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SENATE BILL NO. 697

Offered January 21, 2016

A *BILL to amend and reenact § 33.2-613, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to free use of toll facilities by motorcycles.*

Patron—Lucas

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-613, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 33.2-613. (Effective until July 1, 2018) Free use of toll facilities by certain state officers and employees; severely physically disabled; motorcycles; penalties.

A. Upon presentation of a toll pass issued pursuant to regulations promulgated by the Board, the following persons may use all toll bridges, toll ferries, toll tunnels, and toll roads in the Commonwealth without the payment of toll while in the performance of their official duties:

1. The Commissioner of Highways;
2. Members of the Commonwealth Transportation Board;
3. Employees of the 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 firefighting equipment and emergency medical services vehicles 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.

B. Notwithstanding the provision of subsection A 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 of Transportation 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.

1. 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 of Highways or his designee.

2. Major incidents that may require the temporary suspension of toll collection operations shall include (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.

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

C. Any tollgate keeper who refuses to permit the persons listed in subsection A to use any toll

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59 bridge, toll ferry, toll tunnel, or toll road upon presentation of such a toll pass is guilty of a
60 misdemeanor punishable by a fine of not more than \$50 and not less than \$2.50. Any person other than
61 those listed in subsection A who exhibits any such toll pass for the purpose of using any toll bridge, toll
62 ferry, toll tunnel, or toll road is guilty of a Class 1 misdemeanor.

63 D. Any vehicle operated by the holder of a valid driver's license issued by the Commonwealth or
64 any other state shall be allowed free use of all toll bridges, toll roads, and other toll facilities in the
65 Commonwealth if:

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

67 2. The driver of the vehicle has been certified, either by a physician licensed by the Commonwealth
68 or any other state or by the Adjudication Office of the U.S. Department of Veterans Affairs, as being
69 severely physically disabled and having permanent upper limb mobility or dexterity impairments that
70 substantially impair his ability to deposit coins in toll baskets;

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

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

74 A copy of this subsection shall be posted at all toll bridges, toll roads, and other toll facilities in the
75 Commonwealth. The Department of Transportation shall provide envelopes for payments of tolls by
76 those persons exempted from tolls pursuant to this subsection and shall accept any payments made by
77 such persons.

78 E. Nothing contained in this section or in § 33.2-612 or 33.2-1718 shall operate to affect the
79 provisions of § 22.1-187.

80 F. Notwithstanding the provisions of subsections A, B, and C, only the following persons may use
81 the Chesapeake Bay Bridge-Tunnel, facilities of the Richmond Metropolitan Transportation Authority, or
82 facilities of an operator authorized to operate a toll facility pursuant to the Public-Private Transportation
83 Act of 1995 (§ 33.2-1800 et seq.) without the payment of toll when necessary and incidental to the
84 conduct of official business:

85 1. The Commissioner of Highways;

86 2. Members of the Commonwealth Transportation Board;

87 3. Employees of the Department of Transportation;

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

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

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

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

92 8. Sheriffs and deputy sheriffs.

93 G. Any vehicle operated by a quadriplegic driver shall be allowed free use of all toll facilities in
94 Virginia controlled by the Richmond Metropolitan Transportation Authority, pursuant to the requirements
95 of subdivisions D 1 through 4.

96 H. Vehicles transporting two or more persons, including the driver, may be permitted toll-free use of
97 the Dulles Toll Road during rush hours by the Board; however, notwithstanding the provisions of
98 subdivision B 1 of § 56-543, said vehicles shall not be permitted toll-free use of a roadway as defined
99 pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.).

100 I. Any motorcycle operated by the holder of a valid driver's license issued by the Commonwealth or
101 any other state shall be allowed free use of all toll bridges, toll roads, and other toll facilities in the
102 Commonwealth.

103 **§ 33.2-613. (Effective July 1, 2018) Free use of toll facilities by certain state officers and**
104 **employees; severely physically disabled; motorcycles; penalties.**

105 A. Upon presentation of a toll pass issued pursuant to regulations promulgated by the Board, the
106 following persons may use all toll bridges, toll ferries, toll tunnels, and toll roads in the Commonwealth
107 without the payment of toll while in the performance of their official duties:

108 1. The Commissioner of Highways;

109 2. Members of the Commonwealth Transportation Board;

110 3. Employees of the Department of Transportation;

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

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

113 6. Members of the Board of Directors of the Virginia Alcoholic Beverage Control Authority;

114 7. Employees of the regulatory and hearings divisions of the Virginia Alcoholic Beverage Control
115 Authority and special agents of the Virginia Alcoholic Beverage Control Authority;

116 8. The Commissioner of the Department of Motor Vehicles;

117 9. Employees of the Department of Motor Vehicles;

118 10. Local police officers;

119 11. Sheriffs and their deputies;

120 12. Regional jail officials;

