device, laser device, or other  
121-28 electrical or mechanical device designed to:

- 121-29 (1) record the speed of a motor vehicle; and
- 121-30 (2) obtain one or more photographs or other recorded

- 121-31 images of:
- 121-32 (A) the vehicle;
- 121-33 (B) the license plate attached to the vehicle; or
- 121-34 (C) the operator of the vehicle.

121-35 SECTION 39.02. Subchapter B, Chapter 542, Transportation  
121-36 Code, is amended by adding Section 542.207 to read as follows:

121-37 Sec. 542.207. LIMITATION ON DEPARTMENT. (a) In this  
121-38 section, "automated traffic control system" has the meaning  
121-39 assigned by Section 542.2035.

121-40 (b) The department may not implement or operate an automated  
121-41 traffic control system for the purpose of enforcing compliance with  
121-42 posted speed limits. The attorney general shall enforce this  
121-43 subsection.

121-44 ARTICLE 33. CERTIFICATES OF TITLE; VEHICLE REGISTRATION

121-45 SECTION 40.001. Section 501.002, Transportation Code, is  
121-46 amended to read as follows:

121-47 Sec. 501.002. DEFINITIONS. In this chapter:

121-48 (1) "Certificate of title" means a printed record of  
121-49 title [an instrument] issued under Section 501.021.

121-50 (1-a) "Commercial fleet" means a group of at least 25  
121-51 nonapportioned commercial motor vehicles owned by a corporation,  
121-52 limited or general partnership, limited liability company, or other  
121-53 business entity and used for the business purposes of that entity.

121-54 (2) "Credit card" means a card, plate, or similar  
121-55 device used to make a purchase or to borrow money.

121-56 (3) "Dealer" has the meaning assigned by Section  
121-57 503.001 [means a person who purchases motor vehicles for sale at  
121-58 retail].

121-59 (4) "Debit card" means a card that enables the holder  
121-60 to withdraw money or to have the cost of a purchase charged directly  
121-61 to the holder's bank account.

121-62 (5) [(3)] "Department" means the Texas Department of  
121-63 Transportation.

121-64 (6) [(4)] "Distributor" has the meaning assigned by  
121-65 Chapter 2301, Occupations Code [means a person engaged in the  
121-66 business of selling to a dealer motor vehicles purchased from a  
121-67 manufacturer].

121-68 (7) [(5)] "First sale" means:

- 121-69 (A) the bargain, sale, transfer, or delivery of a

205-1 appropriate for the class of vehicle to which the plates are being  
 205-2 transferred. If the vehicle is a different classification the  
 205-3 owner must:

205-4 (1) pay the applicable title and vehicle registration  
 205-5 fees;

205-6 (2) obtain a new registration insignia; and

205-7 (3) dispose of the license plates in the manner  
 205-8 specified by the department, or if the applicant fails to remove and

205-9 transfer the license plates, purchase replacement license plates in  
 205-10 accordance with this chapter. [The part of the registration period

205-11 remaining at the time of the sale or transfer shall continue with  
 205-12 the vehicle being sold or transferred and does not transfer with the

205-13 license plates or registration validation insignia. To continue  
 205-14 the remainder of the registration period, the purchaser or

205-15 transferee must file the documents required under Section 520.031.]  
 205-16 SECTION 33.210. Chapter 504, Transportation Code, is

205-17 amended by adding Subchapter L to read as follows:  
 205-18 SUBCHAPTER L. OFFENSES AND PENALTIES

205-19 Sec. 504.941. ANTIQUE VEHICLES; OFFENSE. (a) A person who  
 205-20 violates Section 504.502 commits an offense. An offense under this

205-21 section is a misdemeanor punishable by a fine of not less than \$5 or  
 205-22 more than \$200.

205-23 (b) It is an affirmative defense to prosecution under this  
 205-24 section that at the time of the offense the vehicle was en route to

205-25 or from a location for the purpose of routine maintenance of the  
 205-26 vehicle.

205-27 Sec. 504.942. LOG LOADER VEHICLES; PENALTIES. A vehicle  
 205-28 operated in violation of Section 504.506 is considered to be

205-29 operated or moved while unregistered and is immediately subject to  
 205-30 the applicable fees and penalties prescribed by this chapter.

205-31 Sec. 504.943. OPERATION OF VEHICLE WITHOUT LICENSE PLATE.  
 205-32 (a) A person commits an offense if the person operates on a public

205-33 highway during a registration period:

205-34 (1) a passenger car, as defined by Section 541.201, or  
 205-35 commercial motor vehicle that does not display two license plates

205-36 issued by the department and attached to the front and rear of the  
 205-37 vehicle; or

205-38 (2) a road tractor, motorcycle, trailer, or  
 205-39 semitrailer that does not display a license plate assigned by the

205-40 department and attached to the rear of the vehicle.

