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OPINION COMMITTEE

The State of Texas
House of Representatives



Joseph C. Pickett

El Paso • District 79

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September 11, 2017

The Honorable Ken Paxton
Attorney General of Texas
209 W. 14th Street
Austin, TX 78701

Dear General Paxton:

Senate Bill 312, Acts of the 85th Legislature, Regular Session, 2017, enacted Section 228.0547(b), Transportation Code, which primarily does the following: (1) authorizes the Texas Department of Transportation to impose an administrative fee on a person who receives an invoice from the department for the use of a toll project if the person fails to comply with Subsection (a) of Section 228.0547; and (2) imposes certain limitations on the amount of the administrative fees that the department may impose.

Although Section 228.0547(b) expressly applies only to the department, Section 228.059, Transportation Code, states that "[a]n entity operating a toll lane pursuant to Section 228.007(b) has, with regard to toll collection and enforcement for that toll lane, the same powers and duties as the department under [Chapter 228, Transportation Code]."

As Chair of the House Committee on Environmental Regulation, I respectfully request a formal opinion from your office on the following question:

To what extent are the provisions of Section 228.0547(b), Transportation Code, as added by S.B. 312, Acts of the 85th Legislature, Regular Session, 2017, "powers and duties" of the Texas Department of Transportation that apply under Section 228.059, Transportation Code, to an entity operating a toll lane pursuant to Section 228.007(b), Transportation Code?

Thank you in advance for your consideration of this matter. Please do not hesitate to contact me if you need any additional information regarding this request.

Sincerely,

Representative Joe C. Pickett

Chair, House Committee on Environmental Regulation

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