

24101290D

**HOUSE BILL NO. 811**

Offered January 10, 2024

Prefiled January 9, 2024

*A BILL to amend and reenact §§ 33.2-612 and 33.2-613 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 6 of Title 33.2 a section numbered 33.2-617, relating to toll relief; maximum charges.*

Patrons—Mundon King, Clark, Henson, Rasoul and Shin

Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 33.2-612 and 33.2-613 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 6 of Title 33.2 a section numbered 33.2-617 as follows:**

**§ 33.2-612. Unlawful for Department of Transportation to permit free passage over certain toll bridges and ferries; exceptions.**

Except for those persons exempted from tolls under § 33.2-613 *or* 33.2-617, it shall be unlawful for the Department or any employee thereof to give or permit free passage over any toll bridge, tunnel, or ferry that has been secured through the issuance of revenue bonds and which bonds are payable from the revenues of such project. Every vehicle shall pay the same toll as others similarly situated. Except as provided in § 33.2-613 *or* 33.2-617, the provisions of this section shall apply to vehicles and employees of the state government, local governments, or other political subdivisions and to vehicles and persons of all other categories and descriptions, public, private, eleemosynary, or otherwise.

**§ 33.2-613. Free use of toll facilities by certain persons; 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 Board of Directors of the Virginia Alcoholic Beverage Control Authority;
7. Employees of the regulatory and hearings divisions of the Virginia Alcoholic Beverage Control Authority and special agents of the Virginia Alcoholic Beverage Control Authority;
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 Wildlife Resources;
15. Persons operating firefighting equipment and emergency medical services vehicles as defined in § 32.1-111.1;
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

59 suspend toll collection operations shall be made by the Commissioner of Highways or his designee.

60 2. Major incidents that may require the temporary suspension of toll collection operations shall  
61 include (i) natural disasters, such as hurricanes, tornadoes, fires, and floods; (ii) accidental releases of  
62 hazardous materials, such as chemical spills; (iii) major traffic accidents, such as multivehicle collisions;  
63 and (iv) other incidents deemed to present a risk to public safety. Any mandatory evacuation during a  
64 state of emergency as defined in § 44-146.16 shall require the temporary suspension of toll collection  
65 operations in affected evacuation zones on routes designated as mass evacuation routes. The  
66 Commissioner of Highways shall reinstate toll collection when the mandatory evacuation period ends.

67 3. In any judicial proceeding in which a person is found to be criminally responsible or civilly liable  
68 for any incident resulting in the suspension of toll collections as provided in this subsection, the court  
69 may assess against the person an amount equal to lost toll revenue as a part of the costs of the  
70 proceeding and order that such amount, not to exceed \$2,000 for any individual incident, be paid to the  
71 Department of Transportation for deposit into the toll road fund.

72 C. Any tollgate keeper who refuses to permit the persons listed in subsection A to use any toll  
73 bridge, toll ferry, toll tunnel, or toll road upon presentation of such a toll pass is guilty of a  
74 misdemeanor punishable by a fine of not more than \$50 and not less than \$2.50. Any person other than  
75 those listed in subsection A who exhibits any such toll pass for the purpose of using any toll bridge, toll  
76 ferry, toll tunnel, or toll road is guilty of a Class 1 misdemeanor.

77 D. Any vehicle operated by the holder of a valid driver's license or other document issued under  
78 Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction, authorizing  
79 the operation of a motor vehicle upon the highways shall be allowed free use of all toll bridges, toll  
80 roads, and other toll facilities in the Commonwealth if:

81 1. *a.* The vehicle is specially equipped to permit its operation by an individual with a disability;

82 ~~2. The~~ *and the* driver of the vehicle has been certified, either by a physician licensed by the  
83 Commonwealth or any other state or by the Adjudication Office of the U.S. Department of Veterans  
84 Affairs, as having a severe physical disability and having permanent upper limb mobility or dexterity  
85 impairments that substantially impair his ability to deposit coins in toll baskets; *or*

86 *b. The driver of the vehicle receives Temporary Assistance for Needy Families (TANF) benefits*  
87 *pursuant to Chapter 6 (§ 63.2-600 et seq.) of Title 63.2;*

88 ~~3.~~ 2. The driver has applied for and received from the Department of Transportation a vehicle  
89 window sticker *or specialized electronic toll collection device* identifying him as eligible for such free  
90 passage; and

91 ~~4.~~ 3. Such identifying window sticker *or electronic toll collection device* is properly displayed *or*  
92 *mounted* on the vehicle.

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

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

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

- 104 1. The Commissioner of Highways;
- 105 2. Members of the Commonwealth Transportation Board;
- 106 3. Employees of the Department of Transportation;
- 107 4. The Superintendent of the Department of State Police;
- 108 5. Officers and employees of the Department of State Police;
- 109 6. The Commissioner of the Department of Motor Vehicles;
- 110 7. Employees of the Department of Motor Vehicles; and
- 111 8. Sheriffs and deputy sheriffs.

112 However, in the event of a mandatory evacuation and suspension of tolls pursuant to subdivision B  
113 2, the Commissioner of Highways or his designee shall order the temporary suspension of toll collection  
114 operations on facilities of all operators authorized to operate a toll facility pursuant to the Public-Private  
115 Transportation Act of 1995 (§ 33.2-1800 et seq.) that has been designated as a mass evacuation route in  
116 affected evacuation zones, to the extent such order is necessary to facilitate evacuation and is consistent  
117 with the terms of the applicable comprehensive agreement between the operator and the Department.  
118 The Commissioner of Highways shall authorize the reinstatement of toll collections suspended pursuant  
119 to this subsection when the mandatory evacuation period ends or upon the reinstatement of toll  
120 collections on other tolled facilities in the same affected area, whichever occurs first.

121 G. Any vehicle operated by a quadriplegic driver shall be allowed free use of all toll facilities in  
122 Virginia controlled by the Richmond Metropolitan Transportation Authority, pursuant to the requirements  
123 of subdivisions D 1 through 4, 2, and 3.

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

128 **§ 33.2-617. Toll limits; electronic toll collection device.**

129 A. No individual who is a resident of the Commonwealth shall be charged via an electronic toll  
130 collection device in excess of \$200 per month for the use of toll bridges, toll ferries, toll tunnels, or toll  
131 roads in the Commonwealth. The use of any toll bridge, toll ferry, toll tunnel, or toll road in the  
132 Commonwealth by such individual after such individual has accrued such maximum toll amount shall be  
133 toll free.

134 B. The Department shall limit the monthly monetary total charged to any individual who is a  
135 resident of the Commonwealth for the use of toll bridges, toll ferries, toll tunnels, or toll roads in the  
136 Commonwealth via an electronic toll collection device as provided in this section. The Department may  
137 enact regulations consistent with the provisions of this section.

138 C. No person shall misuse, share, or transfer an electronic toll collection device for the purpose of  
139 (i) generating tolls to reach the limit on toll charges as provided in this section or (ii) obtaining  
140 toll-free use of toll facilities in the Commonwealth.