205-41 (b) Subsection (a) does not apply to a person who holds a  
 205-42 general distinguishing number operating a vehicle as provided by

205-43 law.  
 205-44 (c) An offense under this section is a misdemeanor

205-45 punishable by a fine not to exceed \$200.  
 205-46 (d) A court may dismiss a charge brought under Subsection

205-47 (a) if the defendant:  
 205-48 (1) remedies the defect before the defendant's first

205-49 court appearance; and  
 205-50 (2) pays an administrative fee not to exceed \$10.

205-51 SECTION 33.211. Section 502.408, Transportation Code, is  
 205-52 transferred to Subchapter L, Chapter 504, Transportation Code, as

205-53 added by this Act, renumbered as Section 504.944, Transportation  
 205-54 Code, and amended to read as follows:

205-55 Sec. 504.944 [502.408]. OPERATION OF VEHICLE WITH WRONG  
 205-56 LICENSE PLATE. [-(a)] A person commits an offense if the person

205-57 operates, or as the owner permits another to operate, on a public  
 205-58 highway a motor vehicle that has attached to it a number plate or

205-59 registration insignia issued for a different vehicle. An offense  
 205-60 under this subsection is a misdemeanor punishable by a fine not to

205-61 exceed \$200.  
 205-62 SECTION 33.212. Subchapter L, Chapter 504, Transportation

205-63 Code, as added by this Act, is amended by adding Section 504.945 to  
 205-64 read as follows:

205-65 Sec. 504.945. WRONG, FICTITIOUS, ALTERED, OR OBSCURED  
 205-66 LICENSE PLATE. (a) A person commits an offense if the person

205-67 attaches to or displays on a motor vehicle a license plate that:  
 205-68 (1) is issued for a different motor vehicle;

205-69 (2) is issued for the vehicle under any other motor

206-1 vehicle law other than by the department;  
 206-2 (3) is assigned for a registration period other than  
 206-3 the registration period in effect;

206-4 (4) is fictitious;  
 206-5 (5) has blurring or reflective matter that  
 206-6 significantly impairs the readability of the name of the state in  
 206-7 which the vehicle is registered or the letters or numbers of the  
 206-8 license plate number at any time;

206-9 (6) has an attached illuminated device or sticker,  
 206-10 decal, emblem, or other insignia that is not authorized by law and  
 206-11 that interferes with the readability of the letters or numbers of  
 206-12 the license plate number or the name of the state in which the  
 206-13 vehicle is registered; or

206-14 (7) has a coating, covering, protective substance, or  
 206-15 other material that:

206-16 (A) distorts angular visibility or  
 206-17 detectability;

206-18 (B) alters or obscures one-half or more of the  
 206-19 name of the state in which the vehicle is registered; or

206-20 (C) alters or obscures the letters or numbers of  
 206-21 the license plate number or the color of the plate.

206-22 (b) Except as provided by Subsection (e), an offense under  
 206-23 Subsection (a) is a misdemeanor punishable by a fine of not more  
 206-24 than \$200, unless it is shown at the trial of the offense that the  
 206-25 owner knowingly altered or made illegible the letters, numbers, and  
 206-26 other identification marks, in which case the offense is a Class B  
 206-27 misdemeanor.

206-28 (c) Subsection (a)(7) may not be construed to apply to:

206-29 (1) a trailer hitch installed on a vehicle in a normal  
 206-30 or customary manner;

206-31 (2) a transponder, as defined by Section 228.057, that  
 206-32 is attached to a vehicle in the manner required by the issuing  
 206-33 authority;

206-34 (3) a wheelchair lift or wheelchair carrier that is  
 206-35 attached to a vehicle in a normal or customary manner;

206-36 (4) a trailer being towed by a vehicle; or

206-37 (5) a bicycle or motorcycle rack that is attached to a  
 206-38 vehicle in a normal or customary manner.

206-39 (d) A court may dismiss a charge brought under Subsection  
 206-40 (a)(3), (5), (6), or (7) if the defendant:

206-41 (1) remedies the defect before the defendant's first  
 206-42 court appearance; and

206-43 (2) pays an administrative fee not to exceed \$10.

206-44 (e) An offense under Subsection (a)(4) is a Class B  
 206-45 misdemeanor.

206-46 SECTION 33.213. Subchapter A, Chapter 520, Transportation  
 206-47 Code, is amended by adding Sections 520.003 and 520.004 to read as  
 206-48 follows:

206-49 Sec. 520.003. RULES. The department may adopt rules to  
 206-50 administer this chapter.

