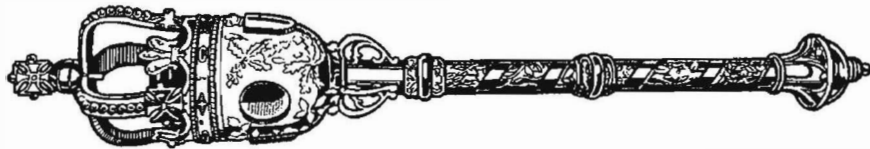


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*Report of the  
House Appropriations  
Subcommittee*

*on*

*Transportation*



*House Bill 29  
&  
House Bill 30*

February 21, 2016

# REPORT OF THE SUBCOMMITTEE

on

## TRANSPORTATION

Mr. Chairman and Members of the Committee:

Transportation remains one of the most significant issues in our Commonwealth. Last Session we adopted House Bill 1887, which replaced the black box that was the distribution of transportation funds with new simple and equitable formulas. This 3<sup>rd</sup> step in the process of reinvesting in, reforming and refocusing our transportation programs has allowed us to have what will be the first ever fully-funded, constrained Six-Year Improvement Program this Spring. With the first distribution of resources through the “HB 2” process, Virginians will see projects that will begin to relieve the crippling effects of gridlock and improve quality of life across the Commonwealth.

In the budget for the upcoming biennium we will appropriate an additional \$662.8 million nongeneral fund in fiscal year 2017 and \$335.4 million nongeneral fund in fiscal year 2018 for Transportation, bringing biennial spending for transportation agencies to \$13.4 billion, its highest level ever.

Using a portion of these unanticipated and unallocated funds, the Subcommittee has been able to facilitate a compromise on the long-debated proposal to add a 3<sup>rd</sup> eastbound lane on Interstate 66 inside the Beltway from the Dulles Connector Road to Ballston. The amendments obligate the Commonwealth Transportation Board to dedicate up to \$140 million of the unallocated amounts to this project, with requirements that environmental work commence by July 15, 2016. Construction work will start in 2017 and the new lane will be open to traffic in 2019. This historic agreement is a big

win for Virginia's economy and for the commuters who spend too much time on the most congested road in the most congested region in the country.

This session, the Subcommittee also has worked to ensure that while tolling can be used to help finance high-cost projects that could not otherwise be implemented, limits are imposed to protect our taxpayers from tolling on existing open lanes and from excessive penalties for what often are inadvertent toll violations. One of the reasons we could achieve the historic agreement on I-66 inside the Beltway was because the House passed substantial reforms to the Commonwealth's statewide tolling policy.

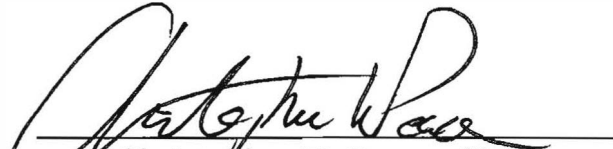
The amendments before you today contain the provisions of that legislation, which restrict pre-existing authority of the Commonwealth Transportation Board, VDOT and the regional transportation authorities. The provisions stipulate there will be no tolls on any non-limited access highways without approval from the General Assembly, no tolls on any existing lanes open to all traffic 24/7 without approval from the General Assembly, and continue tolling restrictions already in law for I-81 and I-95. It also ensures Virginia EZ pass holders are not charged with toll violations due to equipment malfunctions or accidental low balances, caps civil penalties and administrative fees that can be recovered for first time offenders at \$2,200 regardless of the number of violations, and extends the period of time before administrative fees can increase from \$25 to \$100 from 30 days to 60 days.

Mr. Chairman, speaking to specific amendments, I am pleased to report that the subcommittee was able to approve \$350 million in VPBA bonding authority to allow the Virginia Ports Authority to proceed with much needed capacity improvements at Norfolk International Terminals. The amendments also provide funding to support our other major "port" – Dulles Airport, by providing transition funding to help the Airport reduce enplanement costs to ensure the continued operation of a hub airline at this economic engine in Northern Virginia. Release of these funds will be

conditioned on a variety of conditions to ensure the expenditures meet the public interest, and help them achieve long-term sustainability.


In closing, I would like to thank Chairman Jones for the honor of serving in this capacity. The members of the Subcommittee have worked hard and I also appreciate their support in putting the subcommittee budget together. Committee staff will review the attached listing of our recommendations at this time. I hope it will be your pleasure to adopt our subcommittee Report.

Respectfully Submitted by the House Appropriations Subcommittee on  
Transportation:



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Christopher K. Peace, Chairman



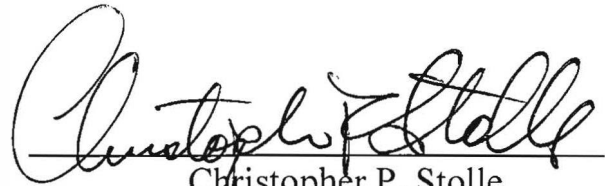
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Richard L. Anderson



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T. Scott Garrett



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Christopher P. Stolle



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L. Nick Rush



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Mark D. Sickles



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Joseph C. Lindsey

## Budget Amendment Recommendations

<u>Amendment</u>	<b>House Bill 29 FY 2016</b>	<u>2016-18 BIENNIAL TOTAL</u>		
		<u>GF</u>	<u>NGF</u>	<u>FTE</u>

### Transportation

#### HB 30 (2016-18 Budget)

#### **Secretary of Transportation**

Technical Corrections	Language
Funding for Dulles Airport Stabilization	Language
Air Rights on Interstate 66	Language
Return of Federal Toll Pilot Project Slot	Language

#### **Department of Aviation**

Limitations on Dulles/MWAA Funding	Language
Review of Dept of Aviation Programs and Funding	Language

#### **Department of Motor Vehicles**

Temporary Authority Intrastate Transport	Language
Database on Nonsalvageable Vehicles	Language
Provision of Records to Toll Operators	Language

#### **Department of Rail and Public Transportation**

Review of VRE Financial Status	Language
Technical Correction	Language
Rail Service Enhancement Norfolk and Roanoke	Language
Capital Prioritization Review	Language

#### **Department of Transportation**

Provide Funding for I-66 Inside the Beltway		\$290,908,679
Access to West Falls Church Metro	Language	
Technical Correction	Language	

#### **Virginia Port Authority**

Craney Island Study to Include Rail Along I-664	Language
Port Economic Development Zone Grant Fund	(4,000,000)
Port Opportunity Fund	Language

#### **Part 5**

Statewide Tolling Policy	Language
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**Transportation**

Secretary of Transportation

Language

**Language:**

Page 369, line 46, strike "Intermediary" and insert "Intermodal".

Page 371, line 2, strike "Item 443" and insert "Item 452."

**Explanation:**

(This amendment corrects two minor technical errors included in House Bill 30 as introduced.)

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**Transportation**

Secretary of Transportation

Language

**Language:**

Page 372, after line 12, insert:

"M. 1. Notwithstanding § 33.2-1527 B., Code of Virginia, out of the funds made available in Item 453, \$25,000,000 the first year and \$25,000,000 the second year may be provided to the Metropolitan Washington Airports Authority for the sole purpose of reducing the airline cost per enplanement at Washington Dulles International Airport to help attract new domestic and international airlines and retain existing air carriers. Such funding shall be utilized to reduce the debt service requirements and total operating costs of the Authority. The first year amount shall not be provided before December 31, 2016.

2. Provided however, that prior to the release of funds to the Authority the Secretary of Transportation shall certify in writing to the Governor and the General Assembly that provision of the funds authorized under this Item are in the public interest, that the funds will be used to supplement not supplant funds otherwise available to the Authority, and that the Authority has set-forth an attainable plan for long-term cost reductions. Funding shall further be conditioned upon the following requirements:

a. No payments shall occur unless and until the Airports Authority has entered into an agreement with the Virginia Department of Transportation that (i) identifies and applies future efforts of the Airports Authority to reduce airline cost per enplanement at Washington Dulles International Airport using financing efficiency savings, available funds, and future revenues in an amount that meets or exceeds the amount of the appropriation provided in this section over the course of the agreement through calendar year 2024, (ii) provides full access to the financial records of the Airports Authority recognizing such financial information will be considered confidential and

*Amendments to House Bill 30, as Introduced*

proprietary and will only be used to verify targets for cost per enplanement reductions, and (iii) sets forth a long-range plan for financial viability of the airport and continued lower levels of cost per enplanement beyond the fiscal year 2016-2018 biennium without additional state support beyond the amounts provided pursuant to § 58.1-538, Code of Virginia; and (iv) sets out a plan to seek approval for the development of portions of property owned by the Airports Authority adjacent to and in the vicinity of the Silver Line Metro Rail station.

b. No payment shall occur in the second year unless and until the Airports Authority has entered into an agreement with one or more airlines operating at Washington Dulles International Airport which ensures the retention of a domestic airline hub service at the airport at least through calendar year 2024; and has provided to the Secretary of Transportation and the Chairmen of the House Appropriations and Senate Finance Committees an estimate of revenues that could be generated by development or disposal of airport property as a means to further reduce long term cost per enplanement.

3. By December 1, 2016 and December 1, 2017, the Airports Authority shall report to the Secretary of Transportation and the Chairmen of the House Appropriations and Senate Finance Committees on the actual and forecasted changes to the cost per enplanement at the Washington Dulles International Airport over the prior year, what portion of the reduction is attributable to state support, what portion attributable to cost reduction measures implemented by the Authority and what portion is attributable to increased passenger traffic at the Airports. Such report shall also include an outline of measures to be taken by the Airports Authority to further reduce cost per enplanement through calendar year 2024."

**Explanation:**

(This amendment moves the appropriation for the Metropolitan Washington Airports Authority included in House Bill 30 as introduced from the Department of Aviation to the Office of the Secretary of Transportation and includes a number of requirements governing receipt of these funds to ensure that the amounts are used to effectuate the long-term viability of the airport and do not serve simply as a short-term solution. The state funding shall be premised on the Secretary of Transportation certifying to the Governor and the General Assembly that such expenditures are in the public interest and shall be matched by equal savings generated by the Authority. The amounts provided will be used to reduce outstanding debt service and offset operating costs. Second year funding is contingent upon the Authority entering into a long-term agreement with a hub airline to continue operating as a hub at Dulles airport through at least calendar year 2024. A companion amendment removes the language from the Department of Aviation.)

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Item 436 #3h

**Transportation**

Secretary of Transportation

Language



**Language:**

Page 372, after line 12, insert:

"M. The Commonwealth Transportation Board is hereby directed to enter into discussions with Arlington and Fairfax Counties regarding use of air rights over Interstate 66 in their respective jurisdictions no later than October 1, 2016. A report on the progress and outcome of such discussions shall be submitted to the Chairmen of the House Appropriations and Transportation Committees and the Senate Finance and Transportation Committees no later than July 15, 2017."

**Explanation:**

(This amendment directs the CTB to begin discussions with Arlington and Fairfax counties regarding air rights over Interstate 66 as it moves forward with the development of the Interstate 66 improvements, with a report due to the General Assembly by July 15, 2017.)

