

NVTC General Assembly Legislative Tracking Chart
Updated 2/25/16 at 7AM

Bills	Patron	Subject	Summary as Introduced	Committee	Last action	Date
HB 169	Albo	HOT lanes; enforcement and notification by lanes operator when person used without payment, etc.	HOT lanes. lanes enforcement and notification by a HOT lanes operator and the Department of Transportation. Requires a HOT lanes operator to notify the registered owner of a vehicle that entered or used HOT lanes without payment of the toll. Such notification must be given within 24 hours of the violation if the registered owner of the vehicle has an account with the HOT lanes operator or within 24 hours of identification of a registered owner who does not have such an account. The bill requires a the Department of Transportation to notify an account holder when his account reaches a low balance status, if the account holder has requested such notification.	(H) Committee on Transportation	(H) Incorporated by Transportation (HB1069-Jones)	2/4/2016
SB 669	Alexander	Highway maintenance payments; bicycle lanes.	Provides that cities and towns that receive highway maintenance payments from the Commonwealth based on moving-lane miles of highway will not have such payments reduced if moving-lane miles of highway are converted to bicycle-only lanes, provided that the number of moving-lane-miles is not more than 50 moving-lane-miles or 3% of the municipality's total number of moving-lane-miles, whichever is less. Municipalities will not receive additional funds and cannot reduce their funding of road and street maintenance after a conversion. The bill also repeals the provision that allowed City of Richmond to convert 20 moving-lane-miles to bicycle-only lanes.	(H) Committee on Transportation	(H) Assigned Transportation sub: Subcommittee #3	2/12/2016
SB 413	Barker	Northern Virginia Transportation Authority.	NVTA; provides that the population criterion required for decisions of the NVTA shall be the estimates, not the projections, made by the Weldon Cooper Center for Public Service of the University of Virginia and provides that the population estimates shall be adjusted once the estimates are available for July 1 of the fifth year after the decennial census. Under current law the population estimates are adjusted on July 1 of the fifth year, which requires them to use the previous year's data.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	2/5/2016

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HB 190	Bulova	Northern Virginia Transportation Authority; use of population estimate in connection with decisions.	NVTA; use of population estimate in connection with decisions. Provides that the population criterion required for decisions of the Northern Virginia Transportation Authority shall be the estimates, not the projections, made by the Weldon Cooper Center for Public Service of the University of Virginia.	(S) Committee on Transportation	(H) VOTE: ADOPTION (100-Y 0-N)	2/24/2016
HB 407	Bulova	Interstate 66; designation of HOV lanes.	I-66; designation of HOV lanes. Prohibits HOV-2 lanes of Interstate 66 from being converted to HOV-3 lanes or a more restrictive designation prior to January 1, 2020.	(S) Committee on Transportation	(S) Referred to Committee on Transportation	2/17/2016
SB 465	Carrico	Request for Proposal of design-build projects.	RFP for DB projects; Allows for the submission and consideration of alternative technical concepts, defined in the bill, during the Request for Proposal process of a design-build transportation project.	(H) Committee on Transportation	(G) Governor's Action Deadline Midnight, March 1, 2016	2/23/2016
HB 97	Cole	HOT lanes; extension of lanes on Interstate 95.	I-95 tolls; Directs the Department of Transportation to enter into negotiations with the toll operator of the existing HOT lanes on Interstate 95 to extend the HOT lanes south to U.S. Route 17 in Stafford County by 2020.	(S) Committee on Transportation	(S) Reported from Transportation with substitute (13-Y 0-N)	2/24/2016
SB 299	Ebbin	Amber lights on public transit buses.	Lights. Allows publicly owned or operated transit buses to use flashing amber lights.	(H) Committee on Transportation	(S) House amendment agreed to by Senate (39-Y 0-N)	2/24/2016
SB 710	Ebbin	Composition of the Washington Metropolitan Area Transit Authority Compact of 1966.	Appointing authority for Board of Directors of Washington Metropolitan Area Transit Authority. Changes from the U.S. Administrator of General Services to the Secretary of the U.S. Department of Transportation the appointing authority for the two federal members of the Board of Directors of the Authority and their alternates. The change is made in the WMATA Compact found in Title 33.2 of the Code of Virginia in order to conform with federal law. The bill contains an emergency clause.	(H) Committee on Transportation	(H) Assigned Transportation sub: Subcommittee #3	2/19/2016

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SB 613	Garrett	Driver's license; marijuana possession.	Revises the existing provision that a person loses his driver's license for six months when convicted of or placed on deferred disposition for a drug offense to provide that the provision does not apply to simple possession of marijuana. The exception applies only to adults; juveniles will still be subject to license suspension. The provisions of the bill are contingent upon the Governor's certifying, in accordance with federal law, to the U.S. Secretary of Transportation that the Governor is opposed and that the General Assembly has adopted a resolution stating its opposition to a law requiring a six-month driver's license suspension or revocation upon a person's conviction for a drug offense and written assurance from the U.S. Department of Transportation that Virginia will not lose any federal funds as a result of implementation of the bill.	(S) Committee for Courts of Justice	(S) Incorporated by Courts of Justice (SB327-Ebbin) (15-Y 0-N)	2/3/2016
SB 60	Hanger	Commonwealth of Virginia Transform I-66 Corridor Outside the Beltway Bond Act of 2016; created.	Bonds; I-66 tolls. Authorizes the Treasury Board to issue bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in an amount up to \$1.5 billion plus financing costs to finance the costs of acquiring, constructing, and equipping dynamically tolled lanes on a portion of Interstate 66. Issuance of the bonds is contingent on the Transportation Public-Private Partnership Advisory Committee, prior to January 1, 2018, finding that the issuance is necessary due to the inability of private parties to meet the term sheet published by the Department of Transportation in September 2015 pursuant to the procurement initiated under the Public-Private Transportation Act of 1995.	(H) Committee on Appropriations	(H) Assigned App. sub: Transportation	2/22/2016

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HB 1069	Jones	Tolling civil penalties; period of nonpayment; limitations on tolling; notification of violations.	Tolls; civil penalties. The bill prohibits tolling any highway, bridge, or tunnel without approval of the General Assembly except in limited circumstances. The bill requires the Department of Transportation to allow E-ZPass account holders to provide an email or phone number and to electronically notify account holders of a toll violation and further requires toll operators to notify the Department of such toll violations. The bill amends the definition of high-occupancy toll (HOT) lanes to ensure that mass transit vehicles and commuter buses meet the high-occupancy requirement. The bill lengthens from 30 to 60 days the period following notification of an unpaid toll on HOT lanes after which, if the toll is still unpaid, the owner or operator of the vehicle is in violation. The bill decreases the civil penalties for an unpaid toll violation on the HOT lanes, making them equal to civil penalties for other toll violations, and allows the HOT lanes operator to offer reduced civil penalties if the owner of the vehicle pays within 14 days prior to the hearing date, which is also permitted for other toll operators. For violations on any toll road, the bill provides that for a first court appearance there are reduced civil penalties and places a cap of \$2,200 on civil penalties and administrative fees. Finally, the bill provides for a 10-day grace period for unpaid tolls and requires toll operators to attempt to process and collect unpaid tolls twice during such period.	(S) Committee on Transportation	(S) Referred to Committee on Transportation	2/17/2016
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HB 1070	Jones	Toll violations; reciprocity agreements; enforcement.	Toll violations; reciprocity agreements; enforcement. Allows the Commonwealth to enter into agreements with other states to provide for the enforcement of tolling violations occurring in Virginia on out-of-state residents and to enforce tolling violations in other states on Virginia residents. Reciprocity agreements with other states would provide for notification of the Commissioner of the DMV or other similar entity in another state so that violators who have not paid would have their registration suspended in accordance with the agreement. The bill allows for agreements between toll operators or high-occupancy toll (HOT) lanes operators and DMV to include necessary information to enforce reciprocity agreements. The bill states that a toll violation on the HOT lanes is a traffic infraction and that a HOT lanes operator shall mail the statutorily required invoice for unpaid tolls, as is the case for other toll violations. The bill clarifies references to the issuance of summonses for toll violations. The bill provides for a two-year statute of limitations for all toll violations.	(S) Committee on Transportation	(S) Referred to Committee on Transportation	2/17/2016
HB 1383	Keam	Commissioner of Highways; annual report to be made public.	Commissioner of Highways; annual report to be made public. Requires the Commissioner of Highways to make his annual report public in an accessible format. Currently such report is only provided to the Governor, the General Assembly, the Joint Legislative Audit and Review Commission, and the Commonwealth Transportation Board. The bill requires such report to include all aspects of traffic modeling and any cost-benefit analyses performed.	(S) Committee on Transportation	(S) Reported from Transportation with substitute (13-Y 0-N)	2/24/2016
HB 613	Krizek	Department of Rail and Public Transportation; acquisition of real estate and rights-of-way	DRPT acquisition of real estate and ROW; Authorizes the DRPT to acquire real estate or rights-of-way for the construction of railway lines or public transportation facilities or the retention of rail corridors for public purposes. The bill provides that acquisition of real property for office space, district offices, residencies, area headquarters, or correctional facilities remains subject to review by the Department of General Services and approval by the Governor.	(S) Committee on Transportation	(S) Reported from Transportation (9-Y 3-N)	2/24/2016

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HB 715	LeMunyon	HOV designation in Planning District 8.	I-66; HOV designation in Planning District 8. Applies the minimum requirements that the Department of Transportation must satisfy prior to a change in HOV-2 designation to a more restrictive designation on Interstate 66 to all interstate highways in Planning District 8. The bill adds to the criteria on which the CTB must base its decision whether the change in designation has been screened and evaluated by the Department in accordance with its responsibilities for analysis of transportation projects in the Northern Virginia Transportation District.	(S) Committee on Transportation	(S) Referred to Committee on Transportation	2/17/2016
HB 719	LeMunyon	Commonwealth Transportation Board; value of statewide prioritization factors.	CTB; value of statewide prioritization factors. Requires the CTB to make public the criteria used to determine the value of each factor used in the statewide prioritization process for project selection no later than 30 days prior to a vote on such project or strategy.	(S) Committee on Transportation	(H) Bill text as passed House and Senate (HB719ER)	2/24/2016
HB 724	LeMunyon	Quorum and action by the Northern Virginia Transportation Commission.	NVTC; Provides quorum and voting procedures for the NVTC that are analogous to those followed by the NVTA.	(S) Committee on Transportation	(S) Referred to Committee on Transportation	2/1/2016
HB 727	LeMunyon	Northern Virginia Transportation Authority; decision-making procedure.	NVTA; decision-making procedure. Requires the NVTA to make certain information concerning projects in its regional transportation plan publicly available at least 30 days prior to any decision for the expenditure of funds to create or improve a transportation facility.	(S) Committee on Transportation	(H) VOTE: ADOPTION (98-Y 0-N)	2/24/2016
HB 728	LeMunyon	State and local transportation planning; homeland security.	State and local transportation planning; homeland security. Requires that the results of Department of Transportation reviews of proposed local comprehensive plan amendments for issues related to homeland security be provided concurrently to the submitting locality and the NVTA.	(S) Committee on Transportation	(S) Reported from Transportation (13-Y 0-N)	2/24/2016
HB 730	LeMunyon	Commuter parking lot signage.	Commuter parking lot signage. Requires that signage in commuter parking lots owned by the VDOT in Planning District 8 clearly indicate that parking in such lots is only for commuters using mass transit or who are car pool riders.	(S) Committee on Transportation	(S) Referred to Committee on Transportation	2/17/2016

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HB 731	LeMunyon	Members of transportation district commissions; compensation.	NVTC. Allows the NVTC to reimburse its members appointed to the board of directors of the WMATA for expenses incurred and compensate them in the amount of \$200 per day for attending WMATA meetings.	(S) Committee on Transportation	(H) Bill text as passed House and Senate (HB731ER)	2/24/2016
HB 817	LeMunyon	Virginia Freedom of Information Act; record exclusions; rule of redaction.	VA FOIA; Reverses the holding of the Virginia Supreme Court in the case of Department of Corrections v. Surovell, by setting out the general rule of redaction, which provides that no provision of FOIA is intended, nor shall it be construed or applied, to authorize a public body to withhold a public record in its entirety on the grounds that some portion of the public record is excluded from disclosure by FOIA or by any other provision of law. Further, the bill states that a public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure under FOIA or other provision of law applies to the entire content of the public record. Otherwise, only those portions of the public record containing information subject to an exclusion under FOIA or other provision of law may be withheld, and all portions of the public record that are not so excluded shall be disclosed. The bill also reverses that part of the holding of the Virginia Supreme Court in the case of Department of Corrections v. Surovell by providing that in a FOIA enforcement action, no court shall be required to accord any weight to the determination of a public body as to whether an exclusion applies.	(S) Committee on General Laws and Technology	(S) Referred to Committee on General Laws and Technology	2/17/2016

