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## HOUSE BILL NO. 527

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation  
on February 2, 2006)

(Patrons Prior to Substitute—Delegates Rust and Albo [HB 314])

A BILL to amend the Code of Virginia by adding a section numbered 46.2-206.1, relating to certain additional fees imposed on certain drivers; funding of asset management in the Highway Maintenance and Operating Fund.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-206.1 as follows:

§ 46.2-206.1. Imposition of certain additional fees on certain drivers; special fund created to support transportation.

A. The purpose of the civil remedial fees imposed in this section is to generate revenue from drivers whose proven dangerous driving behavior places significant financial burdens upon the Commonwealth. The Commissioner shall impose and collect these civil remedial fees pursuant to this section, which shall be in addition to any other fees, costs, or penalties imposed on persons to whom Virginia driver's licenses and commercial driver's licenses have been issued pursuant to Chapter 3 (§ 46.2-300 et seq.) of this title.

B. The civil remedial fees established by this section shall be assessed on any person operating a motor vehicle on the highways of Virginia, including persons to whom Virginia driver's licenses, commercial driver's licenses, or learner's permits have been issued pursuant to this title, persons operating motor vehicles without licenses or whose license has been revoked or suspended, and persons operating motor vehicles with a license issued by a jurisdiction outside Virginia.

C. In addition to fees set forth in subsection D, any person whose driver's record with the Department shows a conviction within the past three years of:

1. Driving while his driver's license was suspended or revoked pursuant to § 18.2-272 or Article 1 (§ 46.2-300 et seq.) of Chapter 3 of this title shall be assessed a fee of \$250;

2. Reckless driving in violation of Article 7 (§ 46.2-852 et seq.) of Chapter 8 of this title or aggressive driving in violation of § 46.2-868.1 shall be assessed a fee of \$350;

3. Driving while intoxicated in violation of any provision of Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 or 46.2-341.2 shall be assessed a fee of \$750;

4. Any other misdemeanor conviction for a violation of Title 46.2 or any other driving or motor vehicle related misdemeanor violation of Title 18.2, shall be assessed a fee of \$300; and

5. Any felony conviction for a driving or motor vehicle related offense under Title 18.2, shall be assessed a fee of \$1,000.

6. For the purposes of this section:

a. A finding of guilty in the case of a juvenile and a conviction under substantially similar laws of any other state or of the United States, shall be a conviction.

b. The fees assessed under this subsection shall be implemented in a manner whereby no convictions prior to July 1, 2006, shall be considered.

D. In addition to any fees set forth in subsection C, any person who, after receiving credit for any safe driver course pursuant to §46.2-498, has a driver's record with the Department which shows a balance of four or more driver demerit points on July 15 shall be assessed a fee of \$100 plus \$75 for each demerit point in excess of four, but not greater than \$700.

E. The Department shall assess the fees set forth in subsections C and D annually, beginning on July 15, 2006.

F. The Department shall notify every person assessed a fee under this section by mailing a notice thereof by first-class mail addressed to such person's most recent address as shown in the Department's records. If any assessment made under this section remains unpaid 60 days following the date on which the notice of assessment was mailed, the Department shall, pursuant to Article 1 (§ 46.2-300 et seq.) of Chapter 3 of this title, suspend the driver's license of the person against whom the assessment was imposed.

G. In the event that a person disputes a conviction on his driver's record based upon identity, if the person presents the Department a certified copy of a petition to a court of competent jurisdiction seeking to vacate an order of such conviction, the Department shall suspend the imposition of the assessment. Such suspension shall be valid for one year from the date of the commencement or until 30 days after an entry of a final order on such petition, whichever occurs first.

H. Funds collected through the imposition of fees as provided in this section shall be used first to pay the Department's costs in imposing and collecting such assessments, and any remainder shall be

60 allocated as follows:

61 1. The first \$35 million each year shall be directed to the special matching fund established by  
62 § 33.1-23.05;

63 2. The next \$25 million each year shall be directed to the Transportation Partnership Opportunity  
64 Fund, established pursuant to § 33.1-221.1:8; and

65 3. The remainder shall be deposited into the state treasury and credit to a special permanent,  
66 non-reverting fund to be known as the Local Congestion Mitigation Incentive Fund. which shall be a  
67 sub-account of the Transportation Trust Fund. The proceeds of this Fund shall be distributed by the  
68 Commonwealth Transportation Board in the form of competitive grants to counties, cities and towns on  
69 the basis of a dollar-for-dollar match of Fund proceeds by local contributions for the purpose of  
70 alleviating traffic congestion and reducing air pollution in localities experiencing high population  
71 growth. Such funds shall be used for the purpose of undertaking highway improvement, construction,  
72 reconstruction, expansion, reconfiguration, and alteration projects to address issues associated with spot  
73 improvements, including intersection congestion and safety, by providing funding to counties, cities, and  
74 towns for the construction of turn lanes, signalization, extension of existing turn lanes, and construction  
75 of roundabouts and pedestrian safety facilities, including but not necessarily limited to pedestrian  
76 overpasses and underpasses.

77 Projects shall be selected by the Board, in consultation with the local governing bodies of the cities,  
78 counties, and towns, and in consultation with the members of the House of Delegates and the Senate  
79 who represent any of the counties, cities or towns that have submitted grant requests, based on the level  
80 of congestion, the impact of the project on that congestion, and the project's potential contribution to  
81 improvement of air quality. Funding shall be limited to projects involving intersections with level of  
82 service D or worse. No project shall receive more than \$2 million from the Fund in a single calendar  
83 year. All phases of projects approved for funding from the Fund, including right-of-way acquisition,  
84 shall be administered by the local governments within whose boundaries the projects are located. Local  
85 government may use their own general funds, cash proffers, or other nonfederal sources as matching  
86 funds for projects funded under this section.