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Item 436 #4h

**Transportation**

Secretary of Transportation

Language

**Language:**

Page 372, after line 12, insert:

"M. As a condition on the funding included in this item, and consistent with the intent of House Bill 1069, 2016 Session of the General Assembly which establishes limits on the Commonwealth's ability to impose tolls on Interstate system and other roadways, the Secretary of Transportation is directed to relinquish the Commonwealth's slot in the federal Interstate System Reconstruction and Rehabilitation Pilot Program to ensure that no tolling occurs on Interstate 95 South of Fredericksburg under the auspices of that pilot program."

**Explanation:**

(This amendment directs the Secretary of Transportation to relinquish Virginia's slot in the Federal Interstate System Reconstruction and Rehabilitation Pilot Program to ensure that no tolling of existing lanes on Interstate 95 South of Fredericksburg occurs. The Secretary has indicated his intention to return the slot, but specific language relating to that program is not included in House Bill 1069.)

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Item 438 #1h

**Transportation**

Department of Aviation

Language

**Language:**

*Amendments to House Bill 30, as Introduced*

Page 373, strike line 7 through line 14.

Page 373, line 15, strike "E." and insert "D."

**Explanation:**

(This amendment removes language regarding the provision of \$25.0 million each year from the Priority Transportation Fund to help reduce enplanement costs at Dulles Airport. A companion amendment to Item 436 moves the authority to provide such an allocation to the Metropolitan Washington Airports Authority provided a series of conditions are met.)

---

Item 438 #2h

**Transportation**

Department of Aviation

Language

**Language:**

Page 373, after line 15, insert:

"F. The Department of Aviation is directed to undertake a review of the programs and funding supported by the share of revenues from the Transportation Trust Fund dedicated to the Department of Aviation and provide a report to the Chairmen of the House Appropriations, Senate Finance and House and Senate Transportation Committees by November 15, 2016. Such report shall include (i) the allocation of funds by airport, annually and cumulatively over the preceding five fiscal years, (ii) a review of revenues, expenditures and balances by program for each of the preceding five fiscal years; (iii) a description of the goals, objectives and outcomes for each program funded by the Department; and, (iv) gaps in funding requested and allocated by program and by airport."

**Explanation:**

(This amendment directs the Department to provide a review of its programs and fund usage to the General Assembly by November 15, 2016. )

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Item 442 #1h

**Transportation**

Department of Motor Vehicles

Language

**Language:**

Page 375, after line 29, insert:

"K. Notwithstanding the provisions of Chapter 21 of Title 46.2, Code of Virginia, the Commissioner of the Department of Motor Vehicles shall be authorized to grant temporary authority to a motor carrier to transport property for compensation on an intrastate basis utilizing a digital platform that connects persons seeking a property transportation service

*Amendments to House Bill 30, as Introduced*

with persons authorized by the motor carrier to transport property. Such temporary authority shall be subject to such reasonable conditions as the Commissioner may impose, and shall be valid only for passenger cars and pickup or panel trucks, as those terms are defined in § 46.2-100, Code of Virginia, which vehicles shall not be required to be issued for-hire license plates under the provisions of § 46.2-711, Code of Virginia. Such temporary authority, unless suspended or revoked, shall be valid for such time as the Department shall specify, but such authority shall not extend beyond 130 days following the adjournment of the next regular session of the General Assembly and shall create no presumption that corresponding permanent authority will be granted thereafter."

**Explanation:**

(This amendment authorizes the DMV Commissioner to grant temporary authority to intrastate motor carriers transporting property utilizing a digital platform to connect the servicer with the customer. This authorization is similar to the process used to temporarily authorize intrastate passenger carriers prior to the adoption of the Transportation Network Companies legislation adopted by the 2015 Session of the General Assembly.)

---

Item 442 #2h

**Transportation**

Department of Motor Vehicles

Language

**Language:**

Page 375, after line 29, insert:

"K. The Virginia Department of Motor Vehicles shall convene a stakeholder work group, to include representatives from DMV, the insurance industry, the salvage/rebuilding industry, auto auction houses, law enforcement and the recycling and scrap metal industry to assess the necessity, feasibility, and cost of the Commonwealth contracting with a third party data consolidator to the National Motor Vehicle Title Information System (NMVTIS) for the development of a statewide database for the submission of data related to the sale and transfer of salvage, nonrepairable, junk, flood or similarly branded vehicles. The work group shall submit a report the Chairmen of the House and Senate Transportation Committees no later than November 1, 2016."

**Explanation:**

(This amendment directs DMV to convene a stakeholder work group to assess the feasibility of contractor with a data consolidator to develop a database related to the sale of salvage and other nonrepairable vehicles. The group would report the the House and Senate Transportation Committees by November 1, 2016.)

---

Item 442 #3h

**Transportation**

Department of Motor Vehicles

Language

**Language:**

Page 375, after line 29, insert:

"K. Notwithstanding the provisions of § 46.2-208 and § 46.2-214, Code of Virginia, the Commission shall be authorized to provide a discounted rate for the provision of records to the operator, authorized agent or employee of a toll facility not acting on behalf of a government entity if such reduced rate shall be offered to effectuate a toll-rate reduction to benefit the general driving public on such facility. Effective July 1, 2016 the Department shall set such rate at \$1.25 per record, provided the affected facility imposes a concurrent reduction to its toll rate equal to \$0.10 per trip. No later than July 1, 2017 the Department shall evaluate the revenues generated from the removal of vehicle registration holds associated with said facility to determine if the revenues generated are sufficient to merit further reduction of the record fees charged to the toll facility operator. The Commissioner shall report on the revenues generated from records fees and vehicle registration hold removals to the Chairmen of the House and Senate Transportation Committees and the House Appropriations and Senate Finance Committees no later than August 15, 2017, along with an explanation of any proposed changes to the vehicle record fees."

**Explanation:**

(This amendment directs the Commissioner of Motor Vehicles to provide records to non-government operated toll facilities at a reduced rate of \$1.25 per record provided the affected toll facility reduces its toll rate by \$0.10.)

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Item 448 #1h

**Transportation**

Department of Rail and Public Transportation

Language

**Language:**

Page 377, line 43, strike "A.3. of Item 462" and insert "B.5. of Item 436".

**Explanation:**

(This amendment corrects a minor technical error in House Bill 30 as introduced.)

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Item 448 #2h

**Transportation**

Department of Rail and Public Transportation

Language

**Language:**

Page 378, after line 23, insert:

"E.1. The Department of Rail and Public Transportation shall develop a proposal to be submitted to the Commonwealth Transportation Board and the General Assembly for a statewide prioritization process for the use of funds allocated pursuant to § 33.2-365, or allocated to the Commonwealth Mass Transit Fund established pursuant to subdivision A 4 of § 58.1-638. Such prioritization process shall be used for the development of a Six-Year Improvement Program for transit capital expenditures to be included in the Program adopted annually by the Commonwealth Transportation Board pursuant to § 33.2-214. The Department shall solicit input from localities, metropolitan planning organizations, transit authorities, transportation authorities, and other stakeholders in its development of the prioritization process pursuant to this paragraph.

2. The prioritization process shall be based on an objective and quantifiable analysis that considers, at a minimum, the following factors relative to the cost of the project or strategy: congestion mitigation, economic development, accessibility, safety, and environmental quality. Such a process for the allocation and distribution of funding shall be in addition to the tiered approach established by the Commonwealth Transportation Board for capital purposes based on asset need and anticipated state participation level and revenues and is intended to foster project-specific prioritization within the asset tiers.

3. The Department shall submit its report on the feasibility and proposed content of such a prioritization scheme to the Chairmen of the House and Senate Transportation Committees, the House Appropriations Committee and the Senate Finance Committee not later than November 15, 2016."

**Explanation:**

(This amendment directs the Department of Rail and Public Transportation to examine how it could better evaluate and prioritize transit capital projects to ensure limited state funds are spent in the most cost-effective manner. The intent would be to replicate a bifurcated process like utilized for VDOT projects under House Bill 2.)

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Item 449 #2h

**Transportation**

Department of Rail and Public Transportation

Language

**Language:**

Page 379, after line 1, insert:

"D. Because of the overwhelming need for the delivery of services provided by the investment in a balanced transportation system in the Commonwealth, and in an effort to deliver intercity passenger trains utilizing the Commonwealth's investments and to increase

*Amendments to House Bill 30, as Introduced*

passenger train frequencies to Norfolk and Roanoke, notwithstanding the provisions of § 33.2-1601 and § 33.2-1603, Code of Virginia, the Commonwealth Transportation Board may only make further investment in intercity passenger rail capacity to serve new markets in North Carolina if the Six-Year Improvement Program adopted pursuant to § 33.2-214 includes sufficient funding to deliver train capacity improvements and provides the funding for service for additional passenger rail frequency to Norfolk and an extension of passenger rail to Roanoke. Any Rail Enhancement Funds utilized for the purposes of the service delivery outlined in this paragraph shall be administered according to the guidelines governing the use of Intercity Passenger Rail Operating and Capital funds."

**Explanation:**

(This amendment prohibits the Department of Rail and Public Transportation from utilizing funds to expand intercity passenger rail service to new markets in North Carolina until it has completed capacity improvements for rail service to Norfolk and Roanoke.)

---

Item 452 #1h

**Transportation**

Department of Transportation

Language

**Language:**

Page 380, after line 15, insert:

"E. At the request of the Virginia Railway Express, the department, with the assistance of the Department of Rail and Public Transportation, shall review the recent Virginia Railway Express long range plan and financial analysis and assess the conclusions of that analysis with respect to the long-term financial viability of the service, their ability to maintain appropriately costed-services to maintain and expand market share, and the Virginia Railway Express's impact on traffic volumes on the Interstate 66 and Interstate 95/395 corridors of statewide significance. The Department shall report its findings to the Secretary of Transportation, the Chairmen of the Senate Finance Committee and the House Appropriations Committee no later than November 15, 2016."

**Explanation:**

(This amendment directs VDOT, with the assistance of DRPT, to review the long range plan and financial analysis of the Virginia Railway Express and evaluate the impact of its services on the I-66, 95 and 395 corridors.)

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Item 453 #2h

**Transportation**

**FY16-17**

**FY17-18**

Department of Transportation

\$184,985,477

\$105,923,202 NGF

*Amendments to House Bill 30, as Introduced*

**Language:**

Page 380, line 16, strike "\$2,077,235,226" and insert "\$2,262,220,703".

Page 380, line 16, strike "\$1,706,699,198" and insert "\$1,812,622,400".

Page 380, line 16, strike "\$2,077,235,226" and insert "\$2,262,220,703".

Page 380, line 16, strike "\$1,706,699,198" and insert "\$1,812,622,400".

Page 380, line 19, strike "\$9,900,000" and insert "\$164,835,012".

Page 380, line 19, strike "\$10,325,000" and insert "\$103,997,402".

Page 380, line 20, strike "\$94,495,331" and insert "\$95,776,727".

Page 380, line 20, strike "\$56,433,224" and insert "\$45,444,527".

Page 380, line 21, strike "\$94,495,331" and insert "\$95,776,727".

Page 380, line 21, strike "\$56,433,224" and insert "\$45,444,527".

Page 380, line 22, strike "\$1,198,948,560" and insert "\$1,226,436,233".

Page 380, line 22, strike "\$899,110,113" and insert "\$933,338,306".

Page 380, line 30, strike "\$90,311,123" and insert "\$99,958,646".

Page 380, line 30, strike "\$90,311,123" and insert "\$105,299,506".

Page 380, line 33, strike "\$53,122,502" and insert "\$53,871,340".