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HB 818	LeMunyon	Virginia Freedom of Information Act (FOIA); designation of FOIA officer; posting of FOIA rights.	VA FOIA; Requires certain local public bodies to post a FOIA rights and responsibilities document on its respective public government website. The bill also requires all state public bodies created in the executive branch of state government, including state authorities, and all local public bodies that are subject to FOIA to designate and publicly identify one or more FOIA officers whose responsibility is to serve as a point of contact for members of the public in requesting public records and to oversee the public body's compliance with the provisions of FOIA. The bill sets out where contact information for the designated FOIA officer is to be posted. The bill requires that any such FOIA officer shall possess specific knowledge of the provisions of this chapter and be trained at least annually by legal counsel for the public body or the Virginia Freedom of Information Advisory Council.	(S) Committee on General Laws and Technology	(S) Referred to Committee on General Laws and Technology	2/9/2016
HJ 91	LeMunyon	Commending the Virginia Coalition for Open Government.	Commendation		(S) Agreed to by Senate by voice vote	1/21/2016
SB 47	Lucas	Hampton Roads Transportation Accountability Commission; local representation.	HRTAC. Allows the chairman of the board of supervisors of a county within Planning District 23 to designate a current elected officer of the same governing body to serve in his place on the HRTAC.	(S) Committee on Transportation	(S) Incorporated by Transportation (SB476-Wagner) (13-Y 0-N)	2/10/2016
HB 384	Marshall, R.G.	Commonwealth Transportation Board; meetings.	CTB. Requires any meeting of the CTB that involves a discussion or vote related to a transportation project valued in excess of \$5 million be held in the highway construction district where the project being considered is located.	(S) Committee on Transportation	(S) Reported from Transportation (11-Y 0-N)	2/24/2016
HB 181	Minchew	Northern Virginia Transportation Commission; increases membership.	NVTC; Increases the number of nonlegislative citizen members of the NVTC from 13 to 14 by increasing from one to two the members who represent Loudoun County.	(S) Committee on Transportation	(H) Bill text as passed House and Senate (HB181ER)	2/24/2016

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HB 907	Minchew	Virginia Public Procurement Act; term contracts for architectural and engineering services; limitations	Procurement. Grants an exemption from the monetary caps for architectural and engineering services to transportation district commissions.	(S) Committee on General Laws and Technology	(S) Constitutional reading dispensed (39-Y 0-N)	2/24/2016
HB 912	Minchew	Department of Transportation; installation of broadband conduit on public highways.	Allows the Department of Transportation to permit broadband service providers to install conduit capable of housing fiber optic cable to provide broadband service on public highways.	(S) Committee for Courts of Justice	(S) Rereferred to Courts of Justice	2/24/2016
HB 1166	Morefield	Virginia Public Procurement Act; small purchase procedures; transportation-related construction.	Procurement. Provides that a public body may establish purchase procedures not requiring competitive sealed bids or competitive negotiation for single or term contracts for transportation-related construction if the aggregate or sum of all phases is not expected to exceed \$25,000.	(S) Committee on General Laws and Technology	(S) Referred to Committee on General Laws and Technology	2/17/2016
HB 1359	Peace	Transit Capital Project Revenue Advisory Committee.	Transit Capital Project Revenue Advisory Committee. Establishes the Transit Capital Project Revenue Advisory Board (the Board) within the Department of Rail and Public Transit to examine the effects of the loss of state transit capital funds and identify additional sources of revenue. The Advisory Board shall expire on July 1, 2019.	(S) Committee on Transportation	(S) Reported from Transportation (11-Y 0-N)	2/24/2016
SB 113	Petersen	Northern Virginia Transportation Authority; membership composition.	NVTA; Increases from 17 to 18 the membership of the NVTA and provides that the additional nonlegislative citizen member represent towns that receive funds for urban highway systems.	(H) Committee on Transportation	(H) Assigned Transportation sub: Subcommittee #3	2/19/2016

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SB 611	Stanley	Notice of tort claim against the Commonwealth, transportation district, or locality.	Provides that the bar to a tort claim against the Commonwealth, a transportation district, or a locality for failure to file a written statement of the nature of the claim within one year after the cause of action accrues does not apply where there was actual knowledge of the claim within one year by the Commonwealth, its agency alleged to be liable, the Division of Risk Management, or any insurer or entity providing coverage or indemnification of the claim, the Attorney General, the transportation district, or the locality, as applicable.	(H) Committee for Courts of Justice	(H) Subcommittee recommends reporting with amendment(s) (10-Y 0-N)	2/17/2016
SB 765	Suetterlein	Commissioner of Highways; powers; emergency removal of snow and ice.	Commissioner of Highways; powers; emergency removal of snow and ice. Provides that the Commissioner of Highways has the authority to establish and use procedures as he deems necessary to ensure safe travel during an emergency or weather-related event and that procuring equipment and labor to ensure resources are available to address an emergency or weather-related event is an emergency pursuant to the Virginia Public Procurement Act.	(H) Committee on Transportation	(H) Subcommittee recommends reporting (7-Y 0-N)	2/22/2016

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HB 1111	Villanueva	Hampton Roads Transportation Accountability Commission.	HRTAC. Ensures that the moneys in the HR Transportation Fund are distributed to the HRTAC and allows the Commission to invest moneys in excess of those required to meet current needs in accordance with applicable law. Allows the Hampton Roads Transportation Accountability Commission to spend HR Transportation Fund moneys on administrative and operating expenses and removes the requirement that, if no other funds are available, administrative expenses of the Commission be allocated among the localities within Planning District 23 on the basis of relative population. The bill states that it does not result in the expiration of the contingently effective provisions of Chapter 896 of the Acts of Assembly of 2007 or Chapter 766 of the Acts of Assembly of 2013. The bill allows an elected official of any of the four counties embraced by the HRTAC who serves on the county's governing body and has been appointed by resolution of such governing body to represent the county on the Commission to serve on the Commission. Currently, only the chief elected officer of such county may serve on the Commission. The bill also allows a member representing a city or county to designate a current elected officer of the same governing body to serve in his place on the Commission after making such designation to the Chairman and limits such designation to two meetings or 25% percent of the Commission's meetings per year.	(S) Committee on Finance	(S) Rereferred to Finance	2/24/2016
HB 329	Villanueva	Amber lights, flashing; allows publicly owner or operated transit buses to use.	Allows publicly owned or operated transit buses to use flashing amber lights.	(S) Committee on Transportation	(H) Bill text as passed House and Senate (HB329ER)	2/24/2016
HB 501	Villanueva	Request for Proposal of design-build projects.	RFP for DB projects; Allows for the submission and consideration of alternative technical concepts, defined in the bill, during the Request for Proposal process of a design-build transportation project.	(S) Committee on Transportation	(S) Reported from Transportation (13-Y 0-N)	2/24/2016

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SB 472	Wagner	Hampton Roads Transportation Accountability Commission; local representation.	HRTAC; Allows a chief elected officer to designate a current elected officer of the same governing body to serve in his place on the HRTAC for one meeting if 48-hour notice is provided to the Chairman.	(S) Committee on Transportation	(S) Incorporated by Transportation (SB476 Wagner) (13-Y 0-N)	2/10/2016
SB 476	Wagner	Hampton Roads Transportation Accountability Commission.	HRTAC; Ensures that the moneys in the Hampton Roads Transportation Fund are distributed to the HRTAC and allows the Commission to invest moneys in excess of those required to meet current needs in accordance with applicable law. Allows the HRTAC to spend HR Transportation Fund moneys on administrative and operating expenses and removes the requirement that, if no other funds are available, administrative expenses of the Commission be allocated among the localities within Planning District 23 on the basis of relative population. The bill states that it does not result in the expiration of the contingently effective provisions of Chapter 896 of the Acts of Assembly of 2007 or Chapter 766 of the Acts of Assembly of 2013. The bill allows an elected official of any of the four counties embraced by the HRTAC who serves on the county's governing body and has been appointed by resolution of such governing body to represent the county on the Commission to serve on the Commission. Currently, only the chief elected officer of such county may serve on the Commission. The bill also allows a member representing a city or county to designate a current elected officer of the same governing body to serve in his place on the Commission after making such designation to the Chairman and limits such designation to two meetings or 25% percent of the Commission's meetings per year.	(H) Committee on Appropriations	(H) Assigned App. sub: Transportation	2/22/2016
SB 742	Wagner	Motor vehicle fuels sales tax in certain transportation districts.	Motor vehicle fuels sales tax in certain transportation districts. Changes the regional gas tax in Hampton Roads to a cents per gallon tax that decreases as the price of gas increases. The tax would be imposed on the basis of the price of gas as determined by the Commissioner of the Department of Motor Vehicles using a prescribed formula to calculate the average wholesale price.	(H) Committee on Finance	(H) Assigned Finance sub: Subcommittee #3	2/24/2016

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SB 277	Wexton	Northern Virginia Transportation Commission; increases membership.	NVTC. Increases the membership of the NVTC from 14 to 15 by increasing the members from Loudoun County from one to two.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	2/17/2016
SB 280	Wexton	Herndon, Town of; amending charter, boundary description.	Herndon. Amends the town's boundary description to reflect a recent boundary line adjustment.	(H) Committee on Counties, Cities and Towns	(S) Bill text as passed Senate and House (SB280ER)	2/24/2016
SB 281	Wexton	Herndon, Town of; amending charter, removes certain powers of mayor.	Herndon. Removes the authority of the mayor to take command of the police during emergencies and deputize assistant policemen to maintain order and enforce laws during such emergency.	(H) Committee on Counties, Cities and Towns	(S) Bill text as passed Senate and House (SB281ER)	2/24/2016
SB 78	Wexton	Voluntary boundary agreements within Loudoun County; attachment of GIS map.	Loudoun County boundary. Allows Loudoun County and any town located within Loudoun County, in adopting a voluntary boundary agreement, to attach to their petitions to the circuit court a Geographic Information System (GIS) map depicting the boundary change. Under current law, such use of a GIS map is permitted only regarding the boundary between the Counties of Louisa and Goochland.	(H) Committee on Counties, Cities and Towns	(S) Bill text as passed Senate and House (SB78ER)	2/24/2016
HB 274	Yancey	Hampton Roads Transportation Fund.	HR Transportation Funds; Ensures that the moneys in the Hampton Roads Transportation Fund are distributed to the HRTAC and allows the Commission to invest moneys in excess of those required to meet current needs in accordance with applicable law.	(S) Committee on Transportation	(S) Incorporated by Transportation (HB1111-Villanueva) (13-Y 0-N)	2/24/2016
HB 225	Albo	Interstate System components; approvals of tolls on I-395	I-395 tolls; Tolls for use of Interstate System components. Requires approval of the General Assembly prior to the imposition and collection of tolls for the use of Interstate 395. The bill contains a technical amendment. The bill contains an emergency clause.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016

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HB 887	Albo	Virginia Public Procurement Act; requirements for use of construction management.	Restricts the use of construction management procurements by public bodies unless (i) the total project cost is \$50 million or more, (ii) a written determination is provided stating that competitive sealed bidding is not practicable or fiscally advantageous, (iii) the contract is entered into prior to the schematic phase of design, (iv) construction management experience is not required or considered as part of the award, (v) price is the primary determining factor for award of the contract, and (vi) proposers provide for the participation of small, women-owned, and minority-owned businesses in the project. The bill provides that for projects where the total project cost is not expected to exceed \$50 million, a public body may use competitive negotiation to procure construction on a construction management basis if (i) the above requirements are met; (ii) the project is (a) of substantial historical value or interest or (b) significantly unique or extremely complex in nature; (iii) prior to any solicitation for such project, the public body notifies in writing the Director of the Department of General Services in the case of state public bodies, or the local governing body in the case of a local public body, of its intent to procure construction on a construction management basis; and (iv) the Director of the Department of General Services or the local governing body, as the case may be, makes a finding that the public body is in compliance with the requirements of this subsection, which finding shall be on a per project basis and shall be in writing. The findings for state public bodies shall be made by the Director under existing regulations and guidelines established by the Department of General Services. In addition, the bill defines "public body" for the purposes of the use of construction management for construction to include (i) public institutions of higher education that have executed a valid management agreement under the Restructured Higher Education Financial and Administrative Operations Act of 2005 (§ 23-38.88 et seq.) and (ii) localities and school divisions that were previously exempt based on the adoption of alternative policies and procedures based on competitive principles and generally applicable to procurement of goods and services by the locality or school division.	(H) Committee on General Laws	(H) Continued to 2017 in General Laws	2/9/2016
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HB 888	Albo	Public procurement; requirements for certain construction projects; use of construction management	Restricts the use of construction management procurements by public bodies to contracts of \$50 million or more, provided that such contracts involve projects that, among other requirements, are (i) of substantial historical value or interest or (ii) significantly unique or extremely complex in nature. State public bodies may request a waiver from the restriction on a project-by-project basis from the Director of the Department of General Services. In the case of procurement by localities, a waiver may be granted by the local governing body. The bill defines "public body" for the purposes of the use of construction management for construction to include public institutions of higher education under the Restructured Higher Education Financial and Administrative Operations Act of 2005 (§ 23-38.88 et seq.) and any public body that has implemented the provisions of the Virginia Public Procurement Act pursuant to § 2.2-4302.	(H) Committee on General Laws	(H) Stricken from docket by General Laws	2/9/2016
SB 195	Alexander	Lights on bicycles, electric personal assistive mobility devices, electric power-assisted bicycles	Lights. Requires bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds operated between sunset and sunrise to have a red light visible from at least 500 feet to the rear. Current law requires such vehicles, except bicycles, to have a red reflector visible from 600 feet to the rear and requires bicycles to have a rear taillight emitting a red light visible from at least 500 feet between sunset and sunrise when operated on a highway with a speed limit of 35 mph or greater. A violation of this provision is punishable as a traffic infraction.	(S) Committee on Transportation	(S) Stricken at request of Patron in Transportation (12-Y 0-N)	1/20/2016
SB 644	Alexander	Battery; public transportation operators; penalty.	Battery of public transportation operators. Provides that the punishment for battery of a person who is the operator of a vehicle operated by a public transportation service who is engaged in the performance of his duties is a Class 1 misdemeanor, including a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term of confinement.	(S) Committee for Courts of Justice	(S) Continued to 2017 in Courts of Justice (15-Y 0-N)	2/1/2016
HB 631	Bell, J.J.	Tolling on Interstate 66.	I-66 tolls; Prohibits tolls on existing components of Interstate 66 east of mile marker 67.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016

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For full bill history please click the hyperlink embedded in the bill number.