206-51 Sec. 520.004. DEPARTMENT RESPONSIBILITIES. The department  
 206-52 has jurisdiction over the registration and titling of, and the  
 206-53 issuance of license plates to, motor vehicles in compliance with  
 206-54 the applicable statutes. The department:

206-55 (1) shall provide services that are reasonable,  
 206-56 adequate, and efficient;

206-57 (2) shall establish standards for service quality; and

206-58 (3) may enter into an agreement with a person involved  
 206-59 in transaction processing, including a lienholder or an electronic  
 206-60 verification service, only to facilitate the processing of  
 206-61 electronic title benefits so as to benefit this state and minimize  
 206-62 inconveniences to the general public.

206-63 SECTION 33.214. Section 501.137, Transportation Code, is  
 206-64 transferred to Subchapter A, Chapter 520, Transportation Code,  
 206-65 renumbered as Section 520.005, Transportation Code, and amended to  
 206-66 read as follows:

206-67 Sec. 520.005 [501.137]. DUTY OF COUNTY  
 206-68 ASSESSOR-COLLECTOR. (a) Each county assessor-collector shall  
 206-69 comply with Chapter 501 [~~this chapter~~].

118-1 an attorney with whom the authority contracts to bring suit to  
 118-2 collect the penalty;  
 118-3 (3) provide for notice of the violation to the owner of  
 118-4 the motor vehicle that committed the violation;  
 118-5 (4) require that a peace officer commissioned by the  
 118-6 authority:  
 118-7 (A) review images produced by the automated  
 118-8 enforcement system to determine whether the vehicle was operated in  
 118-9 violation of the instructions of an official traffic-control device  
 118-10 regarding entering or exiting a high occupancy vehicle lane; and  
 118-11 (B) notarize the notice of violation before the  
 118-12 notice is mailed to the owner of the motor vehicle that committed  
 118-13 the violation;  
 118-14 (5) provide that a notice of violation is presumed to  
 118-15 have been received on the fifth day after the date the notice is  
 118-16 mailed if the notice was mailed to the owner of a motor vehicle;  
 118-17 (6) provide procedures by which the owner of the motor  
 118-18 vehicle may request an administrative adjudication hearing to  
 118-19 contest the imposition or the amount of the penalty;  
 118-20 (7) allow for the use of images produced by the  
 118-21 automated enforcement system authorized by this section; and  
 118-22 (8) provide for other procedures the board determines  
 118-23 are necessary for the imposition of a penalty authorized by this  
 118-24 section.  
 118-25 (d) Except as provided by Subsection (e), an image produced  
 118-26 by an automated enforcement system may not be used to prosecute a  
 118-27 criminal offense.  
 118-28 (e) An image produced by an automated enforcement system may  
 118-29 be used to prosecute a criminal offense defined by Chapter 19, 20,  
 118-30 20A, 31, 38, or 49, Penal Code.  
 118-31 (f) This section does not apply to an authority in which the  
 118-32 principal municipality has a population of more than 1.9 million.  
 118-33 SECTION 41.02. Subchapter B, Chapter 452, Transportation  
 118-34 Code, is amended by adding Section 452.0615 to read as follows:  
 118-35 Sec. 452.0615. ENFORCEMENT OF HIGH OCCUPANCY VEHICLE LANES.  
 118-36 (a) In this section:  
 118-37 (1) "Automated enforcement system" means a system  
 118-38 that:  
 118-39 (A) consists of a camera or other electrical or  
 118-40 mechanical device that produces photographic, electronic, video,  
 118-41 or digital images of a motor vehicle; and  
 118-42 (B) is used to enforce compliance with  
 118-43 instructions for high occupancy vehicle lane restrictions.  
 118-44 (2) "High occupancy vehicle lane" has the meaning  
 118-45 assigned by Section 224.151.  
 118-46 (3) "Official traffic-control device" has the meaning  
 118-47 assigned by Section 541.304 and includes a traffic pylon and double  
 118-48 white lines on a highway.  
 118-49 (4) "Owner of a motor vehicle" means the owner of a  
 118-50 motor vehicle as shown on the motor vehicle registration records of  
 118-51 the department or the analogous department or agency of another  
 118-52 state or country.  
 118-53 (b) This section applies only to an authority that:  
 118-54 (1) consists of one subregion governed by a  
 118-55 subregional board created under Subchapter O; and  
 118-56 (2) has entered into an agreement with a governmental  
 118-57 entity to:  
 118-58 (A) operate a high occupancy vehicle lane; or  
 118-59 (B) provide peace officers to enforce compliance  
 118-60 with instructions for high occupancy vehicle lane restrictions.  
 118-61 (c) A board by resolution may implement an automated  
 118-62 enforcement system and provide that the owner of a motor vehicle,  
 118-63 other than an authorized emergency vehicle as defined by Section  
 118-64 541.201, is liable to the authority for a penalty if the vehicle is  
 118-65 operated in violation of the instructions of an official  
 118-66 traffic-control device regarding entering or exiting a high  
 118-67 occupancy vehicle lane.  
 118-68 (c-1) A resolution adopted under Subsection (c) may not  
 118-69 provide for the imposition of a penalty for a vehicle that is