Page 380, line 33, strike "\$53,122,502" and insert "\$55,272,403".

Page 380, line 36, strike "\$65,836,270" and insert "\$70,981,544".

Page 380, line 36, strike "\$65,836,270" and insert "\$69,805,236".

Page 380, line 41, strike "\$18,857,369" and insert "\$20,481,315".

Page 380, line 41, strike "\$18,857,369" and insert "\$20,104,007".

Page 380, line 41, after "federal", strike "and state matching".

Page 380, line 42, after "the", strike "Transportation Alternatives Program" and insert: "Surface Transportation Block Grant Program Set-Aside".

Page 380, line 42, after "USC", strike "213" and insert "133(h)".

Page 381, line 28 after "in", strike "§ 33.2-358 and".

Page 381, after line 39, insert:

"I. Notwithstanding the provisions of § 33.2-358, Code of Virginia, the unanticipated amounts available for construction from the December 2015 revenue forecast and from the increased federal funding from the passage of the Fixing America's Surface Transportation (FAST) Act shall be distributed following the new construction formula defined by § 33.2-358, Code of Virginia, advancing the distribution of funds under this formula and provide 45 percent of the additional funding to the State of Good Repair Program, 27.5 percent to the High Priority Projects Program, and 27.5 percent to the District Grant Program.

J.1. Notwithstanding any other provision of the Code of Virginia, as a condition on the expenditure of all amounts included in this Item, the Commonwealth Transportation Board shall include all amounts needed, not to exceed \$140,000,000, in the fiscal year 2017 through fiscal year 2022 Six-Year Improvement Program adopted pursuant to § 33.2-214, for improvements to the Interstate 66 corridor inside the Capitol Beltway, including but not limited to the addition of a third eastbound travel lane on Interstate 66 from the Dulles Connector Road to State Route 237, North Fairfax Drive/N. Glebe Road exit of Interstate 66.

*Amendments to House Bill 30, as Introduced*

2. Environmental work pursuant to the National Environmental Policy Act for the project outlined in paragraph J.1. shall commence no later than July 15, 2016, and the Department shall complete a minimum of 30 percent of the design work for such capacity expansion by November 1, 2017. Amounts dedicated to such project shall not reduce amounts made available to the High Priority Projects Program or the District Grant Program.

3. It is the intent of the General Assembly that tolling on Interstate 66 inside the Capitol Beltway shall not extend beyond four hours during the morning rush hour and four hours during the evening rush hour on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays, exclusive of national holidays, and tolling shall not apply on weekends."

**Explanation:**

(This amendment appropriates additional transportation funding available for construction based on the December 2015 revisions to revenue forecast and from the increased federal funding available from the passage of the Fixing America's Surface Transportation (FAST) Act. It stipulates that these amounts will be distributed following the new construction formula adopted pursuant to House Bill 1887, 2015 Session of the General Assembly and set out in § 33.2-358, Code of Virginia, providing 45% of the funds to the State of Good Repair Program, and 27.5% each to the High Priority Projects and District Grant Programs.

It further requires that as a condition on expenditures of the amounts allocated for highway construction, the Commonwealth Transportation Board must include adequate funding in the fiscal year 2017-2022 Six Year Improvement Program to add a third eastbound travel lane on Interstate 66 from the Dulles Connector Road to the Glebe Road/Fairfax Drive exit, and begin environmental work on such project by July 15, 2016 and complete a minimum of 30% of the design work by November 1, 2017.)

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Item 453 #3h

**Transportation**

Department of Transportation

Language

**Language:**

Page 381, after line 39, insert:

"I. The Department of Transportation shall work with affected parties to develop a plan to accommodate toll-free access from Interstate 66 to the West Falls Church Metro Station or to develop a mechanism to refund tolls to drivers traveling on Interstate 66 inside the Beltway solely for the purpose of accessing the Metro station. Such plan shall not impact toll amounts paid for travel on Interstate 66 outside the Beltway. The Department shall report to the Chairmen of the House Appropriations, Senate Finance and House and Senate Transportation Committees on the feasibility of such a process, which would be implemented coinciding with the imposition of rush-hour tolling of HOT lanes in Interstate 66 inside the



*Amendments to House Bill 30, as Introduced*

Capitol Beltway, by November 15, 2016."

**Explanation:**

(This amendment directs VDOT to develop a plan to allow for toll-free access on Interstate 66 inside the Beltway for those driving only to reach the West Falls Church Metro Station.)

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Item 457 #1h

**Transportation**

Department of Transportation

Language

**Language:**

Page 386, line 19, strike "of this Act" and insert:  
"of Chapter 665, 2015 Acts of Assembly."

**Explanation:**

(This amendment makes a minor technical correction to House Bill 30 as introduced.)

---

Item 463 #1h

**Transportation**

Virginia Port Authority

Language

**Language:**

Page 390, after line 51, insert:  
"E. The Virginia Port Authority shall include the Commonwealth Railway Mainline Safety Relocation Project Phase 2 - I-664 Pughsville Road to Bowers Hill - Feasibility Study as part of its long-range plan for the development of the Craney Island Marine Terminal and creating road and rail access to such terminal."

**Explanation:**

(This amendment directs the VPA to include phase 2 of the feasibility study for Phase 2 of the Commonwealth Railway Mainline Safety Relocation Project as part of its long-range plan for the development of Craney Island. The terminal will be designed to serve super post-Panamax class vessels via a 50-foot navigation channel, direct interchange to the interstate highway system, and double-stack intermodal rail service. The terminal will be planned as a semi-automated operation, with a mix of manual and automated container handling equipment. The construction of Craney Island will increase container throughput on the west side of the Elizabeth River, away from the region's most congested tunnels and bridges, and in close proximity to rail facilities and distribution locations.)

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*Amendments to House Bill 30, as Introduced*

Item 464 #2h

**Transportation**

**FY16-17**

**FY17-18**

Virginia Port Authority

(\$2,000,000)

(\$2,000,000) GF

**Language:**

Page 390, line 52, strike "\$5,372,625" and insert "\$3,372,625".

Page 390, line 52, strike "\$5,437,625" and insert "\$3,437,625".

Page 391, line 16, strike "in this Item" and insert:  
"Item 106 A. 1."

**Explanation:**

(This amendment removes the direct deposit of general fund revenues into the Port Infrastructure Development Zone Grant Fund and instead redirects a portion of the Commonwealth Opportunity Fund for such purpose. This mirrors the action taken in the current budget, Chapter 665 of the 2015 Session of the General Assembly.)

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Item 464 #3h

**Transportation**

Virginia Port Authority

Language

**Language:**

Page 391, after line 21, insert:

"C. 1. Notwithstanding the provisions of § 62.1-132.3:1, Code of Virginia, the Treasurer shall not transfer to the Port Opportunity Fund an amount equal to five percent of that year's revenues from terminal operations unless the Secretary of Transportation determines that such a transfer is in the long-term interest of the Authority. Such determination shall be made in writing by the Secretary of Transportation to the Executive Director of the Authority and the Treasurer no later than August 30 of the ensuing fiscal year.

2. The Secretary, in conjunction with the Port Authority Board of Commissioners, shall evaluate whether the forecasted revenue and the planned operational and capital needs of the Virginia Ports Authority for the next ten years support the mandatory deposit of funding into, and continuation of, the Port Opportunity Fund as required by § 62.1-132.3:1, Code of Virginia, and report to the General Assembly its recommendations regarding modifications to or the elimination of such requirements no later than November 15, 2016."

**Explanation:**

(This amendment directs the VPA Board of Commissioners and the Secretary of Transportation to evaluate whether the current structure of the Port Opportunity Fund is in the best long-term interest of the Port Authority and report its findings to the General

*Amendments to House Bill 30, as Introduced*

Assembly by November 15, 2016. It also eliminates the automatic transfer of excess terminal revenues to the Fund and instead stipulates such a deposit will occur only upon request.)

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Item 4-14 #1h

**Effective Date**

Language

**Language:**

Page 503, after line 48, insert:

**"2. That §§ 33.2-309, 33.2-500, 33.2-503, 46.2-208, 46.2-819.1, 46.2-819.3, 46.2-819.3:1, and 46.2-819.6 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 1 of Title 33.2 a section numbered 33.2-118, by adding in Article 3 of Chapter 2 of Title 33.2 a section numbered 33.2-255.1, and by adding in Article 1 of Chapter 8 of Title 46.2 a section numbered 46.2-819.8 as follows:**

*§ 33.2-118. Limitation on tolling.*

*A. For purposes of this section, "auxiliary lane" means the portion of the roadway adjoining the traveled way for speed change, turning, weaving, truck climbing, or maneuvering of entering and leaving traffic.*

*B. Notwithstanding any other provision of this title, no toll may be imposed or collected on un-tolled lanes or components of a highway, bridge, or tunnel without approval from the General Assembly. However, such prohibition shall not apply to (i) reconstruction with additional lanes of a highway, provided that the number of un-tolled, non-high-occupancy vehicle lanes, excluding auxiliary lanes, after the reconstruction is not less than the number of un-tolled, non-high-occupancy vehicle lanes, excluding auxiliary lanes, prior to such reconstruction; (ii) new construction that is opened to the public as a tolled facility; (iii) new construction that is opened to the public as high-occupancy vehicle lanes or existing high-occupancy vehicle lanes; (iv) auxiliary lanes; or (v) an existing lane of traffic on a segment of highway between an interchange and an interchange or an interchange and a bridge where the highway has or will have toll lanes on the portions of the highway adjacent to such segment, provided that (a) the number of general purpose lanes after such conversion on the segment is equal to the number of general purpose lanes on the highway adjacent to such segment and (b) the length of such segment does not exceed 10 miles.*

*C. Notwithstanding the provisions of subsection B, prior approval of the General Assembly shall be required prior to the imposition and collection of any toll for use of all or any portion of (i) a non-limited access highway except for a bridge, tunnel, or the approaches to a bridge or tunnel or (ii) Interstate 81.*

*§ 33.2-255.1. Electronic notification of toll violations.*

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*For the purpose of electronic notification of unpaid tolls, the Department shall request email addresses and personal cell phone numbers from all holders of an account for an electronic toll collection device that is property of the Commonwealth.*

*The Department shall electronically notify within 108 hours of an unpaid toll a holder of an account for an electronic toll collection device that is property of the Commonwealth of each unpaid toll associated with the account and each unpaid toll for a vehicle whose license plate is associated with an account. The Department shall provide a second electronic notification on the eighth day after the unpaid toll. Such notification requirements shall only apply to accounts where the account holder has provided the Department with an email address or cell phone number. Such notification shall be for informational purposes only and the notice, or lack thereof, shall not alter or amend the requirement that an owner or operator pay all required tolls, fines, penalties, and fees.*

*All toll operators in the Commonwealth shall notify the Department of an unpaid toll on a facility it operates related to an account for an electronic toll collection device that is the property of the Commonwealth within 96 hours of such violation.*

§ 33.2-309. Tolls for use of Interstate System components.