NVTC General Assembly Legislative Tracking Chart

Updated 2/25/16 at 7AM

HB 796	Bell, J.J.	Practical design standards for projects.	Practical Design. Requires the Department of Transportation to employ practical design standards for any highway system project, including all projects costing more than \$5 million. "Practical design standards" are defined in the bill as standards that incorporate maximum flexibility in application of standards that reduce the cost of project delivery while preserving and enhancing safety and mobility.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016
HJ 100	Bell, J.J.	Study; Department of Transportation; Dulles Greenway ownership; report.	Study; Department of Transportation; Dulles Greenway ownership; report. Requests the Department of Transportation to study whether reductions in operating costs could be obtained through partial Commonwealth ownership of the Dulles Greenway.	(H) Committee on Rules	(H) Left in Rules	2/16/2016
HJ 101	Bell, J.J.	Study; Department of Transportation; purchase of the Dulles Greenway; report.	Study; Department of Transportation; purchase of the Dulles Greenway; report. Requests the Department of Transportation to study the feasibility of purchasing the Dulles Greenway.	(H) Committee on Rules	(H) Left in Rules	2/16/2016
HB 1374	Bulova	Tolls for use of Interstate 66.	Tolls for use of Interstate 66. Provides that the Commonwealth Transportation Board may impose tolls for the use of Interstate 66 from Interstate 495 to Route 29 in Rosslyn only if such tolls are collected at the same time Interstate 66 eastbound is being widened from the Dulles Connector Road to Ballston.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016
HB 916	Bulova	Tolling on interstate highways.	I-66 tolls; Prohibits the imposition or collection of tolls on any component of Interstate 66 existing prior to July 1, 2016.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016
HB 692	Carr	Payments to cities and towns for maintenance of certain highways.	Provides that maintenance payments made to eligible cities and towns shall be for total pavement width based on an 11-foot lane.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016

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NVTC General Assembly Legislative Tracking Chart
Updated 2/25/16 at 7AM

HB 849	Cline	Sales and use tax rate on food.	Taxes; Reduces the state sales and use tax rate on food from 1.5 percent to one percent by eliminating the 0.5 percent sales and use tax on food that is currently paid into the Transportation Trust Fund.	(H) Committee on Appropriations	(H) Left in Appropriations	2/18/2016
HB 99	Cole	High occupancy vehicle (HOV) lanes; certain vehicles use of HOT lanes on Interstate 395, exceptions.	Use of HOV lanes; Allows vehicles that have fewer than three occupants that display an installed E-ZPASS transponder and have paid the toll on the Interstate 95 HOT lanes to use HOV lanes of Interstate 395 during peak traffic periods.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016
HB 1372	Davis	Autonomous vehicles and piloted vehicles; definition.	Autonomous vehicles and piloted vehicles; definition. Defines "autonomous vehicles" and "piloted vehicles" for purposes of Title 46.2 (Motor Vehicles).	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016
HB 1236	Dudenhefer	Unpaid toll collection; administrative fees.	Prohibits a toll facility operator from charging an administrative fee that exceeds the amount of the unpaid toll per violation. Currently, administrative fees shall not exceed \$100 unless paid within 30 days of the violation, in which case the administrative fee shall not exceed \$25.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016
SB 431	Ebbin	HOT lane toll violations; penalties.	Tolls; Lengthens the time period to pay an unpaid toll from 30 to 45 days before the administrative fee is increased. The bill decreases the civil penalties for an unpaid toll, making them equal to civil penalties for other toll violations, and makes subsequent increased civil penalties applicable only after conviction of a prior offense and allows for consideration of extenuating circumstances. The bill also places a cap on civil penalties and administrative fees of \$2,200 for a driver or owner's first court appearance for unpaid tolls and requires an annual report by the Department of Transportation on toll violations, penalties, and fees to the Chairmen of the House and Senate Transportation Committees.	(S) Committee on Transportation	(S) Incorporates SB257	2/10/2016

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NVTC General Assembly Legislative Tracking Chart
Updated 2/25/16 at 7AM

SJ 94	Garrett	Opposing federal requirement of a law mandating a six-month driver's license suspension.	Expresses the opposition of the General Assembly to the enactment or enforcement of a law requiring a six-month revocation or suspension of a person's driver's license upon conviction of an offense involving the possession of marijuana. Absent a resolution from the General Assembly expressing such opposition, the failure to enforce such a law results in the withholding of certain federal highway funding by the U.S. Secretary of Transportation from the Commonwealth. Currently, such a law is codified in §§ 18.2-259.1 and 46.2-390.1.	(S) Committee on Rules	(S) Left in Rules	2/17/2016
HB 1071	Heretick	Nonpayment of electronic tolls; civil actions.	Tolls; Nonpayment of electronic tolls; civil actions. Provides that no action to recover an unpaid electronic toll shall be brought until at least 120 days have elapsed from the date of the violation. Any such action shall only be brought in the locality in which the vehicle is registered, if registered in the Commonwealth, or in the locality in which the violation occurred, if the vehicle is registered outside the Commonwealth. No judgment resulting from such action shall exceed five times the amount of the unpaid toll, including administrative fees and penalties. The bill provides for a one-year statute of limitations for all toll violations. The bill requires toll facilities that do not offer manual toll collection to accept cash at a physical location or by electronic funds transfer within 72 hours of the unpaid toll. The bill requires such toll operator to display signage notifying drivers of alternative routes that are not tolled and that payment in cash may be accepted within 72 hours of the unpaid toll.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016
HJ 73	Heretick	Study; CTB to study reduction or elimination of tolls on Tunnels in Hampton Roads; report.	Study; HR tolls. Requests the Commonwealth Transportation Board to study the feasibility of reducing or eliminating tolls on the Midtown and Downtown Tunnels in Hampton Roads.	(H) Committee on Rules	(H) Left in Rules	2/16/2016

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NVTC General Assembly Legislative Tracking Chart
Updated 2/25/16 at 7AM

HB 403	Herring	Northern Virginia Transportation Authority.	NVTA; Provides that the population criterion required for decisions of the Northern Virginia Transportation Authority shall be the estimates, not the projections, made by the Weldon Cooper Center for Public Service of the University of Virginia.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016
HB 414	James	Toll violations at all electronic toll facilities; administrative fees and period of nonpayment	Toll violations; Lowers the administrative fee that is paid after 30 days of nonpayment of an unpaid toll from \$100 to \$50 and lengthens such period of nonpayment from 30 days to 60 days. The time period for notice to contest liability for a toll violation is extended from 60 to 90 days. The time period to file an affidavit stating that the owner of the vehicle was not the operator of the vehicle during the unpaid toll violation is extended from 14 to 30 days.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016
HJ 77	James	Study; CTB to study reduction or elimination of tolls on Midtown-Downtown Tunnels in Hampton Rds.	Study; HR tolls. Requests the Commonwealth Transportation Board to study the feasibility of reducing or eliminating tolls on the Midtown and Downtown Tunnels in Hampton Roads.	(H) Committee on Rules	(H) Left in Rules	2/16/2016
HB 1067	Jones	Bonds; tolls on I-66	Bonds; I-66 tolls. Authorizes the Treasury Board to issue bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in an amount up to \$1.5 billion plus financing costs to finance the costs of acquiring, constructing, and equipping dynamically tolled lanes on a portion of Interstate 66. Issuance of the bonds is contingent on the Transportation Public-Private Partnership Advisory Committee, prior to January 1, 2018, finding that the issuance is necessary due to the inability of private parties to meet the term sheet published by the Department of Transportation in September 2015 pursuant to the procurement initiated under the Public-Private Transportation Act of 1995.	(H) Committee on Appropriations	(H) Continued to 2017 in Appropriations with substitute	2/12/2016

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NVTC General Assembly Legislative Tracking Chart
Updated 2/25/16 at 7AM

HB 947	Keam	Department of Transportation; induced demand considered in certain projects.	Requires the Department of Transportation to consider the concept of induced demand when conducting a review employing value engineering as required in certain projects. The bill defines "induced demand" as the concept that new roads will create new drivers, resulting in the intensity of traffic staying the same.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016
HB 949	Keam	Northern Virginia Transportation Authority (NVTA); membership composition.	NVTA; membership composition. Increases from 17 to 18 the membership of the NVTA and provides that the additional non-legislative citizen member represent towns that receive funds for urban highway systems.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016
HB 445	Kory	Clean fuel vehicle and advanced cellulosic biofuels job creation; reestablishes tax credit.	Clean fuels tax credit; Reestablishes the tax credit for taxable years 2016, 2017, and 2018. Under the bill, the credit will expire on January 1, 2019. The credit expired on December 31, 2014.	(H) Committee on Finance	(H) Left in Finance	2/17/2016
HJ 138	LaRock	Study; Joint Commission on Transportation Accountability; report.	Study; MWAA. Directs the Joint Commission on Transportation Accountability to study the Metropolitan Washington Airports Authority's compliance with the Dulles Toll Road Permit and Operating Agreement.	(H) Committee on Rules	(H) Left in Rules	2/16/2016

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NVTC General Assembly Legislative Tracking Chart
Updated 2/25/16 at 7AM

HJ 139	LaRock	Constitutional amendment (first resolution); Transportation Funds.	Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2017, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The amendment specifies that the General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house and that the loan must be repaid with reasonable interest within four years.	(H) Committee on Privileges and Elections	(H) Left in Privileges and Elections	2/16/2016
HB 1	LeMunyon	Interstate 66; tolls on existing components east of mile marker 67 prohibited.	Prohibits tolls on existing components of Interstate 66 inside the Beltway (east of mile marker 67).	(H) Committee on Appropriations	(H) Left in Appropriations	2/18/2016
HB 216	LeMunyon	Sales and Use Tax; tax on food purchased for human consumption.	Phases out over a five-year period the state and local sales and use tax on food purchased for human consumption. Under current law, the local tax rate on food is 1% and the state tax rate on such food is 1.5%, with a 1% tax dedicated to localities on the basis of school-age population and the remaining 0.5% tax dedicated to the Transportation Trust Fund. The bill dedicates state sales and use tax revenue to hold harmless localities and the Transportation Trust Fund.	(H) Committee on Finance	(H) Left in Finance	2/17/2016
HB 716	LeMunyon	Commonwealth Transportation Board; project evaluation.	CTB; Requires the congestion mitigation factor to be given a weight twice that of all other factors combined by the CTB when evaluating projects in the Northern Virginia highway construction district using the statewide prioritization process.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016

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NVTC General Assembly Legislative Tracking Chart
Updated 2/25/16 at 7AM

HB 717	LeMunyon	Evaluation of significant transportation projects in Northern Virginia.	Transportation projects; Directs the Department of Transportation to complete evaluations of certain significant transportation projects in the Northern Virginia Transportation District by December 31, 2016.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016
HB 718	LeMunyon	Commonwealth Transportation Board; project proposals to regional organizations.	CTB; project proposals to regional organizations. Requires CTB to annually solicit input from localities, metropolitan planning organizations, transit authorities, transportation authorities, and other stakeholders in its development of the prioritization process. The bill requires the CTB to annually propose transportation projects to metropolitan planning organizations and the NVTA. The CTB shall consider such input prior to submission of projects to be evaluated under the statewide prioritization process.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016
HB 720	LeMunyon	Department of Transportation;	Planning District 8 public hearings. Requires the Department of Transportation (VDOT) or the DRPT to hold a public hearing regarding any transportation project valued in excess of \$10 million in Planning District 8 at the conclusion of the project's preliminary design phase but before the detailed design phase begins and requires VDOT to evaluate such projects and make public the results of such evaluations not less than 14 days prior to such hearing.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016
HB 721	LeMunyon	Toll Facilities Revolving Account; statewide prioritization process.	Tolls. Requires funds allocated from the Toll Facilities Revolving Account to be evaluated using the statewide prioritization process.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016
HB 722	LeMunyon	Tolling on highway systems.	Tolls. Prohibits the imposition or collection of tolls on primary, secondary, or urban highways in Planning District 8 not tolled as of January 1, 2016.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016

