

VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

CHAPTER 665

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 33.1 a section numbered 33.1-252.2, relating to disclosure of certain information relating to use of toll facilities.

[S 148]

Approved April 12, 2004

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 3 of Title 33.1 a section numbered 33.1-252.2 as follows:

§ 33.1-252.2. Disclosure of certain information relating to use of toll facilities; injunctive relief; attorneys' fees.

A. Neither the Department nor any other operator of any toll bridge, toll road, or other toll facility, nor any employee or contractor with the Department or other toll facility operator shall disclose any information derived from an automated electronic toll collection system, about the time, date, or frequency of use or nonuse of any such facility by any individually identified motor vehicle except when ordered to do so by a court of competent jurisdiction. The provisions of this section shall not apply to information supplied (i) to any person who is a participant in the electronic toll collection system, when such information is limited to vehicles owned or leased by such person, (ii) to the issuer of any credit card or debit card or other third party vendor when such information is necessary for collecting the toll and ensuring the accuracy of such billing by the operator, (iii) for statistical or research purposes, when such information contains no data attributable to individual vehicles or individual participants, or (iv) to federal, state, and local law-enforcement, when such information is required in the course of an investigation where time is of the essence in preserving and protecting human life and/or public safety.

B. Any aggrieved person may institute a proceeding for injunction or mandamus against any person, governmental agency, or other entity that has engaged, is engaged, or is about to engage in any acts or practices in violation of the provisions of this section. The proceeding shall be brought in the circuit court of any county or city wherein the person, governmental agency, or other entity made defendant resides or has a place of business. In the case of any successful proceeding by an aggrieved party, the person, governmental agency, or other entity enjoined or made subject to a writ of mandamus by the court shall be liable for the costs of the action together with reasonable attorneys' fees as determined by the court.