~~A. Notwithstanding any contrary provision of this title Subject to the limitations provided in § 33.2-118 and in accordance with all applicable federal and state statutes and requirements, the Board may impose and collect tolls from all classes of vehicles in amounts established by the Board for the use of any component of the Interstate System within the Commonwealth. However, prior approval of the General Assembly shall be required prior to the imposition and collection of any toll for use of all or any portion of Interstate 81. Prior approval of the General Assembly shall also be required prior to the imposition or collection of any toll for use of Interstate 95 south of Fredericksburg pursuant to the Interstate System Reconstruction or Rehabilitation Pilot Program. Such funds so collected shall be deposited into the Transportation Trust Fund established pursuant to § 33.2-1524, subject to allocation by the Board as provided in this section.~~

B. The toll facilities authorized by this section shall be subject to the provisions of federal law for the purpose of tolling motor vehicles to finance interstate construction and reconstruction, promote efficiency in the use of highways, reduce traffic congestion, and improve air quality and for such other purposes as may be permitted by federal law.

C. In order to mitigate traffic congestion in the vicinity of the toll facilities, no toll facility shall be operated without high-speed automated toll collection technology designed to allow motorists to travel through the toll facilities without stopping to make payments. Nothing in this subsection shall be construed to prohibit a toll facility from retaining means of nonautomated toll collection in some lanes of the facility. The Board shall also consider traffic congestion and mitigation thereof and the impact on local traffic movement as factors in determining the location of the toll facilities authorized pursuant to this section.

D. The revenues collected from each toll facility established pursuant to this section shall be

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deposited into segregated subaccounts in the Transportation Trust Fund and may be allocated by the Board as the Board deems appropriate to:

1. Pay or finance all or part of the costs of programs or projects, including the costs of planning, operation, maintenance, and improvements incurred in connection with the toll facility, provided that such allocations shall be limited to programs and projects that are reasonably related to or benefit the users of the toll facility. The priorities of metropolitan planning organizations, planning district commissions, local governments, and transportation corridors shall be considered by the Board in making project allocations from such revenues deposited into the Transportation Trust Fund.
2. Repay funds from the Toll Facilities Revolving Account or the Transportation Partnership Opportunity Fund.
3. Pay the Board's reasonable costs and expenses incurred in the administration and management of the toll facility.

§ 33.2-500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"High-occupancy requirement" means the number of persons required to be traveling in a vehicle for the vehicle to use HOT lanes without the payment of a toll. Emergency vehicles, law-enforcement vehicles being used in HOT lanes in the performance of law-enforcement duties, which shall not include the use of such vehicles for commuting to and from the workplace or for any purpose other than responding to an emergency incident, patrolling HOT lanes pursuant to an agreement by a state agency with the HOT lanes operator, or the time-sensitive investigation, active surveillance, or actual pursuit of persons known or suspected to be engaged in or with knowledge of criminal activity, and mass transit vehicles and commuter buses shall meet the high-occupancy requirement for HOT lanes, regardless of the number of occupants in the vehicle.

"High-occupancy toll lanes" or "HOT lanes" means a *highway or* portion of a highway containing one or more travel lanes separated from other lanes that has an electronic toll collection system, provides for free passage by vehicles that meet the high-occupancy requirement, *including mass transit vehicles and commuter buses*, and contains a photo-enforcement system for use in such electronic toll collection. HOT lanes shall not be a "toll facility" or "HOV lanes" for the purposes of any other provision of law or regulation.

"High-occupancy vehicle lanes" or "HOV lanes" means a *highway or* portion of a highway containing one or more travel lanes for the travel of high-occupancy vehicles or buses as designated pursuant to § 33.2-501.

"HOT lanes operator" means the operator of the facility containing HOT lanes, which may include the Department of Transportation or some other entity.

"Mass transit vehicles" and "commuter buses" means vehicles providing a scheduled transportation service to the general public. Such vehicles shall comprise nonprofit, publicly or privately owned or operated transportation services, programs, or systems that may be funded pursuant to § 58.1-638.

"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles or with the equivalent agency in another state. "Owner" does not mean a vehicle

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rental or vehicle leasing company.

"Photo-enforcement system" means a sensor installed in conjunction with a toll collection device to detect the presence of a vehicle that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle's license plate at the time it is detected by the toll collection device.

"Unauthorized vehicle" means a motor vehicle that is restricted from use of the HOT lanes pursuant to subdivision 4 a of § 33.2-503 *or does not meet the high-occupancy requirement and indicates with its electronic toll collection device that it meets the applicable high-occupancy requirements.*

§ 33.2-503. HOT lanes enforcement.

Any person operating a motor vehicle on designated HOT lanes shall make arrangements with the HOT lanes operator for payment of the required toll prior to entering such HOT lanes. The driver of a vehicle who enters the HOT lanes in an unauthorized vehicle, in violation of the conditions for use of such HOT lanes established pursuant to § 33.2-502, without payment of the required toll or without having made arrangements with the HOT lanes operator for payment of the required toll shall have committed a violation of this section, which may be enforced in the following manner:

1. On a form prescribed by the Supreme Court, a summons for civil violation of this section may be executed by a law-enforcement officer, when such violation is observed by such officer. The form shall contain the option for the driver of the vehicle to prepay the unpaid toll and all penalties, administrative fees, and costs.

2. a. A HOT lanes operator shall install and operate, or cause to be installed or operated, a photo-enforcement system at locations where tolls are collected for the use of such HOT lanes.

b. A summons for civil violation of this section may be executed pursuant to this subdivision, when such violation is evidenced by information obtained from a photo-enforcement system as defined in this chapter. A certificate, sworn to or affirmed by a technician employed or authorized by the HOT lanes operator, or a facsimile of such a certificate, based on inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo-enforcement system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation under this subdivision. Any vehicle rental or vehicle leasing company, if named in a summons, shall be released as a party to the action if it provides to the HOT lanes operator a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee prior to the date of hearing set forth in the summons. Upon receipt of such rental agreement, lease, or affidavit, a summons shall be issued for the renter or lessee identified therein. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.).

c. On a form prescribed by the Supreme Court, a summons issued under this subdivision may be executed ~~pursuant to~~ *as provided in* § 19.2-76.2. Such form shall contain the option for



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the driver or registered owner to prepay the unpaid toll and all penalties, administrative fees, and costs. HOT lanes operator personnel or their agents mailing such summons shall be considered conservators of the peace for the sole and limited purpose of mailing such summons. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles or, if the registered owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to this subdivision, such named operator of the vehicle. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

d. The registered owner of such vehicle shall be given reasonable notice by way of a summons as provided in this subdivision that his vehicle had been used in violation of this section, and such owner shall be given notice of the time and place of the hearing and notice of the civil penalty and costs for such offense.

Upon the filing of an affidavit with the court at least 14 days prior to the hearing date by the registered owner of the vehicle stating that he was not the driver of the vehicle on the date of the violation and providing the legal name and address of the driver of the vehicle at the time of the violation, a summons will also be issued to the alleged driver of the vehicle at the time of the offense. The affidavit shall constitute prima facie evidence that the person named in the affidavit was driving the vehicle at all the relevant times relating to the matter named in the affidavit.

If the registered owner of the vehicle produces a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained stolen at the time of the alleged offense, then the court shall dismiss the summons issued to the registered owner of the vehicle.

3. a. The HOT lanes operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. The operator of the vehicle shall pay the unpaid tolls and any administrative fee detailed in a notice or invoice issued by a HOT lanes operator. If paid within ~~30~~ 60 days of notification, the administrative fee shall not exceed \$25.

b. Upon a finding by a court of competent jurisdiction that the driver of the vehicle observed by a law-enforcement officer under subdivision 1 or the vehicle described in the summons for civil violation issued pursuant to evidence obtained by a photo-enforcement system under subdivision 2 was in violation of this section, the court shall impose a civil penalty upon the driver of such vehicle issued a summons under subdivision 1, or upon the driver or registered owner of such vehicle issued a summons under subdivision 2, payable to the HOT lanes operator as follows: for a first offense, \$50; for a second offense, ~~\$250~~ \$100; for a third offense within a period of two years of the second offense, ~~\$500~~ \$250; and for a fourth and subsequent offense within a period of three years of the second offense, ~~\$1,000~~ \$500, together with, in each case, the unpaid toll, all accrued administrative fees imposed by the HOT lanes operator as authorized by this section, and applicable court costs. The court shall

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remand penalties, the unpaid toll, and administrative fees assessed for violation of this section to the treasurer or director of finance of the county or city in which the violation occurred for payment to the HOT lanes operator for expenses associated with operation of the HOT lanes and payments against any bonds or other liens issued as a result of the construction of the HOT lanes. No person shall be subject to prosecution under both subdivisions 1 and 2 for actions arising out of the same transaction or occurrence.

*c. Notwithstanding subdivisions a and b, for a first conviction of a driver or registered owner of a vehicle under this section the total amount for the first conviction shall not exceed \$2,200, including civil penalties and administrative fees regardless of the total number of offenses the driver or registered owner of a vehicle is convicted of on that date.*

*d. Upon a finding by a court that a person has violated this section, in the event such person fails to pay the required penalties, fees, and costs, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall suspend all of the registration certificates and license plates issued for any motor vehicles registered solely in the name of such person and shall not issue any registration certificate or license plate for any other vehicle that such person seeks to register solely in his name until the court has notified the Commissioner of the Department of Motor Vehicles that such penalties, fees, and costs have been paid. The HOT lanes operator and the Commissioner of the Department of Motor Vehicles may enter into an agreement whereby the HOT lanes operator may reimburse the Department of Motor Vehicles for its reasonable costs to develop, implement, and maintain this enforcement mechanism, and that specifies that the Commissioner of the Department of Motor Vehicles shall have an obligation to suspend such registration certificates so long as the HOT lanes operator makes the required reimbursements in a timely manner in accordance with the agreement.*

~~*d.*~~ *e. Except as provided in subdivisions 4 and 5, imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator of a motor vehicle under Title 46.2 and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.*

4. a. The HOT lanes operator may restrict the usage of the HOT lanes to designated vehicle classifications pursuant to an interim or final comprehensive agreement executed pursuant to § 33.2-1808 or 33.2-1809. Notice of any such vehicle classification restrictions shall be provided through the placement of signs or other markers prior to and at all HOT lanes entrances.

b. Any person driving an unauthorized vehicle on the designated HOT lanes is guilty of a traffic infraction, which shall not be a moving violation, and shall be punishable as follows: for a first offense, by a fine of \$125; for a second offense within a period of five years from a first offense, by a fine of \$250; for a third offense within a period of five years from a first offense, by a fine of \$500; and for a fourth and subsequent offense within a period of five years from a first offense, by a fine of \$1,000. *No person shall be subject to prosecution under both this subdivision and subdivision 1 or 2 for actions arising out of the same transaction or occurrence.*

Upon a conviction under this subdivision, the court shall furnish to the Commissioner of the



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Department of Motor Vehicles, in accordance with § 46.2-383, an abstract of the record of such conviction, which shall become a part of the person's driving record. Notwithstanding the provisions of § 46.2-492, no driver demerit points shall be assessed for any violation of this subdivision, except that persons convicted of a second, third, fourth, or subsequent violation within five years of a first offense shall be assessed three demerit points for each such violation.

5. The driver of a vehicle who enters the HOT lanes by crossing through any barrier, buffer, or other area separating the HOT lanes from other lanes of travel is guilty of a violation of § 46.2-852, unless the vehicle is a state or local law-enforcement vehicle, firefighting truck, or emergency medical services vehicle used in the performance of its official duties. No person shall be subject to prosecution both under this subdivision and under subdivision 1, 2, or 4 for actions arising out of the same transaction or occurrence.

