

2004 SESSION

INTRODUCED

042290848

SENATE BILL NO. 107

Offered January 14, 2004

Prefiled January 7, 2004

A BILL to amend and reenact § 46.2-819 of the Code of Virginia, relating to use of toll facility without payment of toll; release of vehicle owner data by Department of Motor Vehicles to toll facilities operators.

Patron—Williams

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-819 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-819. Use of toll facility without payment of toll; circumstances to be considered in assessing penalty.

Except for those permitted free use of toll facilities under § 33.1-252, it shall be unlawful for the driver of a motor vehicle to use a toll facility without payment of the specified toll.

However, in considering the case of anyone accused of violating this section, the court shall take into consideration (i) except for lanes equipped for payment of tolls through an automatic vehicle identification system, whether the toll booth or collection facility at which the defendant failed to pay the toll was manned at the time, (ii) whether the defendant was required to pay the toll with the exact amount in change, (iii) whether the defendant had change to make the payment, and (iv) whether the defendant had been afforded appropriate advance notice, by signs or other means, that he would be required to pay a toll and pay it with the exact change. Where any photo-monitoring system provided for in § 46.2-819.1 is in operation, no person shall be subject to both prosecution under this section and to the provisions of § 46.2-819.1 for actions arising out of the same transaction or occurrence.

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

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