

## Department of Planning and Budget 2004 Fiscal Impact Statement

**1. Bill Number** HB1157 Enrolled

<b>House of Origin</b>	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

**2. Patron** Rust

**3. Committee** Passed Both Houses

**4. Title** Toll roads; failure to pay toll.

**5. Summary/Purpose:**

Provides a civil penalty of \$25 for a first offense or \$50 for any subsequent offense, plus the operator's administrative fee of \$25 per summons, the toll due, and applicable court costs if the vehicle is found to have used a toll facility without payment of the required toll. The operator of a toll facility may send an invoice or bill to the driver as part of an electronic or manual toll collection process prior to seeking remedies allowed by the bill. Penalties assessed as the result of action initiated by the Department of Transportation (VDOT) shall be remanded to VDOT's Toll Facilities Revolving Fund. Penalties assessed as the result of action initiated by an operator of a toll facility, other than by VDOT, shall be remanded to the toll facility's account for expenses associated with operation of the facility and payments against any bonds or other liens issued as a result of the construction of the facility. The bill provides that imposition of a civil penalty for failure to pay a toll shall not be deemed a conviction as an operator and shall not be made part of the operating 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.

**6. Fiscal Impact Estimates are:** Final, see item 8.

**7. Budget amendment necessary:** No.

**8. Fiscal implications:**

Provides statutory authorization to pursue toll violators beyond the current practice of sending out notices in an attempt to collect. Further, for other toll violations supported by photo enforcement or AVI evidence, when these cases must be pursued in court, there is no statutory authority for the court to collect and remit to the toll operator the administrative fees. These two provisions of this bill will generate additional revenue into the toll facilities revolving account. There is no current report from the courts on cases pursued through the courts and heretofore no central reporting by the toll facilities of uncollected violations or violations pursued through the courts. However, the Department of Transportation estimates that there could be about \$500,000 in additional revenue.

The House amendment to the bill specifically notes the operator's administrative fee of \$25 per summons.

The Executive Office of the Supreme Court notes that there could be additional time spent by judges and clerks on these cases. Given this, if their overall workload increases to an unacceptable level, then additional positions may have to be added. The Supreme Court notes that additional revenue from court fees and costs derived from each case may be about \$54, which would be deposited to the general fund.

**9. Specific agency or political subdivisions affected:** Department of Transportation, Courts, DMV, the City of Chesapeake, TRIP II, Richmond Metropolitan Authority, and the Pocahontas Parkway Association.

**10. Technical amendment necessary:** No.

**11. Other comments:** The legislation is not clear on where the responsibility for collecting the administrative fee would rest. According to the Executive Office of the Supreme Court, there may need to be some changes to their accounting system to collect funds for and remit these funds to the operators, but, at this time, it is believed that this action could be accomplished with current resources.

**Date:** 03/19/04 / jlm

**Document:** (DPB G:\Leg 04\HB1157ER.DOC)

cc: Secretary of Transportation