Upon a conviction under this subdivision, the court shall furnish to the Commissioner of the Department of Motor Vehicles in accordance with § 46.2-383 an abstract of the record of such conviction, which shall become a part of the convicted person's driving record.

6. No person shall be subject to prosecution both under this section and under § 33.2-501, 46.2-819, or 46.2-819.1 for actions arising out of the same transaction or occurrence.

7. Any action under this section shall be brought in the general district court of the county or city in which the violation occurred.

§ 46.2-208. Records of Department; when open for inspection; release of privileged information.

A. All records in the office of the Department containing the specific classes of information outlined below shall be considered privileged records:

1. Personal information, including all data defined as "personal information" in § 2.2-3801;
2. Driver information, including all data that relates to driver's license status and driver activity; and
3. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle activity data.

B. The Commissioner shall release such information only under the following conditions:

1. Notwithstanding other provisions of this section, medical data included in personal data shall be released only to a physician, physician assistant, or nurse practitioner as provided in § 46.2-322.
2. Insurance data may be released as specified in §§ 46.2-372, 46.2-380, and 46.2-706.
3. Notwithstanding other provisions of this section, information disclosed or furnished shall be assessed a fee as specified in § 46.2-214.
4. When the person requesting the information is (i) the subject of the information, (ii) the parent or guardian of the subject of the information, (iii) the authorized representative of the subject of the information, or (iv) the owner of the vehicle that is the subject of the information, the Commissioner shall provide him with the requested information and a complete explanation of it. Requests for such information need not be made in writing or in person and may be made orally or by telephone, provided that the Department is satisfied

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that there is adequate verification of the requester's identity. When so requested in writing by (a) the subject of the information, (b) the parent or guardian of the subject of the information, (c) the authorized representative of the subject of the information, or (d) the owner of the vehicle that is the subject of the information, the Commissioner shall verify and, if necessary, correct the personal information provided and furnish driver and vehicle information in the form of an abstract of the record.

5. On the written request of any insurance carrier, surety, or representative of an insurance carrier or surety, the Commissioner shall furnish such insurance carrier, surety, or representative an abstract of the record of any person subject to the provisions of this title. The abstract shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which he was involved and a report of which is required by § 46.2-372. No such report of any conviction or accident shall be made after 60 months from the date of the conviction or accident unless the Commissioner or court used the conviction or accident as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or accident pertaining thereto shall not be reported after 60 months from the date that the driver's license or driving privilege has been reinstated. This abstract shall not be admissible in evidence in any court proceedings.

6. On the written request of any business organization or its agent, in the conduct of its business, the Commissioner shall compare personal information supplied by the business organization or agent with that contained in the Department's records and, when the information supplied by the business organization or agent is different from that contained in the Department's records, provide the business organization or agent with correct information as contained in the Department's records. Personal information provided under this subdivision shall be used solely for the purpose of pursuing remedies that require locating an individual.

7. The Commissioner shall provide vehicle information to any business organization or agent on such business' or agent's written request. Disclosures made under this subdivision shall not include any personal information and shall not be subject to the limitations contained in subdivision 6.

8. On the written request of any motor vehicle rental or leasing company or its designated agent, the Commissioner shall (i) compare personal information supplied by the company or agent with that contained in the Department's records and, when the information supplied by the company or agent is different from that contained in the Department's records, provide the company or agent with correct information as contained in the Department's records and (ii) provide the company or agent with driver information in the form of an abstract of any person subject to the provisions of this title. Such abstract shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which the subject of the abstract was involved and a report of which is required by § 46.2-372. No such abstract shall include any record of any conviction or accident more than 60 months after the date of such conviction or accident unless the Commissioner or court used the conviction or accident as a reason for the suspension or revocation of a driver's license or driving privilege, in which

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case the revocation or suspension and any conviction or accident pertaining thereto shall cease to be included in such abstract after 60 months from the date on which the driver's license or driving privilege was reinstated. No abstract released under this subdivision shall be admissible in evidence in any court proceedings.

9. On the request of any federal, state, or local governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, the Commissioner shall (i) compare personal information supplied by the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, with that contained in the Department's records and, when the information supplied by the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, is different from that contained in the Department's records, provide the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, with correct information as contained in the Department's records and (ii) provide driver and vehicle information in the form of an abstract of the record showing all convictions, accidents, driver's license suspensions or revocations, and other appropriate information as the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, may require in order to carry out its official functions. The abstract shall be provided free of charge.

10. On request of the driver licensing authority in any other state or foreign country, the Commissioner shall provide whatever classes of information the requesting authority shall require in order to carry out its official functions. The information shall be provided free of charge.

11. On the written request of any employer, prospective employer, or authorized agent of either, and with the written consent of the individual concerned, the Commissioner shall (i) compare personal information supplied by the employer, prospective employer, or agent with that contained in the Department's records and, when the information supplied by the employer, prospective employer, or agent is different from that contained in the Department's records, provide the employer, prospective employer, or agent with correct information as contained in the Department's records and (ii) provide the employer, prospective employer, or agent with driver information in the form of an abstract of an individual's record showing all convictions, accidents, driver's license suspensions or revocations, and any type of driver's license that the individual currently possesses, provided that the individual's position or the position that the individual is being considered for involves the operation of a motor vehicle.

12. On the written request of any member of or applicant for membership in a volunteer fire company or any volunteer emergency medical services personnel or applicant to serve as volunteer emergency medical services personnel, the Commissioner shall (i) compare personal information supplied by the volunteer fire company or volunteer emergency medical services agency with that contained in the Department's records and, when the

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information supplied by the volunteer fire company or volunteer emergency medical services agency is different from that contained in the Department's records, provide the volunteer fire company or volunteer emergency medical services agency with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the member's, personnel, or applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate written evidence that the person is a member of or applicant for membership in a volunteer fire company or a volunteer emergency medical services agency to serve as a member of a volunteer emergency medical services agency and the abstract is needed by a volunteer fire company or volunteer emergency medical services agency to establish the qualifications of the member, volunteer, or applicant to operate equipment owned by the volunteer fire company or volunteer emergency medical services agency.

13. On the written request of any person who has applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America, the Commissioner shall (i) compare personal information supplied by a Virginia affiliate of Big Brothers/Big Sisters of America with that contained in the Department's records and, when the information supplied by a Virginia affiliate of Big Brothers/Big Sisters of America is different from that contained in the Department's records, provide the Virginia affiliate of Big Brothers/Big Sisters of America with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America.

14. On the written request of any person who has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153, the Commissioner shall provide an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153.

15. Upon the request of any employer, prospective employer, or authorized representative of either, the Commissioner shall (i) compare personal information supplied by the employer, prospective employer, or agent with that contained in the Department's records and, when the information supplied by the employer, prospective employer, or agent is different from that contained in the Department's records, provide the employer, prospective employer, or agent with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the driving record of any individual who has been issued a commercial driver's license, provided that the individual's position or the position that the individual is being considered for involves the operation of a commercial motor vehicle. Such abstract shall show all convictions, accidents, license suspensions, revocations,

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or disqualifications, and any type of driver's license that the individual currently possesses.

16. Upon the receipt of a completed application and payment of applicable processing fees, the Commissioner may enter into an agreement with any governmental authority or business to exchange information specified in this section by electronic or other means.

17. Upon the request of an attorney representing a person in a motor vehicle accident, the Commissioner shall provide vehicle information, including the owner's name and address, to the attorney.

18. Upon the request, in the course of business, of any authorized representative of an insurance company or of any not-for-profit entity organized to prevent and detect insurance fraud, or perform rating and underwriting activities, the Commissioner shall provide to such person (i) all vehicle information, including the owner's name and address, descriptive data and title, registration, and vehicle activity data as requested or (ii) all driver information including name, license number and classification, date of birth, and address information for each driver under the age of 22 licensed in the Commonwealth of Virginia meeting the request criteria designated by such person, with such request criteria consisting of driver's license number or address information. No such information shall be used for solicitation of sales, marketing, or other commercial purposes.

19. Upon the request of an officer authorized to issue criminal warrants, for the purpose of issuing a warrant for arrest for unlawful disposal of trash or refuse in violation of § 33.2-802 the Commissioner shall provide vehicle information, including the owner's name and address.

20. Upon written request of the compliance agent of a private security services business, as defined in § 9.1-138, which is licensed by the Department of Criminal Justice Services, the Commissioner shall provide the name and address of the owner of the vehicle under procedures determined by the Commissioner.

21. Upon the request of the operator of a toll facility or traffic light photo-monitoring system acting on behalf of a government entity, or of the Dulles Access Highway, or an authorized agent or employee of a toll facility operator or traffic light photo-monitoring system operator acting on behalf of a government entity or the Dulles Access Highway, for the purpose of obtaining vehicle owner data under subsection ~~E~~ M of § 46.2-819.1 or subsection H of § 15.2-968.1 or subsection N of § 46.2-819.5. Information released pursuant to this subdivision shall be limited to the name and address of the registered owner of the vehicle having failed to pay a toll or having failed to comply with a traffic light signal or having improperly used the Dulles Access Highway and the vehicle information, including all descriptive vehicle data and title and registration data of the same vehicle.

22. On the written request of any person who has applied to be a volunteer with a Virginia affiliate of Compeer, the Commissioner shall (i) compare personal information supplied by a Virginia affiliate of Compeer with that contained in the Department's records and, when the information supplied by a Virginia affiliate of Compeer is different from that contained in the Department's records, provide the Virginia affiliate of Compeer with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such



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abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a Virginia affiliate of Compeer.

23. Upon the request of the Department of Environmental Quality for the purpose of obtaining vehicle owner data in connection with enforcement actions involving on-road testing of motor vehicles, pursuant to § 46.2-1178.1.

24. On the written request of any person who has applied to be a volunteer vehicle operator with a Virginia chapter of the American Red Cross, the Commissioner shall (i) compare personal information supplied by a Virginia chapter of the American Red Cross with that contained in the Department's records and, when the information supplied by a Virginia chapter of the American Red Cross is different from that contained in the Department's records, provide the Virginia chapter of the American Red Cross with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of the American Red Cross.

25. On the written request of any person who has applied to be a volunteer vehicle operator with a Virginia chapter of the Civil Air Patrol, the Commissioner shall (i) compare personal information supplied by a Virginia chapter of the Civil Air Patrol with that contained in the Department's records and, when the information supplied by a Virginia chapter of the Civil Air Patrol is different from that contained in the Department's records, provide the Virginia chapter of the Civil Air Patrol with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of the Civil Air Patrol.

26. On the written request of any person who has applied to be a volunteer vehicle operator with Faith in Action, the Commissioner shall (i) compare personal information supplied by Faith in Action with that contained in the Department's records and, when the information supplied by Faith in Action is different from that contained in the Department's records, provide Faith in Action with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with Faith in Action.

27. On the written request of the surviving spouse or child of a deceased person or the executor or administrator of a deceased person's estate, the Department shall, if the deceased person had been issued a driver's license or special identification card by the Department,

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supply the requestor with a hard copy image of any photograph of the deceased person kept in the Department's records.

28. On the written request of any person who has applied to be a volunteer with a Virginia Council of the Girl Scouts of the USA, the Commissioner shall (i) compare personal information supplied by a Virginia Council of the Girl Scouts of the USA with that contained in the Department's records and, when the information supplied by a Virginia Council of the Girl Scouts of the USA is different from that contained in the Department's records, provide a Virginia Council of the Girl Scouts of the USA with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with the Virginia Council of the Girl Scouts of the USA.

