

SUBJECT: Increasing the administrative fee on toll violations in Harris County area

COMMITTEE: Transportation — favorable, with amendment

VOTE: 7 ayes — Krusee, Phillips, Hamric, Callegari, Casteel, Flores, Hill

0 nays

2 absent — Deshotel, West

SENATE VOTE: On final passage, April 7 — 31-0, on Local and Uncontested Calendar

WITNESSES: Witnesses — None

BACKGROUND: SB 1464 by Lindsay, enacted in 2003 by the 78th Legislature, authorizes toll road authorities and counties to impose an administrative fee of not more than \$100, in addition to the penalty fee, to recover expenses related to the collection of unpaid tolls. It allows for the application of the administrative fee only following a decision by a hearing officer.

Counties or toll road authorities are required to send written notice of violations to the owners of violating vehicles. A toll violation is a misdemeanor offense punishable by a fine of not more than \$250.

The Harris County Toll Road Authority (HCTRA) charges a \$5 administrative fee per violation after a vehicle has committed three toll violations.

DIGEST: SB 821, as amended, would add Transportation Code, sec. 284.0691, allowing Harris County to impose an additional administrative fee of \$1 on toll violations. The fee could be charged without a decision from a hearing officer on a toll violation.

The fee would be deposited in the county attorney's account and used only towards the expenses of the Harris County Attorney's Office, including the payment of employee salaries. However, the county attorney could not use proceeds from the fee to supplement his or her own salary.

In counties adjacent to Harris County, revenue from the administrative fee would be deposited into the county's general fund.

The bill would take effect on September 1, 2005, and would only apply to toll violations committed on or after that date.

**SUPPORTERS
SAY:**

SB 821 would provide financial assistance to the Harris County Attorney's Office without substantially increasing fees on toll violations. Even with the additional \$1 fee proposed by the bill, Harris County would continue to have the lowest administrative fees on toll violations in the country. The bill would increase Harris County's administrative toll violation fee to \$6 per violation, while a majority of toll road authorities, including the North Texas Tollway Authority, charge an administrative fee of \$25 per violation. The statutory maximum is \$100 per violation.

Current law allows a county or toll road authority to charge an additional administrative fee to defer costs only after a decision has been reached in a hearing on the toll violation. This provision has led to the unintended consequence of counties and toll road authorities being unable to collect the administrative fee because hearings are rarely held. SB 821 would clarify the original intent of the law by allowing for the imposition of the administrative fee without a prior hearing.

SB 821 would save local taxpayer dollars by directing a portion of fees collected from toll violations to support the expenses of the Harris County Attorney's Office, which currently are supported by county tax revenue. Counties are experiencing budgetary shortfalls throughout the state. The Harris County Attorney has acted in a fiscally conservative manner and has not requested a budget increase since he was elected in 2002. SB 821 would help the County Attorney's Office obtain the funding necessary to perform its functions.

The bill would prevent the money from the fee from being used to augment the salary of the county attorney. The \$1 fee would be deposited into the county attorney's account to defray the costs of salaries and office expenses. Just as the law requires that a portion of hot check fees be deposited in the district attorney's account to defray office expenses, a portion of the fees on toll violations should be deposited into the county attorney's account.

OPPONENTS
SAY:

The imposition of an additional fee on toll violations would result in an increased burden for taxpayers who already have paid their fair share for roads.

OTHER
OPPONENTS
SAY:

Counties and toll road authorities should be required to change their policy on placing the owner of a vehicle involved in a toll violation at fault for violations committed in the vehicle. By presuming that the owner of the vehicle was the operator, toll violations unfairly can target the individual to whom the vehicle is licensed. The law should recognize that the driver, not the owner, of the offending vehicle is at fault for failing to pay the toll.

NOTES:

The committee amendment would require that funds from the administrative fee be deposited in the county's general fund for counties adjacent to Harris County.