119-1 operated in violation of the minimum number of persons requirement  
 119-2 for use of a high occupancy vehicle lane or for the purpose of  
 119-3 enforcing compliance with posted speed limits.

119-4 (d) The resolution adopted under this section must:

119-5 (1) provide for a penalty of not more than \$100;

119-6 (2) authorize an attorney employed by the authority or  
 119-7 an attorney with whom the authority contracts to bring suit to  
 119-8 collect the penalty;

119-9 (3) provide for notice of the violation to the owner of  
 119-10 the motor vehicle that committed the violation;

119-11 (4) require that a peace officer commissioned by the  
 119-12 authority:

119-13 (A) review images produced by the automated  
 119-14 enforcement system to determine whether the vehicle was operated in  
 119-15 violation of the instructions of an official traffic-control device  
 119-16 regarding entering or exiting a high occupancy vehicle lane; and

119-17 (B) notarize the notice of violation before the  
 119-18 notice is mailed to the owner of the motor vehicle that committed  
 119-19 the violation;

119-20 (5) provide that a notice of violation is presumed to  
 119-21 have been received on the fifth day after the date the notice is  
 119-22 mailed if the notice was mailed to the owner of a motor vehicle;

119-23 (6) provide procedures by which the owner of the motor  
 119-24 vehicle may request an administrative adjudication hearing to  
 119-25 contest the imposition or the amount of the penalty;

119-26 (7) allow for the use of images produced by the  
 119-27 automated enforcement system authorized by this section; and

119-28 (8) provide for other procedures the board determines  
 119-29 are necessary for the imposition of a penalty authorized by this  
 119-30 section.

119-31 (e) Except as provided by Subsection (f), an image produced  
 119-32 by an automated enforcement system may not be used to prosecute a  
 119-33 criminal offense.

119-34 (f) An image produced by an automated enforcement system may  
 119-35 be used to prosecute a criminal offense defined by Chapter 19, 20,  
 119-36 20A, 31, 38, or 49, Penal Code.

#### 119-37 ARTICLE 42. REGIONAL TOLLWAY AUTHORITIES

119-38 SECTION 42.01. (a) Section 366.038, Transportation Code,  
 119-39 is amended to read as follows:

119-40 Sec. 366.038. TOLLING SERVICES [TOLL COLLECTION]. (a) In  
 119-41 this section, "tolling services" means the tolling services  
 119-42 normally provided through an authority's customer service center,  
 119-43 including customer service, customer account maintenance,  
 119-44 transponder supply, and toll collection and enforcement.

119-45 (b) An authority shall provide, for reasonable  
 119-46 compensation, tolling [~~customer service and other toll collection~~  
 119-47 ~~and enforcement~~] services for a toll project in the boundaries of  
 119-48 the authority, regardless of whether the toll project is developed,  
 119-49 financed, constructed, and operated under an agreement, including a  
 119-50 comprehensive development agreement, with the authority or another  
 119-51 entity. This section does not restrict an authority from agreeing  
 119-52 to provide additional tolling services in an agreement described in  
 119-53 Subsection (d). Additional tolling services provided under an  
 119-54 agreement under that subsection are subject to the provisions that  
 119-55 apply to tolling services under this section.

119-56 (c) An authority may not provide financial security,  
 119-57 including a cash collateral account, for the performance of tolling  
 119-58 services the authority provides under this section if:

119-59 (1) the authority determines that providing security  
 119-60 could restrict the amount, or increase the cost, of bonds or other  
 119-61 debt obligations the authority may subsequently issue under this  
 119-62 chapter; or

119-63 (2) the authority is not reimbursed its cost of  
 119-64 providing the security.

119-65 (d) Before providing tolling services for a toll project  
 119-66 under this section, an authority must enter into a written  
 119-67 agreement that sets out the terms and conditions for the tolling  
 119-68 services to be provided and the terms of compensation for those  
 119-69 services.