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NVTC General Assembly Legislative Tracking Chart
Updated 2/25/16 at 7AM

HB 723	LeMunyon	Northern Virginia Transportation Commission; Northern Virginia Transportation Authority.	NVTC/NVTA. Transfers the powers and duties of the NVTC to the NVTA.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016
HB 725	LeMunyon	Northern Virginia Transportation Commission; membership.	NVTC; Allows the governing body of each participating county and city in the NVTC to appoint commissioners to the NVTC who are not members of the governing body.	(S) Committee on Transportation	(S) Passed by indefinitely in Transportation (12-Y 1-N)	2/24/2016
HB 726	LeMunyon	Northern Virginia Excess Toll Revenue Fund.	Northern Virginia Excess Toll Revenue Fund. Establishes the Northern Virginia Excess Toll Revenue Fund into which all moneys collected by a toll facility in Planning District 8 that exceed amounts necessary for the design, development, operation, maintenance, or financing of the highway where the toll is collected will be deposited. Moneys in the Northern Virginia Excess Toll Revenue Fund will be distributed to the NVTA and used for alleviating highway congestion.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016
HB 729	LeMunyon	Department of Transportation; electronic toll collection account notification.	Tolls. Requires the Department of Transportation (VDOT) to request email addresses and personal cell phone numbers from every account holder of an electronic toll collection device, commonly known as E-ZPass. The bill further requires VDOT to notify account holders via text message or email when the vehicle associated with the E-ZPass is operated without payment of a required toll, when the account reaches an amount preestablished by the account holder as a low balance, or when any other account irregularity occurs.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016
HB 732	LeMunyon	State and local transportation planning.	Planning; Provides that in Planning District 8 (Northern Virginia) the Department of Transportation's review of a proposed rezoning shall consider the transportation impact of the proposed rezoning on all interstate, primary, and secondary roads within a five-mile radius of the proposed rezoning.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016

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NVTC General Assembly Legislative Tracking Chart
Updated 2/25/16 at 7AM

HB 733	LeMunyon	VDOT and DRPT employee evaluations.	VDOT and DRPT employee evaluations. Requires half of the performance evaluations of Department of Transportation and DRPT employees in Planning District 8 to be based on the extent to which congestion in the planning district has been relieved.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016
HJ 109	LeMunyon	Study; Washington Metropolitan Area Transit Authority Compact of 1966; report.	Study; WMATA Compact of 1966; report. Requests the Governor to review the Washington Metropolitan Area Transit Authority Compact of 1966 and enter into discussions with his counterparts in Washington, D.C., and Maryland to identify possible improvements to the agreement, particularly with regard to the governance, financing, and operation of the Authority.	(H) Committee on Rules	(H) Left in Rules	2/16/2016
HJ 110	LeMunyon	Study; Secretary of Transportation; tolling alternatives on Interstate 66; report.	I-66 tolls; Requests the Secretary of Transportation to study alternatives to add vehicle capacity to Interstate 66 inside the Capital Beltway.	(H) Committee on Rules	(H) Left in Rules	2/16/2016
HB 1008	Levine	Motor vehicle fuels sales tax in certain transportation districts; price floor.	Price floor; Places a floor on the 2.1 percent tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by ensuring that the average sales price be no less than the statewide average sales price on February 20, 2013, which is the date used as a floor on the statewide motor vehicle fuels sales tax.	(H) Committee on Finance	(H) Stricken from docket by Finance	2/8/2016
HB 1278	Levine	Composition of the Washington Metropolitan Area Transit Authority Compact of 1966.	Composition of the Washington Metropolitan Area Transit Authority Compact of 1966. Changes the membership of the Washington Metropolitan Area Transit Authority Compact of 1966 by replacing the Administrator of General Services with the Secretary of the U.S. Department of Transportation to conform with federal law. This bill contains an emergency clause.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016

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NVTC General Assembly Legislative Tracking Chart
Updated 2/25/16 at 7AM

SB 334	Locke	Toll violations at all electronic toll facilities; administrative fees and period of nonpayment.	Toll violations. Lowers the administrative fee that is paid after 30 days of nonpayment of an unpaid toll from \$100 to \$50 and lengthens such period of nonpayment from 30 days to 60 days. The time period for notice to contest liability for a toll violation is extended from 60 to 90 days. The time period to file an affidavit stating that the owner of the vehicle was not the operator of the vehicle during the unpaid toll violation is extended from 14 to 30 days.	(S) Committee on Transportation	(S) Incorporated by Transportation (SB295-Lucas) (13-Y 0-N)	2/10/2016
SB 295	Lucas	Toll violations at all electronic toll facilities; administrative fees and period of nonpayment.	Toll violations. Lowers the administrative fee that is paid after 30 days of nonpayment of an unpaid toll from \$100 to \$50 and lengthens such period of nonpayment from 30 days to 60 days. The time period for notice to contest liability for a toll violation is extended from 60 to 90 days. The time period to file an affidavit stating that the owner of the vehicle was not the operator of the vehicle during the unpaid toll violation is extended from 14 to 30 days.	(S) Committee on Transportation	(S) Passed by indefinitely in Transportation with letter (13-Y 0-N)	2/10/2016
SB 697	Lucas	Free use of toll facilities; motorcycles.	Free use of toll facilities; motorcycles. Allows motorcycles free use of all toll bridges, toll roads, and other toll facilities in the Commonwealth	(S) Committee on Transportation	(S) Passed by indefinitely in Transportation (13-Y 0-N)	2/3/2016
SB 703	Lucas	Charges for information supplied by the Department of Motor Vehicles.	Charges for information supplied by the Department of Motor Vehicles. Allows private toll facility operators to request DMV records and exempts private toll facility operators or their employees or agents from being assessed a charge by the Department of Motor Vehicles for supplying information for official use.	(S) Committee on Finance	(S) Continued to 2017 in Finance (15-Y 0-N)	2/11/2016
SJ 107	Marsden	Cross-jurisdictional transportation for persons with disabilities.	Cross-jurisdictional paratransit. Urges localities to make a collaborative effort to provide affordable cross-jurisdictional public transportation to persons with disabilities by modifying and expanding current transportation routes and services. The resolution urges localities to enter into memoranda of understanding to accomplish this goal and to work with all relevant agencies, organizations, and other stakeholders. The resolution is a recommendation of the Disability Commission.	(S) Committee on Rules	(S) Passed by indefinitely in Rules	2/5/2016

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NVTC General Assembly Legislative Tracking Chart
Updated 2/25/16 at 7AM

HB 1243	Marshall, R.G.	Referendum for tolling Interstate 66.	Requires that localities in Planning District 8 that are located wholly or partially inside the Capital Beltway have voter approval by referendum before the imposition and collection of tolls for the use of Interstate 66 inside the Capital Beltway.	(H) Committee on Privileges and Elections	(H) Left in Privileges and Elections	2/16/2016
HB 1244	Marshall, R.G.	Referendum for tolling Interstate 66.	Requires that localities in Planning District 8 that are located wholly or partially outside the Capital Beltway have voter approval by referendum before the imposition and collection of tolls for the use of Interstate 66 outside the Capital Beltway.	(H) Committee on Privileges and Elections	(H) Left in Privileges and Elections	2/16/2016
HB 224	Marshall, R.G.	Interstate System components; approval of tolls.	Tolls for use of Interstate System components. Requires prior approval by the General Assembly before any tolls may be imposed or collected for the use of any component of the Interstate System.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016
HB 380	Marshall, R.G.	Tolls for use of Interstate 66.	I-66 tolls; Prohibits the imposition or collection of any toll on Interstate 66 from Haymarket to Interstate 495.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016
HB 712	Marshall, R.G.	Interstate 66.	I-66; Prohibits the imposition or collection of any toll on Interstate 66 from Haymarket to Interstate 495 and requires the same portion of Interstate 66 to include not less than four lanes in each direction.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016
HB 713	Marshall, R.G.	Voter referendum; tolling on I-66	I-66 tolls; Voter referendum. Provides for an advisory referendum in each county and city in Planning District 8 on the questions of whether tolls should be imposed and collected on Interstate 66 inside the Capital Beltway and whether tolls should be imposed and collected on Interstate 66 outside the Capital Beltway. The results of the referendum would be advisory only and are intended to demonstrate the preference of the qualified voters in those counties and cities that would be affected by tolling on Interstate 66.	(H) Committee on Privileges and Elections	(H) Left in Privileges and Elections	2/16/2016

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NVTC General Assembly Legislative Tracking Chart
Updated 2/25/16 at 7AM

HB 901	Marshall, R.G.	Use of certain revenues by the Northern Virginia Transportation Authority.	NVTA; Use of certain revenues by the NVTA. Requires that 50% of the funds the NVTA has remaining after distribution to localities be used for BRT on Interstate 66 or expansion of VRE that benefit the Interstate 66 corridor from Haymarket to Interstate 495, or Interstate 66 construction outside the Capital Beltway until July 1, 2031.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016
HJ 52	Marshall, R.G.	Interstate Highway System; State Route 28 to be included in System.	Requests the Department of Transportation to study the feasibility of including State Route 28 from Interstate 66 to State Route 7 in Loudoun County in the Interstate Highway System.	(H) Committee on Rules	(H) Left in Rules	2/16/2016
SB 514	McPike	Department of Transportation; transponder fees or exchange.	Tolls; Prohibits the Department of Transportation from charging fees for or requiring users to exchange their E-ZPass flex transponder as a result of inactivity.	(S) Committee on Finance	(S) Passed by indefinitely in Finance with letter (14-Y 1-N)	2/10/2016
SB 516	McPike	Tolling on interstate highways.	Tolls; Prohibits tolls on any component of interstate highways existing prior to July 1, 2016. The bill provides that if additional lanes are added to an interstate highway, those additional lanes may be tolled.	(S) Committee on Transportation	(S) Incorporated by Transportation (SB295-Lucas) (13-Y 0-N)	2/10/2016
SB 682	Miller	Construction in Hampton Roads; light rail.	Construction in Hampton Roads; light rail. Requires that any construction or expansion project on a bridge or tunnel by the Department of Transportation or the Hampton Roads Accountability Commission include a multimodal component.	(S) Committee on Transportation	(S) Passed by indefinitely in Transportation (7-Y 6-N)	2/3/2016
HB 553	Minchew	Congressional and state legislative districts.	Legislative districts; Provides criteria for the General Assembly to observe in drawing districts, including respect for political boundaries, equal population, racial and ethnic fairness, contiguity, compactness, and communities of interest. The bill provides that the failure or inability to maintain strict conformance to these criteria in the drawing of any legislative or congressional district shall not be a basis for invalidating the plan establishing such district. If any legislative or congressional district is not drawn in conformance to the criteria, the bill requires that findings of fact shall be made in writing, outlining and explaining the points of nonconformance, and adopted concurrently with the adoption of the plan establishing such district.	(H) Committee on Privileges and Elections	(H) Left in Privileges and Elections	2/16/2016

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NVTC General Assembly Legislative Tracking Chart
Updated 2/25/16 at 7AM

HB 911	Minchew	Dulles Greenway Authority created.	Creates the Dulles Greenway Authority with authority to, among other things, purchase, operate, and maintain the Dulles Greenway using tolls and other such moneys as provided to it for such purposes. The Authority would be governed by a board of directors composed of 13 voting members as follows: six members appointed by the Board of Supervisors of Loudoun County, two members appointed by the Town of Leesburg, two members of the House of Delegates whose districts encompass part of the Dulles Greenway appointed by the Speaker of the House of Delegates, one member of the Senate, whose district encompasses part of the Dulles Greenway, appointed by the Senate Committee on Rules, and two members appointed by the Governor.	(H) Committee on Commerce and Labor	(H) Left in Commerce and Labor	2/16/2016
SB 591	Obenshain	Regulation of taxicab services by localities; background checks.	Taxicab background checks; Requires localities to adopt ordinances requiring that a criminal history background check be performed before an individual is authorized as a driver and at least once every two years thereafter. The background check shall require individuals to submit fingerprints and personal identifying information to be provided directly to the Central Criminal Records Exchange, which shall forward the results of the state and national records search to the local government or chief law-enforcement officer of the locality.	(S) Committee on Transportation	(S) Continued to 2017 in Transportation (13-Y 0-N)	1/27/2016
SB 112	Petersen	NVTA; use of certain funds for sidewalk projects.	NVTA; certain revenues by NVTA; allows new sidewalk projects to be funded by the NVTA.	(S) Committee on Transportation	(S) Failed to report (defeated) in Transportation (5-Y 7-N)	1/20/2016
SB 234	Petersen	Tolling on Interstate 66.	I-66 tolls. Prohibits tolls on existing components of Interstate 66 east of mile marker 67. The bill provides that if additional lanes are added after January 1, 2017, toll revenues from use of the additional lanes shall be used only for the construction and maintenance of such additional lanes.	(S) Committee on Transportation	(S) Passed by indefinitely in Transportation (13-Y 0-N)	2/10/2016