C. Whenever the Commissioner issues an order to suspend or revoke the driver's license or driving privilege of any individual, he may notify the National Driver Register Service operated by the ~~United States~~ U.S. Department of Transportation and any similar national driver information system and provide whatever classes of information the authority may require.

D. Accident reports may be inspected under the provisions of §§ 46.2-379 and 46.2-380.

E. Whenever the Commissioner takes any licensing action pursuant to the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), he may provide information to the Commercial Driver License Information System, or any similar national commercial driver information system, regarding such action.

F. In addition to the foregoing provisions of this section, vehicle information may also be inspected under the provisions of §§ 46.2-633, 46.2-644.02, 46.2-644.03, and §§ 46.2-1200.1 through 46.2-1237.

G. The Department may promulgate regulations to govern the means by which personal, vehicle, and driver information is requested and disseminated.

H. Driving records of any person accused of an offense involving the operation of a motor vehicle shall be provided by the Commissioner upon request to any person acting as counsel for the accused. If such counsel is from the public defender's office or has been appointed by the court, such records shall be provided free of charge.

I. The Department shall maintain the records of persons convicted of violations of § 18.2-36.2, subsection B of § 29.1-738, and §§ 29.1-738.02, 29.1-738.2, and 29.1-738.4 which shall be forwarded by every general district court or circuit court or the clerk thereof, pursuant to §

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46.2-383. Such records shall be electronically available to any law-enforcement officer as provided for under clause (ii) of subdivision B 9.

J. Whenever the Commissioner issues a certificate of title for a motor vehicle, he may notify the National Motor Vehicle Title Information System, or any other nationally recognized system providing similar information, or any entity contracted to collect information for such system, and may provide whatever classes of information are required by such system.

§ 46.2-819.1. Installation and use of photo-monitoring system or automatic vehicle identification system in conjunction with electronic or manual toll facilities; penalty.

A. *For purposes of this section:*

*"Automatic vehicle identification device" means an electronic device that communicates by wireless transmission with an automatic vehicle identification system.*

*"Automatic vehicle identification system" means an electronic vehicle identification system installed to work in conjunction with a toll collection device that automatically produces an electronic record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility.*

*"Operator of a toll facility other than the Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility.*

*"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles. For purposes of this section, "owner" does not mean a vehicle rental or vehicle leasing company.*

*"Photo-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection device that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this section.*

B. The operator of any toll facility or the locality within which such toll facility is located may install and operate or cause to be installed and operated a photo-monitoring system or automatic vehicle identification system, or both, at locations where tolls are collected for the use of such toll facility. The operator of a toll facility shall send an invoice or bill for unpaid tolls to the registered owner of a vehicle as part of an electronic or manual toll collection process, prior to seeking remedies under this section.

~~B-C.~~ Information collected by a photo-monitoring system or automatic vehicle identification system installed and operated pursuant to subsection ~~A~~ B shall be limited exclusively to that information that is necessary for the collection of unpaid tolls. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other data collected by a photo-monitoring system or automatic vehicle identification system shall be used exclusively for the collection of unpaid tolls and shall not (i) be open to the public; (ii) be sold and/or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any other entity except as may be necessary for the collection of unpaid tolls or to a vehicle owner or operator as part of a challenge to the imposition of a toll; and (iv) be used in a court



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in a pending action or proceeding unless the action or proceeding relates to a violation of this section or upon order from a court of competent jurisdiction. Information collected under this section shall be purged and not retained later than 30 days after the collection and reconciliation of any unpaid tolls, administrative fees, and/or civil penalties. Any entity operating a photo-monitoring system or automatic vehicle identification system shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or their designee. Any violation of this subsection shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law, any money or other thing of value obtained as a result of a violation of this section shall be forfeited to the Commonwealth.

The toll facility operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. Such fee may be levied upon the operator of the vehicle after the first unpaid toll has been documented. The operator of the vehicle shall pay the unpaid toll and any administrative fee detailed in an invoice for the unpaid toll issued by a toll facility operator. If paid within ~~30~~ 60 days of notification, the administrative fee shall not exceed \$25.

~~E.~~ *D.* If the matter proceeds to court, the registered owner or operator of a vehicle shall be liable for a civil penalty as follows: for a first offense, \$50; for a second offense within one year from the first offense, \$100; for a third offense within two years from the second offense, \$250; and for a fourth and any subsequent offense within three years from the second offense, \$500 plus, in each case, the unpaid toll, all accrued administrative fees imposed by the toll facility operator, and applicable court costs if the vehicle is found, as evidenced by information obtained from a photo-monitoring system or automatic vehicle identification system as provided in this section, to have used such a toll facility without payment of the required toll.

*E.* *Notwithstanding subsections C and D, for a first conviction of a driver or registered owner of a vehicle under this section the total amount for the first conviction shall not exceed \$2,200, including civil penalties and administrative fees regardless of the total number of offenses the driver or registered owner of a vehicle is convicted of on that date.*

~~D.~~ *F.* Any action under this section shall be brought in the ~~General District Court~~ *general district court* of the ~~city or county or city~~ in which the toll facility is located. Such action shall be considered a traffic infraction but shall be tried as a civil case. The attorney for the Commonwealth may represent the interests of the toll facility operator. Any authorized agent or employee of a toll facility operator acting on behalf of a governmental entity shall be allowed the privileges accorded by § 16.1-88.03 in such cases.

~~E.~~ *G.* Proof of a violation of this section shall be evidenced by information obtained from a photo-monitoring system or automatic vehicle identification system as provided in this

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section. A certificate, sworn to or affirmed by a technician employed or authorized by the operator of a toll facility or by the locality wherein the toll facility is located, or a facsimile of such a certificate, based on inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo-monitoring system, or of electronic data collected by an automatic vehicle identification system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images or electronic data evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation under this section. A record of communication by an automatic vehicle identification device with the automatic vehicle identification system at the time of a violation of this section shall be prima facie evidence that the automatic vehicle identification device was located in the vehicle registered to use such device in the records of the ~~Virginia~~ Department of Transportation.

~~F-H.~~ It shall be prima facie evidence that the vehicle described in the summons issued pursuant to subsection ~~K L~~ was operated in violation of this section.

Upon a finding by a court of competent jurisdiction that the vehicle described in the summons issued pursuant to subsection ~~K L~~ was in violation of this section, the court shall impose a civil penalty upon the registered owner or operator of such vehicle in accordance with the amounts specified in subsection ~~E D~~, together with applicable court costs, the operator's administrative fee and the toll due. Penalties assessed as the result of action initiated by the ~~Virginia~~ Department of Transportation shall be remanded by the clerk of the court which adjudicated the action to the ~~Virginia~~ Department of Transportation's Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by an operator of a toll facility other than the ~~Virginia~~ Department of Transportation shall be remanded by the clerk of the court which adjudicated the action to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator.

The registered owner of such vehicle shall be given reasonable notice by way of a summons as provided in subsection ~~K L~~ that his vehicle had been used in violation of this section and such owner shall be given notice of the time and place of the hearing as well as the civil penalty and costs for such offense. The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus a reduced civil penalty of \$25 for a first or second offense or \$50 for a third, fourth, or subsequent offense, as specified on the summons, provided the owner actually pays to the toll facility operator the entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the owner accepts such offer and such amount is actually received by the toll facility operator at least 14 days prior to the hearing date specified on the summons, the toll facility operator shall move the court at least five business days prior to the date set for trial to dismiss the summons issued to the registered owner of the vehicle, and the court shall dismiss upon such motion.

Upon either (i) the filing of an affidavit with the toll facility operator within 14 days of receipt of an invoice for an unpaid toll from the toll facility operator or (ii) the filing of an affidavit with the court at least 14 days prior to the hearing date by the registered owner of the vehicle stating that he was not the ~~driver~~ operator of the vehicle on the date of the

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violation and providing the legal name and address of the operator of the vehicle at the time of the violation, an invoice and/or summons, as appropriate, will also be issued to the alleged operator of the vehicle at the time of the offense.

In any action against a vehicle operator, an affidavit made by the registered owner providing the name and address of the vehicle operator at the time of the violation shall constitute prima facie evidence that the person named in the affidavit was operating the vehicle at all the relevant times relating to the matter named in the affidavit.

If the registered owner of the vehicle produces for the toll facility operator or the court a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained stolen at the time of the alleged offense, then the toll facility operator shall not pursue the owner for the unpaid toll and, if a summons has been issued, the court shall dismiss the summons issued to the registered owner of the vehicle.

~~G-1.~~ Upon a finding by a court that a person has two or more unpaid tolls and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for the vehicle driven in the commission of the offense until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. If it is proven that the vehicle owner was not the operator at the time of the offense and upon a finding by a court that the person identified in an affidavit pursuant to subsection ~~F~~ H as the operator violated this section and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for any vehicle owned or co-owned by such person until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Such funds representing payment of unpaid tolls and all administrative fees of the toll facility operator shall be transferred from the court to the ~~Virginia~~ Department of Transportation's Toll Facilities Revolving Account or, in the case of an action initiated by an operator of a toll facility other than the ~~Virginia~~ Department of Transportation, to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator. The Commissioner shall collect a \$40 administrative fee from the registered owner or operator of the vehicle to defray the cost of processing and removing an order to deny registration or registration renewal.

~~H.~~ For purposes of this section, "operator of a toll facility other than the ~~Virginia~~ Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility; "owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles. For purposes of this section, "owner" does not mean a vehicle rental or vehicle leasing company; "photo-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection device that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this section;

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~~"automatic vehicle identification system" means an electronic vehicle identification system installed to work in conjunction with a toll collection device that automatically produces an electronic record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility, and "automatic vehicle identification device" means an electronic device that communicates by wireless transmission with an automatic vehicle identification system.~~

~~F.~~*J.* Any vehicle rental or vehicle leasing company, if it receives an invoice or is named in a summons, shall be released as a party to the action if it provides the operator of the toll facility a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee within 30 days of receipt of the invoice or at least 14 days prior to the date of hearing set forth in the summons. Upon receipt of such rental agreement, lease, or affidavit, a notice shall be mailed to the renter or lessee identified therein. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.). The toll facility operator shall allow at least 30 days from the date of such mailing before pursuing other remedies under this section. In any action against the vehicle operator, a copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the vehicle at the time of the violation is prima facie evidence that the person named in the rental agreement, lease, or affidavit was operating the vehicle at all the relevant times relating to the matter named in the summons.

~~F.~~*K.* Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine or cost imposed or ordered paid under this section for a violation of this section.

~~K.~~*L.* On a form prescribed by the Supreme Court, a summons for a violation of this section may be ~~executed pursuant to~~ *as provided in* § 19.2-76.2. Toll facility personnel or their agents mailing such summons shall be considered conservators of the peace for the sole and limited purpose of mailing such summons. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles or, if the registered owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to subsection ~~F~~ *H*, such named operator of the vehicle. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

~~L.~~*M.* The operator of a toll facility may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision *B* 21 ~~of subsection B~~ of §

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46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that fail to pay tolls required for the use of toll facilities and with the ~~Virginia~~ Department of Transportation to obtain any information that is necessary to conduct electronic toll collection. Information provided to the operator of a toll facility shall only be used for the collection of unpaid tolls and the operator of the toll facility shall be subject to the same conditions and penalties regarding release of the information as contained in subsection ~~B C~~.