- 121 13. Animal wardens;
- 122 14. The Director and officers of the Department of Game and Inland Fisheries;
- 123 15. Persons operating firefighting equipment and emergency medical services vehicles owned by a
- 124 political subdivision of the Commonwealth or a nonprofit association or corporation;
- 125 16. Operators of school buses being used to transport pupils to or from schools;
- 126 17. Operators of (i) commuter buses having a capacity of 20 or more passengers, including the
- 127 driver, and used to regularly transport workers to and from their places of employment and (ii) public
- 128 transit buses;
- 129 18. Employees of the Department of Rail and Public Transportation;
- 130 19. Employees of any transportation facility created pursuant to the Virginia Highway Corporation
- 131 Act of 1988; and
- 132 20. Law-enforcement officers of the Virginia Marine Resources Commission.
- 133 B. Notwithstanding the provision of subsection A requiring presentation of a toll pass for toll-free
- 134 use of such facilities, in cases of emergency and circumstances of concern for public safety on the
- 135 highways of the Commonwealth, the Department of Transportation shall, in order to alleviate an actual
- 136 or potential threat or risk to the public's safety, facilitate the flow of traffic on or within the vicinity of
- 137 the toll facility by permitting the temporary suspension of toll collection operations on its facilities.
- 138 1. The assessment of the threat to public safety shall be performed and the decision temporarily to
- 139 suspend toll collection operations shall be made by the Commissioner of Highways or his designee.
- 140 2. Major incidents that may require the temporary suspension of toll collection operations shall
- 141 include (i) natural disasters such as hurricanes, tornadoes, fires, and floods; (ii) accidental releases of
- 142 hazardous materials such as chemical spills; (iii) major traffic accidents, such as multivehicle collisions;
- 143 and (iv) other incidents deemed to present a risk to public safety.
- 144 3. In any judicial proceeding in which a person is found to be criminally responsible or civilly liable
- 145 for any incident resulting in the suspension of toll collections as provided in this subsection, the court
- 146 may assess against the person an amount equal to lost toll revenue as a part of the costs of the
- 147 proceeding and order that such amount, not to exceed \$2,000 for any individual incident, be paid to the
- 148 Department of Transportation for deposit into the toll road fund.
- 149 C. Any tollgate keeper who refuses to permit the persons listed in subsection A to use any toll
- 150 bridge, toll ferry, toll tunnel, or toll road upon presentation of such a toll pass is guilty of a
- 151 misdemeanor punishable by a fine of not more than \$50 and not less than \$2.50. Any person other than
- 152 those listed in subsection A who exhibits any such toll pass for the purpose of using any toll bridge, toll
- 153 ferry, toll tunnel, or toll road is guilty of a Class 1 misdemeanor.
- 154 D. Any vehicle operated by the holder of a valid driver's license issued by the Commonwealth or
- 155 any other state shall be allowed free use of all toll bridges, toll roads, and other toll facilities in the
- 156 Commonwealth if:
- 157 1. The vehicle is specially equipped to permit its operation by a handicapped person;
- 158 2. The driver of the vehicle has been certified, either by a physician licensed by the Commonwealth
- 159 or any other state or by the Adjudication Office of the U.S. Department of Veterans Affairs, as being
- 160 severely physically disabled and having permanent upper limb mobility or dexterity impairments that
- 161 substantially impair his ability to deposit coins in toll baskets;
- 162 3. The driver has applied for and received from the Department of Transportation a vehicle window
- 163 sticker identifying him as eligible for such free passage; and
- 164 4. Such identifying window sticker is properly displayed on the vehicle.
- 165 A copy of this subsection shall be posted at all toll bridges, toll roads, and other toll facilities in the
- 166 Commonwealth. The Department of Transportation shall provide envelopes for payments of tolls by
- 167 those persons exempted from tolls pursuant to this subsection and shall accept any payments made by
- 168 such persons.
- 169 E. Nothing contained in this section or in § 33.2-612 or 33.2-1718 shall operate to affect the
- 170 provisions of § 22.1-187.
- 171 F. Notwithstanding the provisions of subsections A, B, and C, only the following persons may use
- 172 the Chesapeake Bay Bridge-Tunnel, facilities of the Richmond Metropolitan Transportation Authority, or
- 173 facilities of an operator authorized to operate a toll facility pursuant to the Public-Private Transportation
- 174 Act of 1995 (§ 33.2-1800 et seq.) without the payment of toll when necessary and incidental to the
- 175 conduct of official business:
- 176 1. The Commissioner of Highways;
- 177 2. Members of the Commonwealth Transportation Board;
- 178 3. Employees of the Department of Transportation;
- 179 4. The Superintendent of the Department of State Police;
- 180 5. Officers and employees of the Department of State Police;
- 181 6. The Commissioner of the Department of Motor Vehicles;

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

183 8. Sheriffs and deputy sheriffs.

184 G. Any vehicle operated by a quadriplegic driver shall be allowed free use of all toll facilities in
185 Virginia controlled by the Richmond Metropolitan Transportation Authority, pursuant to the requirements
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188 the Dulles Toll Road during rush hours by the Board; however, notwithstanding the provisions of
189 subdivision B 1 of § 56-543, said vehicles shall not be permitted toll-free use of a roadway as defined
190 pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.).

191 *I. Any motorcycle operated by the holder of a valid driver's license issued by the Commonwealth or*
192 *any other state shall be allowed free use of all toll bridges, toll roads, and other toll facilities in the*
193 *Commonwealth.*