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NVTC General Assembly Legislative Tracking Chart
Updated 2/25/16 at 7AM

SB 244	Petersen	Local fuels tax.	Local fuels tax. Authorizes localities to impose a local fuels tax, not to exceed five cents per gallon of fuel. The tax would be paid by the distributor at the point of sale to a retail distributor in the same manner as regional fuel taxes. The Commonwealth would make an annual payment to localities for the difference between revenues that were collected from the tangible personal property tax on vehicles, including personal property tax relief, and the amount of revenues collected by a five-cents-per-gallon fuels tax. The bill also repeals the personal property tax relief program. The bill has a delayed effective date of January 1, 2019, and is contingent on passage of a constitutional amendment making motor vehicles used for nonbusiness purposes exempt from taxation.	(S) Committee on Finance	(S) Passed by indefinitely in Finance (14-Y 0-N)	2/2/2016
HJ 171	Pogge	Cross-jurisdictional transportation for persons with disabilities.	Cross-jurisdictional paratransit. Urges localities to make a collaborative effort to provide affordable cross-jurisdictional public transportation to persons with disabilities by modifying and expanding current transportation routes and services. The resolution urges localities to enter into memoranda of understanding to accomplish this goal and to work with all relevant agencies, organizations, and other stakeholders. The resolution is a recommendation of the Disability Commission.	(H) Committee on Rules	(H) Tabled in Rules	2/11/2016
HJ 137	Rasoul	Opposing federal requirement of a law mandating a six-month driver's license suspension.	Expresses the opposition of the General Assembly to the enactment or enforcement of a law requiring a six-month revocation or suspension of a person's driver's license upon conviction of an offense involving the possession of marijuana. Absent a resolution from the General Assembly expressing such opposition, the failure to enforce such a law results in the withholding of certain federal highway funding by the U.S. Secretary of Transportation from the Commonwealth. Currently, such a law is codified in §§ 18.2-259.1 and 46.2-390.1.	(H) Committee on Rules	(H) Stricken from docket by Rules	1/28/2016

Shaded bills at the bottom of this chart are no longer under consideration during the 2016 General Assembly.
For full bill history please click the hyperlink embedded in the bill number.

NVTC General Assembly Legislative Tracking Chart
Updated 2/25/16 at 7AM

SB 586	Ruff	Virginia Public Procurement Act; requirements for use of construction management.	Restricts the use of construction management procurements by public bodies unless (i) the total project cost is \$50 million or more, (ii) a written determination is provided stating that competitive sealed bidding is not practicable or fiscally advantageous, (iii) the contract is entered into prior to the schematic phase of design, (iv) construction management experience is not required or considered as part of the award, (v) price is the primary determining factor for award of the contract, and (vi) proposers provide for the participation of small, women-owned, and minority-owned businesses in the project. The bill provides that for projects where the total project cost is not expected to exceed \$50 million, a public body may use competitive negotiation to procure construction on a construction management basis if (i) the above requirements are met; (ii) the project is (a) of substantial historical value or interest or (b) significantly unique or extremely complex in nature; (iii) prior to any solicitation for such project, the public body notifies in writing the Director of the Department of General Services in the case of state public bodies, or the local governing body in the case of a local public body, of its intent to procure construction on a construction management basis; and (iv) the Director of the Department of General Services or the local governing body, as the case may be, makes a finding that the public body is in compliance with the requirements of this subsection, which finding shall be on a per project basis and shall be in writing. The findings for state public bodies shall be made by the Director under existing regulations and guidelines established by the Department of General Services. In addition, the bill defines "public body" for the purposes of the use of construction management for construction to include (i) public institutions of higher education that have executed a valid management agreement under the Restructured Higher Education Financial and Administrative Operations Act of 2005 (§ 23-38.88 et seq.) and (ii) localities and school divisions that were previously exempt based on the adoption of alternative policies and procedures based on competitive principles and generally applicable to procurement of goods and services by the locality or school division.	(S) Committee on General Laws and Technology	(S) Continued to 2017 in General Laws and Technology (15-Y 0-N)	2/15/2016
SB 255	Surovell	Toll relief; Department of Transportation to study.	Study on tolls. Requires the Department of Transportation to conduct a survey of other states' toll relief programs and evaluate potential methods of toll relief for citizens of the Commonwealth. The Department shall submit a report of its findings no later than the first day of the 2017 Regular Session of the General Assembly.	(S) Committee on Rules	(S) Continued to 2017 in Rules (14-Y 0-N)	2/5/2016

Shaded bills at the bottom of this chart are no longer under consideration during the 2016 General Assembly.
For full bill history please click the hyperlink embedded in the bill number.

NVTC General Assembly Legislative Tracking Chart
Updated 2/25/16 at 7AM

SB 256	Surovell	High-occupancy toll (HOT) lanes; statute of limitations on penalties.	HOT lanes. Clarifies that the 12-month statute of limitations applies to all unpaid tolls, penalties, administrative fees, and costs from violations on HOT lanes.	(S) Committee for Courts of Justice	(S) Passed by indefinitely in Courts of Justice with letter (12-Y 3-N)	2/10/2016
SB 257	Surovell	HOV and HOT lanes; penalties, increased fines for subsequent offenses.	HOV and HOT lanes. Provides that increased fines for subsequent violations of the high-occupancy requirement on HOV and for driving an unauthorized vehicle on the HOT lanes shall be imposed only after conviction of the prior offense.	(S) Committee on Transportation	(S) Incorporated by Transportation (SB431-Ebbin) (13-Y 0-N)	2/10/2016
SB 258	Surovell	Commonwealth Transportation Board; voting weighted by population.	CTB. Provides that the votes of the nine nonlegislative citizen members of the CTB who represent the nine highway construction districts shall be weighted on the basis of the population of each member's district as a percentage of the total population of the Commonwealth.	(S) Committee on Transportation	(S) Passed by indefinitely in Transportation (13-Y 0-N)	2/3/2016
SJ 84	Surovell	Study; Department of Rail and Public Transportation; Improved Transportation Services; report.	Study; DRPT. Requests that the DRPT evaluate the level of study necessary to identify and advance potential public transportation services from the Franconia-Springfield Metro Station to Marine Corps Base Quantico in Prince William and Stafford Counties, including the feasibility of extending the Blue Line and other multimodal options such as bus rapid transit along Interstate 95 and U.S. Route 1. Following the evaluation, the Department shall proceed to the recommended level of study for improved public transportation services along the U.S. Route 1 corridor. The Department shall report on its findings and recommendations on the first day of the 2017 and 2018 Regular Sessions of the General Assembly.	(S) Committee on Rules	(S) Continued to 2017 in Rules	2/11/2016

Shaded bills at the bottom of this chart are no longer under consideration during the 2016 General Assembly.

For full bill history please click the hyperlink embedded in the bill number.

NVTC General Assembly Legislative Tracking Chart
Updated 2/25/16 at 7AM

HB 1335	Taylor	Highway maintenance payments; bicycle lanes.	Highway maintenance payments; bicycle lanes. Provides that cities and towns that receive highway maintenance payments from the Commonwealth based on moving-lane miles of highway will not have such payments reduced if moving-lane miles of highway are converted to bicycle-only lanes, provided that the number of moving-lane-miles is not more than 50 moving-lane-miles or 3% of the municipality's total number of moving-lane-miles, whichever is less. Municipalities will not receive additional funds and cannot reduce their funding of road and street maintenance after a conversion. The bill also repeals the provision that allowed City of Richmond to convert 20 moving-lane-miles to bicycle-only lanes.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016
HB 826	Torian	Prince William County Metrorail Improvement District.	PWC; Creates the Prince William County Metrorail Improvement District to provide a means of financing an extension of commuter rail service from Fairfax County into Prince William County.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016
HJ 159	Torian	Study; Department of Rail and Public Transportation; improved transportation services; report.	Study; DRPT; improved transportation services; report. Requests that the DRPT evaluate the level of study necessary to identify and advance potential public transportation services from the Franconia-Springfield Metro Station to Marine Corps Base Quantico in Prince William and Stafford Counties, including the feasibility of extending the Blue Line and other multimodal options such as BRT along Interstate 95 and U.S. Route 1. Following the evaluation, the Department shall proceed to the recommended level of study for improved public transportation services along the U.S. Route 1 corridor. The Department shall report on its findings and recommendations on the first day of the 2017 and 2018 Regular Sessions of the General Assembly.	(H) Committee on Rules	(H) Left in Rules	2/16/2016

Shaded bills at the bottom of this chart are no longer under consideration during the 2016 General Assembly.
For full bill history please click the hyperlink embedded in the bill number.

NVTC General Assembly Legislative Tracking Chart

Updated 2/25/16 at 7AM

HB 1346	Villanueva	Commonwealth Transportation Board; regional membership.	Commonwealth Transportation Board; regional membership. Increases from 17 to 19 the membership of the Commonwealth Transportation Board by the addition of two nonlegislative citizen members: one from the Hampton Roads Transportation Accountability Commission and one from the Northern Virginia Transportation Authority. The terms of the new nonlegislative citizen members begin July 1, 2016.	(H) Committee on Transportation	(H) Continued to 2017 in Transportation	2/9/2016
HB 426	Villanueva	Battery; punishment when against public transportation operators, penalty.	Battery of public transportation operators; Provides that the punishment for battery of a person who is the operator of a vehicle operated by a public transportation service who is engaged in the performance of his duties is a Class 1 misdemeanor, including a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term of confinement.	(H) Committee for Courts of Justice	(H) Left in Courts of Justice	2/16/2016
SB 405	Vogel	Tolling additional capacity and designations of HOV and HOT lanes on Interstate 66.	I-66 tolls; Prohibits tolls on any component of Interstate 66 outside the Capital Beltway existing prior to July 1, 2016. The bill provides that if additional lanes are added to an interstate highway, those additional lanes may be tolled. The bill prohibits HOV-2 lanes of Interstate 66 from being converted to HOV-3 lanes or a more restrictive designation and prohibits a HOT lane occupancy requirement of more than two. The bill allows vehicles bearing clean special fuel vehicle license plates to use HOT lanes; such vehicles may currently use HOV lanes.	(S) Committee on Transportation	(S) Incorporated by Transportation (SB295-Lucas) (13-Y 0-N)	2/10/2016
SB 470	Wagner	Motor vehicle fuels sales tax in certain transportation districts.	HR Motor Vehicle Fuels Sales Tax; Increases the tax on the sales price charged by a distributor for fuels sold to a retail dealer in Hampton Roads from 2.1% to 5.1%.	(S) Committee on Finance	(S) Stricken at request of Patron in Finance (15-Y 0-N)	2/9/2016
SB 471	Wagner	Commonwealth Transportation Board; regional membership.	CTB; regional membership. Increases from 17 to 19 the membership of the CTB by the addition of two nonlegislative citizen members: one from the HRTAC and one from the NVTA. The terms of the new nonlegislative citizen members begin July 1, 2016.	(S) Committee on Transportation	(S) Stricken at request of Patron in Transportation (13-Y 0-N)	2/10/2016

Shaded bills at the bottom of this chart are no longer under consideration during the 2016 General Assembly.

For full bill history please click the hyperlink embedded in the bill number.

NVTC General Assembly Legislative Tracking Chart
Updated 2/25/16 at 7AM

SB 477	Wagner	Motor vehicle fuels sales tax in certain transportation districts; price floor.	Places a floor on the 2.1 percent tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by ensuring that the tax is not imposed on a sales price less than the statewide average sales price on February 20, 2013, which is the date used as a floor on the statewide motor vehicle fuels sales tax.	(S) Committee on Finance	(S) Stricken at request of Patron in Finance (15-Y 0-N)	2/9/2016
HB 546	Watts	Certain counties; additional powers.	Grants counties with a population density greater than 2,000 persons per square mile certain powers related to taxation, borrowing and payments for highway maintenance. Such powers currently are generally granted to cities and towns.	(H) Committee on Finance	(H) Left in Finance	2/17/2016
HB 841	Webert	Tolling additional capacity and designations of HOV and HOT lanes on Interstate 66.	I-66 tolls; Prohibits tolls on any component of Interstate 66 outside the Capital Beltway existing prior to July 1, 2016. The bill provides that if additional lanes are added to an interstate highway, those additional lanes may be tolled. The bill prohibits HOV-2 lanes of Interstate 66 from being converted to HOV-3 lanes or a more restrictive designation and prohibits a HOT lane occupancy requirement of more than two. The bill allows vehicles bearing clean special fuel vehicle license plates to use HOT lanes; such vehicles may currently use HOV lanes.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016
SB 80	Wexton	Tree conservation; adoption of ordinances in Planning District 8.	Authorizes any locality in Planning District 8 to adopt certain ordinances providing for the conservation of trees during the land development process. Currently, only a locality in Planning District 8 that meets certain population density criteria and is classified as an eight-hour nonattainment area for ozone under the federal Clean Air Act is authorized to adopt such ordinances.	(S) Committee on Local Government	(S) Stricken at request of Patron in Local Government (12-Y 0-N)	1/19/2016
HB 275	Yancey	Hampton Roads Transportation Accountability Commission; composition.	HRTAC. Allows an elected official of any of the four counties embraced by the HRTAC who serves on the county's governing body and has been appointed by resolution of such governing body to represent the county on the Commission to serve on the Commission. Currently, only the chief elected officer of such county may serve on the Commission.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016

Shaded bills at the bottom of this chart are no longer under consideration during the 2016 General Assembly.