~~M-N~~. No person shall be subject to both the provisions of this section and to prosecution under § 46.2-819 for actions arising out of the same transaction or occurrence.

§ 46.2-819.3. Use of toll facility without payment of toll; enforcement; penalty.

A. *For purposes of this section:*

*"Operator of a toll facility other than the Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility.*

*"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles. For purposes of this section, "owner" does not mean a vehicle rental or vehicle leasing company.*

B. The toll facility operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. Such fee shall not be levied on a first unpaid toll unless the written promise to pay executed pursuant to subsection ~~C E~~ remains unpaid after 30 days. The person who executed the written promise to pay pursuant to subsection ~~C E~~ shall pay the unpaid toll and any administrative fee detailed in an invoice or bill issued by a toll facility operator. If paid within ~~30~~ 60 days of notification, the administrative fee shall not exceed \$25.

~~B-C~~. If the matter proceeds to court, the owner or operator of the vehicle shall be liable for a civil penalty as follows: for a first offense, \$50; for a second offense within one year from the first offense, \$100; for a third offense within two years from the second offense, \$250; and for a fourth and any subsequent offense within three years from the second offense, \$500 plus, in each case, the unpaid toll, all accrued administrative fees imposed by the toll facility operator and applicable court costs if the vehicle operator is found, as evidenced by information obtained from the toll facility operator, to have used such a toll facility without payment of the required toll.

D. *Notwithstanding subsections B and C, for a first conviction of a driver or registered owner of a vehicle under this section the total amount for the first conviction shall not exceed \$2,200, including civil penalties and administrative fees regardless of the total number of offenses the driver or registered owner of a vehicle is convicted of on that date.*

~~C-E~~. A written promise to pay an unpaid toll within a specified period of time executed by



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the driver of a motor vehicle, accompanied by a certificate sworn to or affirmed by an authorized agent of the toll facility that the unpaid toll was not paid within such specified period, shall be prima facie evidence of the facts contained therein.

~~D-F.~~ The operator of a toll facility may send an invoice or bill to the driver of a motor vehicle using a toll facility without payment of the specified toll as part of an electronic or manual toll collection process prior to seeking remedies under this section. Any action under this section shall be brought in the general district court of the ~~city or county~~ *or city* in which the toll facility is located. Such an action shall be considered a traffic infraction but shall be tried as a civil case. The attorney for the Commonwealth may represent the interests of the toll facility operator. Any authorized agent or employee of a toll facility operator acting on behalf of a governmental entity shall be allowed the privileges accorded by § 16.1-88.03 in such cases.

~~E-G.~~ Upon a finding by a court of competent jurisdiction that the driver of a motor vehicle identified in the summons issued pursuant to subsection ~~I~~ *K* was in violation of this section, the court shall impose a civil penalty upon the driver of a motor vehicle in accordance with the amounts specified in subsection ~~B~~ *C*, together with applicable court costs, the operator's administrative fee, and the toll due. Penalties assessed as the result of action initiated by the ~~Virginia~~ Department of Transportation shall be remanded by the clerk of the court which adjudicated the action to the ~~Virginia~~ Department of Transportation's Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by an operator of a toll facility other than the ~~Virginia~~ Department of Transportation shall be remanded by the clerk of the court which adjudicated the action to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator.

~~F-H.~~ The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus a reduced civil penalty of \$25 for a first or second offense or \$50 for a third, fourth, or subsequent offense, as specified on the summons, provided the owner actually pays to the toll facility operator the entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the owner accepts such offer and such amount is actually received by the toll facility operator at least 14 days prior to the hearing date specified on the summons, the toll facility operator shall move the court at least five business days prior to the date set for trial to dismiss the summons issued to the registered owner of the vehicle, and the court shall dismiss upon such motion.

~~G-I.~~ Upon a finding by a court that a person has three or more unpaid tolls and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for any vehicle owned or co-owned by the offender. The Commissioner shall collect a \$40 administrative fee from the owner or operator of the vehicle to defray the cost of processing and removing an order to deny registration or registration renewal.

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~~H.~~ For purposes of this section, "operator of a toll facility other than the Virginia Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility.

~~I.~~*J.* Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine, or cost imposed or ordered paid under this section for a violation of this section.

~~J.~~*K.* A summons for a violation of this section may be executed ~~pursuant to~~ *as provided in* § 19.2-76.2. Toll facility personnel or their agents mailing such summons shall be considered conservators of the peace for the sole and limited purpose of mailing such summons. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to the address of the driver of a motor vehicle as shown on the written promise to pay executed pursuant to subsection ~~C~~ *E* or records of the Department of Motor Vehicles. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

~~K.~~*L.* No person shall be subject to both the provisions of this section and to prosecution under § 46.2-819 for actions arising out of the same transaction or occurrence.

§ 46.2-819.3:1. Installation and use of video-monitoring system and automatic vehicle identification system in conjunction with all-electronic toll facilities; penalty.

*A. For purposes of this section:*

*"Automatic vehicle identification device" means an electronic device that communicates by wireless transmission with an automatic vehicle identification system.*

*"Automatic vehicle identification system" means an electronic vehicle identification system installed to work in conjunction with a toll collection device that automatically produces an electronic record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility.*

*"Operator" means a person who was driving a vehicle that was the subject of a toll violation but who is not the owner of the vehicle.*

*"Operator of a toll facility other than the Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility.*

*"Owner" means the registered owner of a vehicle on record with the Department or, in the case of a vehicle where the owner of the vehicle is a vehicle leasing entity, the lessee. For purposes of this section, "owner" does not mean a vehicle rental or vehicle leasing company.*

*"Video-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection device that automatically produces one or more photographs, one or more*

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*microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this section.*

B. The operator of any toll facility or the locality within which such toll facility is located may install and operate or cause to be installed and operated a video-monitoring system in conjunction with an automatic vehicle identification system on facilities for which tolls are collected for the use of such toll facility and that do not offer manual toll collection. A video-monitoring system shall include, but not be limited to, electronic systems that monitor and capture images of vehicles using a toll facility to enable toll collection for vehicles that do not pay using a toll collection device. The operator of a toll facility shall send an invoice for unpaid tolls in accordance with the requirements of § 46.2-819.6 to the registered owner of a vehicle as part of a video-monitoring toll collection process, prior to seeking remedies under this section.

~~B.~~C. Information collected by a video-monitoring system in conjunction with an automatic vehicle identification system installed and operated pursuant to subsection ~~A~~ B shall be limited exclusively to that information that is necessary for the collection of unpaid tolls and establishing when violations occur, including use in any proceeding to determine whether a violation occurred. Notwithstanding any other provision of law, all images or other data collected by a video-monitoring system in conjunction with an automatic vehicle identification system shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system and used exclusively for the collection of unpaid tolls and for efforts to pursue violators of this section and shall not (i) be open to the public; (ii) be sold and/or used for sales, solicitation, or marketing purposes other than those of the toll facility operator to facilitate toll payment; (iii) be disclosed to any other entity except as may be necessary for the collection of unpaid tolls or to a vehicle owner or operator as part of a challenge to the imposition of a toll; and/or (iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of this section or upon order from a court of competent jurisdiction. Except as provided above, information collected under this section shall be purged and not retained later than 30 days after the collection and reconciliation of any unpaid tolls, administrative fees, and/or civil penalties. Any entity operating a video-monitoring system in conjunction with an automatic vehicle identification system shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or their designee. Any violation of this subsection shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law, any money or other thing of value obtained as a result of a violation of this section shall be forfeited to the Commonwealth.

If a vehicle uses a toll facility without paying the toll, the owner or operator shall be in violation of this section if he refuses to pay the toll within 30 days of notification. The toll facility operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per



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violation. Such fee shall not be levied upon the owner or operator of the vehicle unless the toll has not been paid by the owner or operator within 30 days after receipt of the invoice for the unpaid toll, which nonpayment for 30 days shall constitute the violation of this section. Once such a violation has occurred, the owner or operator of the vehicle shall pay the unpaid tolls and any administrative fee detailed in the invoice for the unpaid toll issued by a toll facility operator. If paid within ~~30~~ 60 days of the toll violation, the administrative fee shall not exceed \$25.

The toll facility operator may levy charges for the direct cost of use of and processing for a video-monitoring system and to cover the cost of the invoice, which are in addition to the toll and may not exceed double the amount of the base toll, provided that potential toll facility users are provided notice before entering the facility by conspicuous signs that clearly indicate that the toll for use of the facility could be tripled for any vehicle that does not have an active, functioning automatic vehicle identification device registered for and in use in the vehicle using the toll facility, and such signs are posted at a location where the driver can still choose to avoid the use of the toll facility if he chooses not to pay the toll.

A person receiving an invoice for an unpaid toll under this section may (a) pay the toll and administrative fees directly to the toll facility operator or (b) file with the toll facility operator a notice, on a form provided by the toll facility operator as required under subsection B of § 46.2-819.6, to contest liability for a toll violation. The notice to contest liability for a toll violation may be filed by any person receiving an invoice for an unpaid toll by mailing or delivering the notice to the toll facility operator within 60 days of receiving such invoice for unpaid toll. Upon receipt of such notice, the toll facility operator may issue a summons pursuant to subsection ~~K~~ L and may not seek withholding of registration or renewal thereof under subsection ~~G~~ I until a court of competent jurisdiction has found the alleged violator liable for tolls under this section.

~~C~~-D. If the matter proceeds to court, the registered owner or operator of a vehicle shall be liable for a civil penalty as follows: for a first offense, \$50; for a second offense within one year from the first offense, \$100; for a third offense within two years from the second offense, \$250; and for a fourth and any subsequent offense within three years from the second offense, \$500; plus, in each case, the unpaid toll, all accrued administrative fees imposed by the toll facility operator, and applicable court costs if the vehicle is found, as evidenced by information obtained from a video-monitoring system in conjunction with an automatic vehicle identification system as provided in this section, to have used such a toll facility without payment of the required toll within 30 days of receipt of the invoice for the toll.

*E. Notwithstanding subsections C and D, for a first conviction of a driver or registered owner of a vehicle under this section the total amount for the first conviction shall not exceed \$2,200, including civil penalties and administrative fees regardless of the total number of offenses the driver or registered owner of a vehicle is convicted of on that date.*

~~D~~-F. Any action under this section shall be brought in the general district court of the ~~city~~ or

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county or city in which the toll facility is located. Such action shall be considered a traffic infraction but shall be tried as a civil case. The attorney for the Commonwealth may represent the interests of the toll facility operator. Any authorized agent or employee of a toll facility operator acting on behalf of a governmental entity shall be allowed the privileges accorded by § 16.1-88.03 in such cases.

~~E-G.~~ Proof of a violation of this section shall be evidenced by information obtained from a video-monitoring system or automatic vehicle identification system as provided in this section. A certificate, sworn to or affirmed by a technician employed or authorized by the operator of a toll facility or by the locality wherein the toll facility is located, or a facsimile of such a certificate, based on inspection of photographs, microphotographs, videotapes, or other recorded images produced by a video-monitoring system or of electronic data collected by an automatic vehicle identification system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images or electronic data evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation under this section. A record of communication by an automatic vehicle identification device with the automatic vehicle identification system at the time of a violation of this section shall be prima facie evidence that the automatic vehicle identification device was located in the vehicle registered to use such device in the records of the ~~Virginia~~ Department of Transportation.

