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HOUSE BILL NO. 2068

Offered January 12, 2005

Prefiled January 11, 2005

A BILL to amend and reenact § 33.1-252 of the Code of Virginia, relating to free use of toll facilities by certain state officers and employees.

 Patron—Lewis

 Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 33.1-252 of the Code of Virginia is amended and reenacted as follows:**

§ 33.1-252. Free use of toll facilities by certain state officers and employees; penalties.

A. Vehicles transporting two or more persons, including the driver, may be permitted toll-free use of the Dulles Toll Road during rush hours by the Commonwealth Transportation Board; however, notwithstanding the provisions of subdivision B 1 of § 56-543 said vehicles shall not be permitted toll-free use of a roadway as defined pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.). Upon presentation of a toll pass issued pursuant to regulations promulgated by the Commonwealth Transportation Board, the following persons may use all toll bridges, toll ferries, toll tunnels, and toll roads in this Commonwealth without the payment of toll while in the performance of their official duties:

1. The Commonwealth Transportation Commissioner;
2. Members of the Commonwealth Transportation Board;
3. Employees of the Virginia Department of Transportation;
4. The Superintendent of the Department of State Police;
5. Officers and employees of the Department of State Police;
6. Members of the Alcoholic Beverage Control Board;
7. Employees of the regulatory and hearings divisions of the Department of Alcoholic Beverage Control and special agents of the Department of Alcoholic Beverage Control;
8. The Commissioner of the Department of Motor Vehicles;
9. Employees of the Department of Motor Vehicles;
10. Local police officers;
11. Sheriffs and their deputies;
12. Regional jail officials;
13. Animal wardens;
14. The Director and officers of the Department of Game and Inland Fisheries;
15. Persons operating fire-fighting equipment and ambulances owned by a political subdivision of the Commonwealth or a nonprofit association or corporation;
16. Operators of school buses being used to transport pupils to or from schools;
17. Operators of (i) commuter buses having a capacity of 20 or more passengers, including the driver, and used to regularly transport workers to and from their places of employment and (ii) public transit buses;
18. Employees of the Department of Rail and Public Transportation;
19. Employees of any transportation facility created pursuant to the Virginia Highway Corporation Act of 1988; and
20. *Law-enforcement officers of the Virginia Marine Resources Commission.*

Notwithstanding the foregoing provision of this subsection requiring presentation of a toll pass for toll-free use of such facilities, in cases of emergency and circumstances of concern for public safety on the highways of the Commonwealth, the Department shall, in order to alleviate an actual or potential threat or risk to the public's safety, facilitate the flow of traffic on or within the vicinity of the toll facility by permitting the temporary suspension of toll collection operations on its facilities.

a. The assessment of the threat to public safety shall be performed and the decision temporarily to suspend toll collection operations shall be made by the Commissioner or his designee.

b. Major incidents that may require the temporary suspension of toll collection operations shall include, but not necessarily be limited to (i) natural disasters such as hurricanes, tornadoes, fires, and floods; (ii) accidental releases of hazardous materials such as chemical spills; (iii) major traffic accidents such as multivehicle collisions; and (iv) other incidents deemed to present a risk to public safety.

c. In any judicial proceeding in which a person is found to be criminally responsible or civilly liable for any incident resulting in the suspension of toll collections as provided in this subsection, the court

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59 may assess against the person an amount equal to lost toll revenue as a part of the costs of the
60 proceeding and order that such amount, not to exceed \$2,000 for any individual incident, be paid to the
61 Department for deposit into the toll road fund.

62 B. Any tollgate keeper who shall refuse to permit the persons listed in subsection A of this section to
63 pass through such tollgate or over such toll bridge or ferry, or toll road or toll tunnel upon presentation
64 of such a toll pass, shall be guilty of a misdemeanor and punished by a fine of not more than \$50, and
65 not less than \$2.50. Any person other than those listed in subsection A ~~of this section~~ who shall exhibit
66 any such toll pass for the purpose of using any toll bridge, toll tunnel or ferry shall be guilty of a Class
67 1 misdemeanor and punished accordingly.

68 B1. Any vehicle operated by the holder of a valid driver's license issued by Virginia or any other
69 state shall be allowed free use of all toll bridges, toll roads, and other toll facilities in Virginia if:

70 1. The vehicle is specially equipped to permit its operation by a handicapped person;

71 2. The driver of the vehicle has been certified, either by a physician licensed by Virginia or any
72 other state or by the Adjudication Office of the United States Veterans Administration, as being severely
73 physically disabled and having permanent upper limb mobility or dexterity impairments which
74 substantially impair his ability to deposit coins in toll baskets;

75 3. The driver has applied for and received from the Department of Transportation a vehicle window
76 sticker identifying him as eligible for such free passage; and

77 4. Such identifying window sticker is properly displayed on the vehicle.

78 A copy of this subsection shall be posted at all toll bridges, toll roads, and other toll facilities in
79 Virginia. The Department of Transportation shall provide envelopes for payments of tolls by those
80 persons exempted from tolls pursuant to this subsection and shall accept any payments made by such
81 persons.

82 C. Nothing contained in this section or in § 33.1-251 or ~~§ 33.1-285~~ shall operate to affect the
83 provisions of § 22.1-187.

84 D. Notwithstanding the provisions of subsections A and B ~~of this section~~, only the following persons
85 may use the Chesapeake Bay Bridge-Tunnel or facilities of the Richmond Metropolitan Authority
86 without the payment of toll when necessary and incidental to the conduct of official business:

87 1. The Commonwealth Transportation Commissioner;

88 2. Members of the Commonwealth Transportation Board;

89 3. Employees of the Department of Transportation;

90 4. The Superintendent of the Department of State Police;

91 5. Officers and employees of the Department of State Police;

92 6. The Commissioner of the Department of Motor Vehicles;

93 7. Employees of the Department of Motor Vehicles; and

94 8. Sheriffs and deputy sheriffs.

95 E. Any vehicle operated by a quadriplegic driver shall be allowed free use of all toll facilities in
96 Virginia controlled by the Richmond Metropolitan Authority, pursuant to the requirements of subsection

97 B1 (1 through 4) ~~of this section~~.