For full bill history please click the hyperlink embedded in the bill number.

NVTC General Assembly Legislative Tracking Chart
Updated 2/25/16 at 7AM

HB 276	Yancey	Hampton Roads Transportation Accountability Commission; administrative expenses.	HRTAC. Allows the HRTAC to spend HR Transportation Fund moneys on administrative and operating expenses and removes the requirement that, if no other funds are available, administrative expenses of the Commission be allocated among the localities within Planning District 23 on the basis of relative population. The bill states that it does not result in the expiration of the contingently effective provisions of Chapter 896 of the Acts of Assembly of 2007 or Chapter 766 of the Acts of Assembly of 2013.	(H) Committee on Transportation	(H) Left in Transportation	2/16/2016
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Shaded bills at the bottom of this chart are no longer under consideration during the 2016 General Assembly.
For full bill history please click the hyperlink embedded in the bill number.

VIRGINIA STATE BUDGET

2016 Session

Budget Amendments - SB30 (Committee Approved)

Bill Order » Report

Report for: Committee Approved

VRE Impact Analysis (language only)

Item 436 #1s

Transportation

Secretary of Transportation

Language

Page 372, following line 12, insert:

"M. The Commonwealth Transportation Board shall convene a subcommittee to review the long range service plan and financial analysis of Virginia Railway Express and assess the conclusions of that analysis with respect to the service impact in the I-66 and I-95 / I-395 corridors of statewide significance. The Board shall consult with interested stakeholders and report its findings to the Secretary of Transportation, and the Chairmen of the House Committees on Appropriations and Transportation and the Senate Committees on Finance and Transportation no later than August 31, 2016."

Explanation

(This amendment directs the Commonwealth Transportation Board to create a subcommittee for the purposes of reviewing the long range strategic and financial plans as well as service impacts of the Virginia Railway Express.)

Fiscally Distressed Transit Systems (language only)

Item 448 #2s

Transportation

Department of Rail and Public Transportation

Language

Page 378, following line 23, insert:

"E. The Department of Rail and Public Transportation is authorized to allocate up to \$3,000,000 from mass transit operating and capital reserve funds or other unobligated mass transit funds in fiscal year 2017 to address the revenue shortfall of the Potomac and Rappahannock Transportation Commission provided that a local match of at least twice the amount of any additional state funds is provided. It is the intent of the General Assembly that this funding shall be provided only for one year, that no transit operating assistance funding be used to support any new transit system or route at a level higher than such project would be eligible for under the existing allocation formula, and that the Commission shall thereafter be limited to amounts that would otherwise be allocated to it pursuant to § 58.1-638 A.4.e., Code of Virginia. The provisions of this paragraph shall only apply if the 2016 General Assembly fails to enact legislation to establish a provision for a floor on the regional motor fuels tax equivalent to the floor on the state motor fuels tax."

Explanation

(This amendment provides for the one-time allocation of \$3.0 million NGF to the PRTC to address shortfalls in transit funding directly related to the decline in wholesale motor fuels in Northern Virginia.)

Provide Funding for I-66 Inside the Beltway

Item 453 #1s

First Year - FY2017

Second Year - FY2018

Transportation

Department of Transportation	\$184,985,477	\$105,923,202	NGF
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Language

Page 380, line 16, strike "\$2,077,235,226" and insert "\$2,262,220,703".

Page 380, line 16, strike "\$1,706,699,198" and insert "\$1,812,622,400".

Page 380, line 19, strike "\$9,900,000" and insert "\$164,835,012".

Page 380, line 19, strike "\$10,325,000" and insert "\$103,997,402".

Page 380, line 20, strike "\$94,495,331" and insert "\$95,776,727".

Page 380, line 20, strike "\$56,433,224" and insert "\$45,444,527".

Page 380, line 21, strike "\$94,495,331" and insert "\$95,776,727".

Page 380, line 21, strike "\$56,433,224" and insert "\$45,444,527".

Page 380, line 22, strike "\$1,198,948,560" and insert "\$1,226,436,233".

Page 380, line 22, strike "\$899,110,113" and insert "\$933,338,306".

Page 380, line 30, strike "\$90,311,123" and insert "\$99,958,646".

Page 380, line 30, strike "\$90,311,123" and insert "\$105,299,506".

Page 380, line 33, strike "\$53,122,502" and insert "\$53,871,340".

Page 380, line 33, strike "\$53,122,502" and insert "\$55,272,403".

Page 380, line 36, strike "\$65,836,270" and insert "\$70,981,544".

Page 380, line 36, strike "\$65,836,270" and insert "\$69,805,236".

Page 380, line 41, strike "\$18,857,369" and insert "\$20,481,315".

Page 380, line 41, strike "\$18,857,369" and insert "\$20,104,007".

Page 380, line 41, after "federal", strike "and state matching".

Page 380, line 42, after "the", strike "Transportation Alternatives Program" and insert "Surface Transportation Block Grant Program Set-Aside".

Page 380, line 42, after "USC", strike "213" and insert "133(h)".

Page 381, line 28 after "in", strike "§ 33.2-358 and".

Page 381, after line 39, insert:

"I. Notwithstanding the provisions of § 33.2-358, Code of Virginia, the unanticipated amounts available for construction from the December 2015 revenue forecast and from the increased federal funding from the passage of the Fixing America's Surface Transportation (FAST) Act shall be distributed following the new construction formula defined by § 33.2-358, Code of Virginia, advancing the distribution of funds under this formula and provide 45 percent of the additional funding to the State of Good Repair Program, 27.5 percent to the High Priority Projects Program, and 27.5 percent to the District Grant Program.

J.1. Notwithstanding any other provision of the Code of Virginia, as a condition on the expenditure of all amounts included in this Item, the Commonwealth Transportation Board shall include all amounts needed, not to exceed \$140,000,000, in the Fiscal Year 2017 through Fiscal Year 2022 Six-Year Improvement Program adopted pursuant to § 33.2-214, for improvements to the Interstate 66 corridor inside the Capitol Beltway, including but not limited to the addition of a third eastbound travel lane on Interstate 66 from the Dulles Connector Road to State Route 237, North Fairfax Drive/N. Glebe Road exit of Interstate 66.

2. Environmental work pursuant to the National Environmental Policy Act shall commence no later than July 15, 2016, and the Department shall complete a minimum of 30 percent of the design work for such capacity expansion by November 1, 2017. Amounts dedicated to such project shall not reduce amounts made available to the High Priority Projects Program or the District Grant Program.

3. It is the intent of the General Assembly that tolling on Interstate 66 inside the Capitol Beltway shall not extend beyond four hours during the morning rush hour and four hours during the evening rush hour on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays, exclusive of national holidays, and tolling shall not apply on weekends."

Explanation

(This amendment appropriates additional transportation funding available for construction based on the December 2015 revisions to the revenue forecast and from the increased federal funding available from the passage of the Fixing America's Surface Transportation (FAST) Act. It stipulates that these amounts will be distributed following the new construction formula adopted pursuant to House Bill 1887, 2015 Session of the General Assembly and set out in § 33.2-358, Code of Virginia, providing 45 percent of the funds to the State of Good Repair Program, and 27.5 percent each to the High Priority Projects and District Grant Programs. It further requires that as a condition on expenditures of the amounts allocated for highway construction, the Commonwealth Transportation Board must include adequate funding in the FY 2017-2022 Six Year Improvement Program to add a third eastbound travel lane on Interstate 66 from the Dulles Connector Road to the Glebe Road/Fairfax Drive exit, and begin environmental work on such project by July 15, 2016 and complete a minimum of 30 percent of the design work by November 1, 2017.)

Toll Lane Violation Reporting (language only)

Item 458 #1s

Transportation

Department of Transportation

Language

Page 387, following line 22, insert:

"L. Annual data on the total number and total monetary amount of toll violations, civil penalties, and administrative fees levied shall be reported by all toll operators and High Occupancy Toll lanes operators and compiled by the Virginia Department of Transportation and submitted to the Chairmen of the House Committees on Transportation and Appropriations and the Senate Committee on Transportation and Finance and the Joint Commission on Transportation Accountability not later than September 1, 2016, and by December 1 of each year thereafter."

Explanation

(This amendment requires public and private toll road operators to report on the total number of violations and all civil penalties and administrative fees levied each year.)

Food Trucks in Commuter Lots (language only)

Item 458 #2s

Transportation

Department of Transportation

Language

Page 387, following line 22, insert:

"L. Any fees collected by the Commissioner of Highways from permits issued to mobile food vendors in commuter parking lots in Planning District 8, as authorized by SB 515 of the 2016 Session of the General Assembly, are herein appropriated for the sole purpose of security enhancements at those commuter parking lots including, but not limited to, the purchase, installation and monitoring of security cameras.".

Explanation

(This amendment is a companion to SB 515 of the 2016 General Assembly authorizing VDOT to allow for mobile food vendors in commuter parking lots in Planning District 8.)

VIRGINIA STATE BUDGET

2016 Session

Budget Amendments - HB30 (Committee Approved)

Bill Order » Report

Report for: Committee Approved

Return of Federal Toll Pilot Project Slot (language only)

Item 436 #1h

Transportation

Secretary of Transportation

Language

Page 372, after line 12, insert:

"M. As a condition on the funding included in this item, and consistent with the intent of House Bill 1069, 2016 Session of the General Assembly which establishes limits on the Commonwealth's ability to impose tolls on Interstate system and other roadways, the Secretary of Transportation is directed to relinquish the Commonwealth's slot in the federal Interstate System Reconstruction and Rehabilitation Pilot Program to ensure that no tolling occurs on Interstate 95 South of Fredericksburg under the auspices of that pilot program."

Explanation

(This amendment directs the Secretary of Transportation to relinquish Virginia's slot in the Federal Interstate System Reconstruction and Rehabilitation Pilot Program to ensure that no tolling of existing lanes on Interstate 95 South of Fredericksburg occurs. The Secretary has indicated his intention to return the slot, but specific language relating to that program is not included in House Bill 1069.)

Air Rights on Interstate 66 (language only)

Item 436 #3h

Transportation

Secretary of Transportation

Language

Page 372, after line 12, insert:

"M. The Commonwealth Transportation Board is hereby directed to enter into discussions with Arlington and Fairfax Counties regarding use of air rights over Interstate 66 in their respective jurisdictions no later than October 1, 2016. A report on the progress and outcome of such discussions shall be submitted to the Chairmen of the House Appropriations and Transportation Committees and the Senate Finance and Transportation Committees no later than July 15, 2017."

Explanation

(This amendment directs the CTB to begin discussions with Arlington and Fairfax counties regarding air rights over Interstate 66 as it moves forward with the development of the Interstate 66 improvements, with a report due to the

General Assembly by July 15, 2017.)

Transit Capital Prioritization Review (language only)

Item 448 #2h

Transportation

Department of Rail and Public Transportation

Language

Page 378, after line 23, insert:

"E.1. The Department of Rail and Public Transportation shall develop a proposal to be submitted to the Commonwealth Transportation Board and the General Assembly for a statewide prioritization process for the use of funds allocated pursuant to § 33.2-365, or allocated to the Commonwealth Mass Transit Fund established pursuant to subdivision A 4 of § 58.1-638. Such prioritization process shall be used for the development of a Six-Year Improvement Program for transit capital expenditures to be included in the Program adopted annually by the Commonwealth Transportation Board pursuant to § 33.2-214. The Department shall solicit input from localities, metropolitan planning organizations, transit authorities, transportation authorities, and other stakeholders in its development of the prioritization process pursuant to this paragraph.

2. The prioritization process shall be based on an objective and quantifiable analysis that considers, at a minimum, the following factors relative to the cost of the project or strategy: congestion mitigation, economic development, accessibility, safety, and environmental quality. Such a process for the allocation and distribution of funding shall be in addition to the tiered approach established by the Commonwealth Transportation Board for capital purposes based on asset need and anticipated state participation level and revenues and is intended to foster project-specific prioritization within the asset tiers.

3. The Department shall submit its report on the feasibility and proposed content of such a prioritization scheme to the Chairmen of the House and Senate Transportation Committees, the House Appropriations Committee and the Senate Finance Committee not later than November 15, 2016."