~~F-H.~~ It shall be prima facie evidence that the vehicle described in the summons issued pursuant to subsection ~~K L~~ was operated in violation of this section.

Upon a finding by a court of competent jurisdiction that the vehicle described in the summons issued pursuant to subsection ~~K L~~ was in violation of this section, the court shall impose a civil penalty upon the registered owner or operator of such vehicle in accordance with the amounts specified in subsection ~~E D~~, together with applicable court costs, the operator's administrative fee, and the toll due. Penalties assessed as the result of action initiated by the ~~Virginia~~ Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the ~~Virginia~~ Department of Transportation's Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by an operator of a toll facility other than the ~~Virginia~~ Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator.

The registered owner of such vehicle shall be given reasonable notice by way of a summons as provided in subsection ~~K L~~ that his vehicle had been used in violation of this section, and such owner shall be given notice of the time and place of the hearing as well as the civil penalty and costs for such offense.

Upon the filing of an affidavit by the registered owner of the vehicle with the toll facility operator within 14 days of receipt of an invoice for unpaid toll or a summons stating that such owner was not the driver of the vehicle on the date of the violation and providing the legal name and address of the operator of the vehicle at the time of the violation, an invoice for unpaid toll or summons, whichever the case may be, will also be issued to the alleged

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operator of the vehicle at the time of the offense.

In any action against a vehicle operator, an affidavit made by the registered owner providing the name and address of the vehicle operator at the time of the violation shall constitute prima facie evidence that the person named in the affidavit was operating the vehicle at all the relevant times relating to the matter named in the affidavit.

If the registered owner of the vehicle produces for the toll facility operator or the court a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained stolen at the time of the alleged offense, then the toll facility operator shall not pursue the owner for the unpaid toll contained in the invoice for unpaid toll or the court shall dismiss the summons issued to the registered owner of the vehicle.

~~G-I~~ 1. Upon a finding by a court that a person has two or more unpaid tolls and such person fails to pay the required penalties, fees, and unpaid tolls, then the court or toll facility operator shall notify the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for the vehicle driven in the commission of the offense until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. If it is proven that the vehicle owner was not the operator at the time of the offense and upon a finding by a court that the person identified in an affidavit pursuant to subsection ~~F~~ H as the operator violated this section and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for any vehicle owned or co-owned by such person until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Such funds representing payment of unpaid tolls and all administrative fees of the toll facility operator shall be transferred from the court to the ~~Virginia~~ Department of Transportation's Toll Facilities Revolving Account or, in the case of an action initiated by an operator of a toll facility other than the ~~Virginia~~ Department of Transportation, to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator. The Commissioner shall collect a \$40 administrative fee from the registered owner or operator of the vehicle to defray the cost of processing and removing an order to deny registration or registration renewal.

2. If an owner of a vehicle has received at least one invoice for two or more unpaid tolls in accordance with § 46.2-819.6 by certified mail and has (i) failed to pay the unpaid tolls and administrative fees and (ii) failed to file a notice to contest liability for a toll violation, then the toll facility operator may notify the Commissioner, who shall, if no form contesting liability has been timely filed with the toll facility operator pursuant to this section, refuse to issue or renew the vehicle registration certificate of any applicant therefor or the license plate issued for any vehicle driven in the commission of the offense until the toll facility operator has notified the Commissioner that such fees and unpaid tolls have been paid.

If the vehicle owner was not the operator at the time of the offense and the person identified in an affidavit pursuant to subsection ~~F~~ H as the operator has received at least one invoice for two or more unpaid tolls in accordance with §46.2-819.6 by certified mail and such person

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has (i) failed to pay the unpaid tolls and administrative fees and (ii) failed to file a notice to contest liability for a toll violation, then the toll facility operator may notify the Commissioner, who shall, if no form contesting liability has been timely filed with the toll facility operator pursuant to this section, refuse to issue or renew any vehicle registration certificate of any applicant therefor or the license plate issued for any vehicle owned or co-owned by such person until the toll facility operator has notified the Commissioner that such fees and unpaid tolls have been paid.

The Commissioner may only refuse to issue or renew any vehicle registration pursuant to this subsection upon the request of a toll facility operator if such toll facility operator has entered into an agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration of any applicant therefor who owes unpaid tolls and administrative fees to the toll facility operator. The toll facility operator seeking to collect unpaid tolls and administrative fees through the withholding of registration or renewal thereof by the Commissioner as provided for in this subsection shall notify the Commissioner in the manner provided for in his agreement with the Commissioner and supply to the Commissioner information necessary to identify the violator whose registration or renewal is to be denied. The Commissioner shall charge a \$40 fee to defray the cost of processing and withholding the registration or registration renewal, and the toll facility operator may add this fee to the amount of the unpaid tolls and administrative fees. Any agreement entered into pursuant to the provisions of this subsection shall provide for the Department to send the violator notice of the intent to deny renewal of registration at least 30 days prior to the expiration date of a current vehicle registration and such notice shall include a form, as required under subsection B of § 46.2-819.6, to contest liability of the underlying toll violation. The notice provided by the Commissioner shall include instructions for filing the form to contest liability with the toll facility operator within 21 days after the date of mailing of the Commissioner's notice. Upon timely receipt of the form, the toll facility operator shall notify the Commissioner, who shall refrain from withholding the registration or renewal thereof, after which the toll facility operator may proceed to issue a summons for unpaid toll. For the purposes of this subsection, notice by first-class mail to the registrant's address as maintained in the records of the Department shall be deemed sufficient.

~~H. For purposes of this section, "operator" means a person who was driving a vehicle that was the subject of a toll violation but who is not the owner of the vehicle; "operator of a toll facility other than the Virginia Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility; "owner" means the registered owner of a vehicle on record with the Department or, in the case of a vehicle where the owner of the vehicle is a vehicle leasing entity, the lessee. For purposes of this section, "owner" does not mean a vehicle rental or vehicle leasing company; "video-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection device that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this section; "automatic vehicle identification system" means an electronic vehicle identification system installed to work in conjunction with a toll collection~~

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~~device that automatically produces an electronic record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility; and "automatic vehicle identification device" means an electronic device that communicates by wireless transmission with an automatic vehicle identification system.~~

~~I.~~J. Any vehicle rental or vehicle leasing company, if it receives an invoice for unpaid toll or is named in a summons, shall be released as a party to the action if it provides the operator of the toll facility a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee within 30 days of receipt of the invoice or summons. Upon receipt of such rental agreement, lease, or affidavit, an invoice for unpaid toll shall be mailed to the renter or lessee identified therein. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.). The toll facility operator shall allow at least 30 days from the date of such mailing before pursuing other remedies under this section. In any action against the vehicle operator, a copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the vehicle at the time of the violation is prima facie evidence that the person named in the rental agreement, lease, or affidavit was operating the vehicle at all the relevant times relating to the matter named in the summons.

~~J.~~K. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine, or cost imposed or ordered paid under this section for a violation of this section.

~~K.~~L. On a form prescribed by the Supreme Court, a summons for a violation of this section may be ~~executed pursuant to~~ *as provided in* § 19.2-76.2. Toll facility personnel or their agents mailing such summons shall be considered conservators of the peace for the sole and limited purpose of mailing such summons. Notwithstanding the provisions of § 19.2-76, a summons or summonses for a violation of unpaid tolls may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department or, if the registered owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to subsection ~~F~~ H, such named operator of the vehicle. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

~~L.~~M. The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus a reduced civil penalty of \$25 for a first or second offense or \$50 for a third, fourth, or subsequent offense, as specified on the summons, provided the owner actually pays to the toll facility operator the entire amount so calculated at least 14 days prior to the hearing date



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specified on the summons. If the owner accepts such offer and such amount is actually received by the toll facility operator at least 14 days prior to the hearing date specified on the summons, the toll facility operator shall move the court at least five business days prior to the date set for trial to dismiss the summons issued to the registered owner of the vehicle, and the court shall dismiss upon such motion.

~~M-N.~~ The operator of a toll facility may enter into an agreement with the Department, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that fail to pay tolls required for the use of toll facilities and with the ~~Virginia~~ Department of Transportation to obtain any information that is necessary to conduct electronic toll collection. Information provided to the operator of a toll facility shall be used only for the collection of unpaid tolls, and the operator of the toll facility shall be subject to the same conditions and penalties regarding release of the information as contained in subsection ~~B C~~.

~~N-O.~~ No person shall be subject to both the provisions of this section and to prosecution under § 46.2-819 for actions arising out of the same transaction or occurrence.

§ 46.2-819.6. Invoice for unpaid toll.

A. The operator of a toll facility shall send an invoice for the unpaid toll pursuant to ~~§ 46.2-819.7~~ *subsection C* to the registered owner of the vehicle. An invoice for the unpaid toll shall contain the following:

1. The name and address of the registered owner alleged to be liable under this section;
2. The registration number of the motor vehicle involved in such violation or information obtained from an automatic vehicle identification system if the vehicle is identified by an automatic vehicle identification system for the purpose of violation detection;
3. The location where such violation took place;
4. The date and time of such violation;
5. The amount of the toll not paid;
6. The amount of the administrative fee;
7. The date by which the toll and administrative fee must be paid;
8. The statutory defenses available under this chapter;
9. A warning describing the penalties for nonpayment of the invoice for the unpaid toll or failure to file a notice to contest liability for the toll violation; and
10. The procedures and time limits for filing a notice to contest liability for a toll violation as provided in subsection ~~B C~~ of § 46.2-819.3:1.

B. The toll facility operator shall include with the invoice a form to be used by the registered owner or operator of the vehicle to contest liability for a toll violation. This form shall include the mailing address to which it should be sent.

*C. Whenever an invoice for an unpaid toll is to be provided to any person by the toll facility operator, it may be executed by mailing by first-class mail a copy of the invoice to the*

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*address of the owner of the vehicle as shown on the records of the Department.*

*§ 46.2-819.8. Toll grace period.*

*No registered owner or operator of a vehicle that has an electronic toll collection device that is property of the Commonwealth whose vehicle is associated with such device has been used in violation of § 33.2-503, 46.2-819.1, 46.2-819.3, or 46.2-819.3:1 shall owe any penalties, fees, or costs in addition to the unpaid toll unless the toll operator or HOT lanes operator has attempted to process the collection of the toll through the Commonwealth's electronic toll account system at least twice. A toll operator shall make an attempt to process and collect an unpaid toll on the sixth day after the unpaid toll and shall make an additional attempt on the tenth day after the unpaid toll if earlier attempts to process and collect the unpaid toll were unsuccessful.*

2. That the provisions of § 33.2-255.1 of the Code of Virginia, as created by this act, shall become effective on January 1, 2017.
3. That § 46.2-819.7 of the Code of Virginia is repealed.
4. That the eleventh enactment of Chapter 766 of the Acts of Assembly of 2013 is repealed.
5. That the provisions of this act shall apply to violations that occur on or after July 1, 2016."

Page 503, line 49, strike "2." and insert "3."

Page 503, line 49, after "2018" insert: "The provisions of the second enactment of this act shall have no expiration date."

**Explanation:**

(This amendment adds a statewide tolling policy to Part 5 of the budget.)

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