Explanation

(This amendment directs the Department of Rail and Public Transportation to examine how it could better evaluate and prioritize transit capital projects to ensure limited state funds are spent in the most cost-effective manner. The intent would be to replicate a bifurcated process like utilized for VDOT projects under House Bill 2.)

VRE Review (language only)

Item 452 #1h

Transportation

Department of Transportation

Language

Page 380, after line 15, insert:

"E. At the request of the Virginia Railway Express, the department, with the assistance of the Department of Rail and Public Transportation, shall review the recent Virginia Railway Express long range plan and financial analysis and assess the conclusions of that analysis with respect to the long-term financial viability of the service, their ability to maintain appropriately costed-services to maintain and expand market share, and the Virginia Railway Express's impact on traffic volumes on the Interstate 66 and Interstate 95/395 corridors of statewide significance. The Department shall report its findings to the Secretary of Transportation, the Chairmen of the Senate Finance

Explanation

(This amendment directs VDOT, with the assistance of DRPT, to review the long range plan and financial analysis of the Virginia Railway Express and evaluate the impact of its services on the I-66, 95 and 395 corridors.)

Access to West Falls Church Metro (language only)

Item 453 #1h

Transportation

Department of Transportation

Language

Page 381, after line 39, insert:

"I. The Department of Transportation shall work with affected parties to develop a plan to accommodate toll-free access from Interstate 66 to the West Falls Church Metro Station or to develop a mechanism to refund tolls to drivers traveling on Interstate 66 inside the Beltway solely for the purpose of accessing the Metro station. Such plan shall not impact toll amounts paid for travel on Interstate 66 outside the Beltway. The Department shall report to the Chairmen of the House Appropriations, Senate Finance and House and Senate Transportation Committees on the feasibility of such a process, which would be implemented coinciding with the imposition of rush-hour tolling of HOT lanes in Interstate 66 inside the Capitol Beltway, by November 15, 2016."

Explanation

(This amendment directs VDOT to develop a plan to allow for toll-free access on Interstate 66 inside the Beltway for those driving only to reach the West Falls Church Metro Station.)

Provide Funding for I-66 Inside the Beltway

Item 453 #2h

First Year - FY2017

Second Year - FY2018

Transportation

Department of Transportation	\$184,985,477	\$105,923,202	NGF
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Language

Page 380, line 16, strike "\$2,077,235,226" and insert "\$2,262,220,703".

Page 380, line 16, strike "\$1,706,699,198" and insert "\$1,812,622,400".

Page 380, line 19, strike "\$9,900,000" and insert "\$164,835,012".

Page 380, line 19, strike "\$10,325,000" and insert "\$103,997,402".

Page 380, line 20, strike "\$94,495,331" and insert "\$95,776,727".

Page 380, line 20, strike "\$56,433,224" and insert "\$45,444,527".

Page 380, line 21, strike "\$94,495,331" and insert "\$95,776,727".

Page 380, line 21, strike "\$56,433,224" and insert "\$45,444,527".

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Page 380, line 22, strike "\$899,110,113" and insert "\$933,338,306".

Page 380, line 30, strike "\$90,311,123" and insert "\$99,958,646".

Page 380, line 30, strike "\$90,311,123" and insert "\$105,299,506".

Page 380, line 33, strike "\$53,122,502" and insert "\$53,871,340".

Page 380, line 33, strike "\$53,122,502" and insert "\$55,272,403".

Page 380, line 36, strike "\$65,836,270" and insert "\$70,981,544".

Page 380, line 36, strike "\$65,836,270" and insert "\$69,805,236".

Page 380, line 41, strike "\$18,857,369" and insert "\$20,481,315".

Page 380, line 41, strike "\$18,857,369" and insert "\$20,104,007".

Page 380, line 41, strike "and state matching".

Page 380, line 42, strike "Transportation Alternatives Program" and insert:

"Surface Transportation Block Grant Program Set-Aside".

Page 380, line 42, after "USC", strike "213" and insert "133(h)".

Page 381, line 28 strike "§ 33.2-358 and".

Page 381, after line 39, insert:

"I. Notwithstanding the provisions of § 33.2-358, Code of Virginia, the unanticipated amounts available for construction from the December 2015 revenue forecast and from the increased federal funding from the passage of the Fixing America's Surface Transportation (FAST) Act shall be distributed following the new construction formula defined by § 33.2-358, Code of Virginia, advancing the distribution of funds under this formula and provide 45 percent of the additional funding to the State of Good Repair Program, 27.5 percent to the High Priority Projects Program, and 27.5 percent to the District Grant Program.

J.1. Notwithstanding any other provision of the Code of Virginia, as a condition on the expenditure of all amounts included in this item, the Commonwealth Transportation Board shall include all amounts needed, not to exceed \$140,000,000, in the fiscal year 2017 through fiscal year 2022 Six-Year Improvement Program adopted pursuant to § 33.2-214, for improvements to the Interstate 66 corridor inside the Capitol Beltway, including but not limited to the addition of a third eastbound travel lane on Interstate 66 from the Dulles Connector Road to State Route 237, North Fairfax Drive/N. Glebe Road exit of Interstate 66.

2. Environmental work pursuant to the National Environmental Policy Act for the project outlined in paragraph J.1. shall commence no later than July 15, 2016, and the Department shall complete a minimum of 30 percent of the design work for such capacity expansion by November 1, 2017. Amounts dedicated to such project shall not reduce amounts made available to the High Priority Projects Program or the District Grant Program.

3. It is the intent of the General Assembly that tolling on Interstate 66 inside the Capitol Beltway shall not extend beyond four hours during the morning rush hour and four hours during the evening rush hour on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays, exclusive of national holidays, and tolling shall not apply on weekends."

Explanation

(This amendment appropriates additional transportation funding available for construction based on the December 2015 revisions to revenue forecast and from the increased federal funding available from the passage of the Fixing America's Surface Transportation (FAST) Act. It stipulates that these amounts will be distributed following the new construction formula adopted pursuant to House Bill 1887, 2015 Session of the General Assembly and set out in § 33.2-358, Code of Virginia, providing 45% of the funds to the State of Good Repair Program, and 27.5% each to the High Priority Projects and District Grant Programs.

It further requires that as a condition on expenditures of the amounts allocated for highway construction, the Commonwealth Transportation Board must include adequate funding in the fiscal year 2017-2022 Six Year Improvement Program to add a third eastbound travel lane on Interstate 66 from the Dulles Connector Road to the Glebe Road/Fairfax Drive exit, and begin environmental work on such project by July 15, 2016 and complete a minimum of 30% of the design work by November 1, 2017.)

Statewide Tolling Policy (language only)

Item 4-14 #1h

Effective Date

Effective Date

Language

Page 503, after line 48, insert:

"2. That §§ 33.2-309, 33.2-500, 33.2-503, 46.2-208, 46.2-819.1, 46.2-819.3, 46.2-819.3:1, and 46.2-819.6 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 1 of Title 33.2 a section numbered 33.2-118, by adding in Article 3 of Chapter 2 of Title 33.2 a section numbered 33.2-255.1, and by adding in Article 1 of Chapter 8 of Title 46.2 a section numbered 46.2-819.8 as follows:

§ 33.2-118. *Limitation on tolling.*

A. *For purposes of this section, "auxiliary lane" means the portion of the roadway adjoining the traveled way for speed change, turning, weaving, truck climbing, or maneuvering of entering and leaving traffic.*

B. *Notwithstanding any other provision of this title, no toll may be imposed or collected on un-tolled lanes or components of a highway, bridge, or tunnel without approval from the General Assembly. However, such prohibition shall not apply to (i) reconstruction with additional lanes of a highway, provided that the number of un-tolled, non-high-occupancy vehicle lanes, excluding auxiliary lanes, after the reconstruction is not less than the number of un-tolled, non-high-occupancy vehicle lanes, excluding auxiliary lanes, prior to such reconstruction; (ii) new construction that is opened to the public as a tolled facility; (iii) new construction that is opened to the public as high-occupancy vehicle lanes or existing high-occupancy vehicle lanes; (iv) auxiliary lanes; or (v) an existing lane of traffic on a segment of highway between an interchange and an interchange or an interchange and a bridge where the highway has or will have toll lanes on the portions of the highway adjacent to such segment, provided that (a) the number of general purpose lanes after such conversion on the segment is equal to the number of general purpose lanes on the highway adjacent to such segment and (b) the length of such segment does not exceed 10 miles.*

C. *Notwithstanding the provisions of subsection B, prior approval of the General Assembly shall be required prior to the imposition and collection of any toll for use of all or any portion of (i) a non-limited access highway except for a bridge, tunnel, or the approaches to a bridge or tunnel or (ii) Interstate 81.*

§ 33.2-255.1. *Electronic notification of toll violations.*

For the purpose of electronic notification of unpaid tolls, the Department shall request email addresses and personal cell phone numbers from all holders of an account for an electronic toll collection device that is property of the Commonwealth.

The Department shall electronically notify within 108 hours of an unpaid toll a holder of an account for an electronic toll collection device that is property of the Commonwealth of each unpaid toll associated with the account and each unpaid toll for a vehicle whose license plate is associated with an account. The Department shall provide a second electronic notification on the eighth day after the unpaid toll. Such notification requirements shall only apply to accounts where the account holder has provided the Department with an email address or cell phone number. Such notification shall be for informational purposes only and the notice, or lack thereof, shall not alter or amend the requirement that an owner or operator pay all required tolls, fines, penalties, and fees.

All toll operators in the Commonwealth shall notify the Department of an unpaid toll on a facility it operates related to an account for an electronic toll collection device that is the property of the Commonwealth within 96 hours of such violation.

§ 33.2-309. *Tolls for use of Interstate System components.*

A. ~~Notwithstanding any contrary provision of this title~~ *Subject to the limitations provided in § 33.2-118 and in accordance with all applicable federal and state statutes and requirements, the Board may impose and collect tolls from all classes of vehicles in amounts established by the Board for the use of any component of the Interstate System within the Commonwealth. However, prior approval of the General Assembly shall be required prior to the imposition and collection of any toll for use of all or any portion of Interstate 81. Prior approval of the General Assembly shall also be required prior to the imposition or collection of any toll for use of Interstate 95 south of*

~~Fredericksburg pursuant to the Interstate System Reconstruction or Rehabilitation Pilot Program. Such funds so collected shall be deposited into the Transportation Trust Fund established pursuant to § 33.2-1524, subject to allocation by the Board as provided in this section.~~

B. The toll facilities authorized by this section shall be subject to the provisions of federal law for the purpose of tolling motor vehicles to finance interstate construction and reconstruction, promote efficiency in the use of highways, reduce traffic congestion, and improve air quality and for such other purposes as may be permitted by federal law.

C. In order to mitigate traffic congestion in the vicinity of the toll facilities, no toll facility shall be operated without high-speed automated toll collection technology designed to allow motorists to travel through the toll facilities without stopping to make payments. Nothing in this subsection shall be construed to prohibit a toll facility from retaining means of nonautomated toll collection in some lanes of the facility. The Board shall also consider traffic congestion and mitigation thereof and the impact on local traffic movement as factors in determining the location of the toll facilities authorized pursuant to this section.

D. The revenues collected from each toll facility established pursuant to this section shall be deposited into segregated subaccounts in the Transportation Trust Fund and may be allocated by the Board as the Board deems appropriate to:

1. Pay or finance all or part of the costs of programs or projects, including the costs of planning, operation, maintenance, and improvements incurred in connection with the toll facility, provided that such allocations shall be limited to programs and projects that are reasonably related to or benefit the users of the toll facility. The priorities of metropolitan planning organizations, planning district commissions, local governments, and transportation corridors shall be considered by the Board in making project allocations from such revenues deposited into the Transportation Trust Fund.
2. Repay funds from the Toll Facilities Revolving Account or the Transportation Partnership Opportunity Fund.
3. Pay the Board's reasonable costs and expenses incurred in the administration and management of the toll facility.

§ 33.2-500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"High-occupancy requirement" means the number of persons required to be traveling in a vehicle for the vehicle to use HOT lanes without the payment of a toll. Emergency vehicles, law-enforcement vehicles being used in HOT lanes in the performance of law-enforcement duties, which shall not include the use of such vehicles for commuting to and from the workplace or for any purpose other than responding to an emergency incident, patrolling HOT lanes pursuant to an agreement by a state agency with the HOT lanes operator, or the time-sensitive investigation, active surveillance, or actual pursuit of persons known or suspected to be engaged in or with knowledge of criminal activity, and mass transit vehicles and commuter buses shall meet the high-occupancy requirement for HOT lanes, regardless of the number of occupants in the vehicle.

"High-occupancy toll lanes" or "HOT lanes" means a *highway or* portion of a highway containing one or more travel lanes separated from other lanes that has an electronic toll collection system, provides for free passage by vehicles that meet the high-occupancy requirement, *including mass transit vehicles and commuter buses*, and contains a photo-enforcement system for use in such electronic toll collection. HOT lanes shall not be a "toll facility" or "HOV lanes" for the purposes of any other provision of law or regulation.

"High-occupancy vehicle lanes" or "HOV lanes" means a *highway or* portion of a highway containing one or more travel lanes for the travel of high-occupancy vehicles or buses as designated pursuant to § 33.2-501.

"HOT lanes operator" means the operator of the facility containing HOT lanes, which may include the Department of Transportation or some other entity.

"Mass transit vehicles" and "commuter buses" means vehicles providing a scheduled transportation service to the general public. Such vehicles shall comprise nonprofit, publicly or privately owned or operated transportation services, programs, or systems that may be funded pursuant to § 58.1-638.

"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles or with the

equivalent agency in another state. "Owner" does not mean a vehicle rental or vehicle leasing company.

"Photo-enforcement system" means a sensor installed in conjunction with a toll collection device to detect the presence of a vehicle that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle's license plate at the time it is detected by the toll collection device.

"Unauthorized vehicle" means a motor vehicle that is restricted from use of the HOT lanes pursuant to subdivision 4 a of § 33.2-503 or does not meet the high-occupancy requirement and indicates with its electronic toll collection device that it meets the applicable high-occupancy requirements.

§ 33.2-503. HOT lanes enforcement.

Any person operating a motor vehicle on designated HOT lanes shall make arrangements with the HOT lanes operator for payment of the required toll prior to entering such HOT lanes. The driver of a vehicle who enters the HOT lanes in an unauthorized vehicle, in violation of the conditions for use of such HOT lanes established pursuant to § 33.2-502, without payment of the required toll or without having made arrangements with the HOT lanes operator for payment of the required toll shall have committed a violation of this section, which may be enforced in the following manner:

1. On a form prescribed by the Supreme Court, a summons for civil violation of this section may be executed by a law-enforcement officer, when such violation is observed by such officer. The form shall contain the option for the driver of the vehicle to prepay the unpaid toll and all penalties, administrative fees, and costs.
 2. a. A HOT lanes operator shall install and operate, or cause to be installed or operated, a photo-enforcement system at locations where tolls are collected for the use of such HOT lanes.
b. A summons for civil violation of this section may be executed pursuant to this subdivision, when such violation is evidenced by information obtained from a photo-enforcement system as defined in this chapter. A certificate, sworn to or affirmed by a technician employed or authorized by the HOT lanes operator, or a facsimile of such a certificate, based on inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo-enforcement system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation under this subdivision. Any vehicle rental or vehicle leasing company, if named in a summons, shall be released as a party to the action if it provides to the HOT lanes operator a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee prior to the date of hearing set forth in the summons. Upon receipt of such rental agreement, lease, or affidavit, a summons shall be issued for the renter or lessee identified therein. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.).
c. On a form prescribed by the Supreme Court, a summons issued under this subdivision may be executed pursuant to as provided in § 19.2-76.2. Such form shall contain the option for the driver or registered owner to prepay the unpaid toll and all penalties, administrative fees, and costs. HOT lanes operator personnel or their agents mailing such summons shall be considered conservators of the peace for the sole and limited purpose of mailing such summons. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles or, if the registered owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to this subdivision, such named operator of the vehicle. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.
d. The registered owner of such vehicle shall be given reasonable notice by way of a summons as provided in this subdivision that his vehicle had been used in violation of this section, and such owner shall be given notice of the time and place of the hearing and notice of the civil penalty and costs for such offense.
- Upon the filing of an affidavit with the court at least 14 days prior to the hearing date by the registered owner of the vehicle stating that he was not the driver of the vehicle on the date of the violation and providing the legal name and address of the driver of the vehicle at the time of the violation, a summons will also be issued to the alleged driver of the vehicle at the time of the offense. The affidavit shall constitute prima facie evidence that the person named in the affidavit was driving the vehicle at all the relevant times relating to the matter named in the

affidavit.

If the registered owner of the vehicle produces a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained stolen at the time of the alleged offense, then the court shall dismiss the summons issued to the registered owner of the vehicle.

3. a. The HOT lanes operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. The operator of the vehicle shall pay the unpaid tolls and any administrative fee detailed in a notice or invoice issued by a HOT lanes operator. If paid within ~~30~~ 60 days of notification, the administrative fee shall not exceed \$25.

b. Upon a finding by a court of competent jurisdiction that the driver of the vehicle observed by a law-enforcement officer under subdivision 1 or the vehicle described in the summons for civil violation issued pursuant to evidence obtained by a photo-enforcement system under subdivision 2 was in violation of this section, the court shall impose a civil penalty upon the driver of such vehicle issued a summons under subdivision 1, or upon the driver or registered owner of such vehicle issued a summons under subdivision 2, payable to the HOT lanes operator as follows: for a first offense, \$50; for a second offense, ~~\$250~~ \$100; for a third offense within a period of two years of the second offense, ~~\$500~~ \$250; and for a fourth and subsequent offense within a period of three years of the second offense, ~~\$1,000~~ \$500, together with, in each case, the unpaid toll, all accrued administrative fees imposed by the HOT lanes operator as authorized by this section, and applicable court costs. The court shall remand penalties, the unpaid toll, and administrative fees assessed for violation of this section to the treasurer or director of finance of the county or city in which the violation occurred for payment to the HOT lanes operator for expenses associated with operation of the HOT lanes and payments against any bonds or other liens issued as a result of the construction of the HOT lanes. No person shall be subject to prosecution under both subdivisions 1 and 2 for actions arising out of the same transaction or occurrence.

c. *Notwithstanding subdivisions a and b, for a first conviction of a driver or registered owner of a vehicle under this section the total amount for the first conviction shall not exceed \$2,200, including civil penalties and administrative fees regardless of the total number of offenses the driver or registered owner of a vehicle is convicted of on that date.*

d. Upon a finding by a court that a person has violated this section, in the event such person fails to pay the required penalties, fees, and costs, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall suspend all of the registration certificates and license plates issued for any motor vehicles registered solely in the name of such person and shall not issue any registration certificate or license plate for any other vehicle that such person seeks to register solely in his name until the court has notified the Commissioner of the Department of Motor Vehicles that such penalties, fees, and costs have been paid. The HOT lanes operator and the Commissioner of the Department of Motor Vehicles may enter into an agreement whereby the HOT lanes operator may reimburse the Department of Motor Vehicles for its reasonable costs to develop, implement, and maintain this enforcement mechanism, and that specifies that the Commissioner of the Department of Motor Vehicles shall have an obligation to suspend such registration certificates so long as the HOT lanes operator makes the required reimbursements in a timely manner in accordance with the agreement.

~~d~~-e. Except as provided in subdivisions 4 and 5, imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator of a motor vehicle under Title 46.2 and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

4. a. The HOT lanes operator may restrict the usage of the HOT lanes to designated vehicle classifications pursuant to an interim or final comprehensive agreement executed pursuant to § 33.2-1808 or 33.2-1809. Notice of any such vehicle classification restrictions shall be provided through the placement of signs or other markers prior to and at all HOT lanes entrances.

b. Any person driving an unauthorized vehicle on the designated HOT lanes is guilty of a traffic infraction, which shall not be a moving violation, and shall be punishable as follows: for a first offense, by a fine of \$125; for a second offense within a period of five years from a first offense, by a fine of \$250; for a third offense within a period of five years from a first offense, by a fine of \$500; and for a fourth and subsequent offense within a period of five years from a first offense, by a fine of \$1,000. *No person shall be subject to prosecution under both this subdivision and subdivision 1 or 2 for actions arising out of the same transaction or occurrence.*

Upon a conviction under this subdivision, the court shall furnish to the Commissioner of the Department of Motor

Vehicles, in accordance with § 46.2-383, an abstract of the record of such conviction, which shall become a part of the person's driving record. Notwithstanding the provisions of § 46.2-492, no driver demerit points shall be assessed for any violation of this subdivision, except that persons convicted of a second, third, fourth, or subsequent violation within five years of a first offense shall be assessed three demerit points for each such violation.

5. The driver of a vehicle who enters the HOT lanes by crossing through any barrier, buffer, or other area separating the HOT lanes from other lanes of travel is guilty of a violation of § 46.2-852, unless the vehicle is a state or local law-enforcement vehicle, firefighting truck, or emergency medical services vehicle used in the performance of its official duties. No person shall be subject to prosecution both under this subdivision and under subdivision 1, 2, or 4 for actions arising out of the same transaction or occurrence.

Upon a conviction under this subdivision, the court shall furnish to the Commissioner of the Department of Motor Vehicles in accordance with § 46.2-383 an abstract of the record of such conviction, which shall become a part of the convicted person's driving record.

6. No person shall be subject to prosecution both under this section and under § 33.2-501, 46.2-819, or 46.2-819.1 for actions arising out of the same transaction or occurrence.

7. Any action under this section shall be brought in the general district court of the county or city in which the violation occurred.

§ 46.2-208. Records of Department; when open for inspection; release of privileged information.

A. All records in the office of the Department containing the specific classes of information outlined below shall be considered privileged records:

1. Personal information, including all data defined as "personal information" in § 2.2-3801;
2. Driver information, including all data that relates to driver's license status and driver activity; and
3. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle activity data.

B. The Commissioner shall release such information only under the following conditions:

1. Notwithstanding other provisions of this section, medical data included in personal data shall be released only to a physician, physician assistant, or nurse practitioner as provided in § 46.2-322.
2. Insurance data may be released as specified in §§ 46.2-372, 46.2-380, and 46.2-706.
3. Notwithstanding other provisions of this section, information disclosed or furnished shall be assessed a fee as specified in § 46.2-214.
4. When the person requesting the information is (i) the subject of the information, (ii) the parent or guardian of the subject of the information, (iii) the authorized representative of the subject of the information, or (iv) the owner of the vehicle that is the subject of the information, the Commissioner shall provide him with the requested information and a complete explanation of it. Requests for such information need not be made in writing or in person and may be made orally or by telephone, provided that the Department is satisfied that there is adequate verification of the requester's identity. When so requested in writing by (a) the subject of the information, (b) the parent or guardian of the subject of the information, (c) the authorized representative of the subject of the information, or (d) the owner of the vehicle that is the subject of the information, the Commissioner shall verify and, if necessary, correct the personal information provided and furnish driver and vehicle information in the form of an abstract of the record.
5. On the written request of any insurance carrier, surety, or representative of an insurance carrier or surety, the Commissioner shall furnish such insurance carrier, surety, or representative an abstract of the record of any person subject to the provisions of this title. The abstract shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which he was involved and a report of which is required by § 46.2-372. No such report of any conviction or accident shall be made after 60 months from the date of the conviction or accident unless the Commissioner or court used the conviction or accident as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or accident pertaining thereto shall not be reported after 60 months from the date that the driver's license or driving privilege has been reinstated. This abstract shall not be admissible in evidence in any court proceedings.
6. On the written request of any business organization or its agent, in the conduct of its business, the

Commissioner shall compare personal information supplied by the business organization or agent with that contained in the Department's records and, when the information supplied by the business organization or agent is different from that contained in the Department's records, provide the business organization or agent with correct information as contained in the Department's records. Personal information provided under this subdivision shall be used solely for the purpose of pursuing remedies that require locating an individual.

7. The Commissioner shall provide vehicle information to any business organization or agent on such business' or agent's written request. Disclosures made under this subdivision shall not include any personal information and shall not be subject to the limitations contained in subdivision 6.

8. On the written request of any motor vehicle rental or leasing company or its designated agent, the Commissioner shall (i) compare personal information supplied by the company or agent with that contained in the Department's records and, when the information supplied by the company or agent is different from that contained in the Department's records, provide the company or agent with correct information as contained in the Department's records and (ii) provide the company or agent with driver information in the form of an abstract of any person subject to the provisions of this title. Such abstract shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which the subject of the abstract was involved and a report of which is required by § [46.2-372](#). No such abstract shall include any record of any conviction or accident more than 60 months after the date of such conviction or accident unless the Commissioner or court used the conviction or accident as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or accident pertaining thereto shall cease to be included in such abstract after 60 months from the date on which the driver's license or driving privilege was reinstated. No abstract released under this subdivision shall be admissible in evidence in any court proceedings.

9. On the request of any federal, state, or local governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, the Commissioner shall (i) compare personal information supplied by the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, with that contained in the Department's records and, when the information supplied by the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, is different from that contained in the Department's records, provide the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, with correct information as contained in the Department's records and (ii) provide driver and vehicle information in the form of an abstract of the record showing all convictions, accidents, driver's license suspensions or revocations, and other appropriate information as the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, may require in order to carry out its official functions. The abstract shall be provided free of charge.

10. On request of the driver licensing authority in any other state or foreign country, the Commissioner shall provide whatever classes of information the requesting authority shall require in order to carry out its official functions. The information shall be provided free of charge.

11. On the written request of any employer, prospective employer, or authorized agent of either, and with the written consent of the individual concerned, the Commissioner shall (i) compare personal information supplied by the employer, prospective employer, or agent with that contained in the Department's records and, when the information supplied by the employer, prospective employer, or agent is different from that contained in the Department's records, provide the employer, prospective employer, or agent with correct information as contained in the Department's records and (ii) provide the employer, prospective employer, or agent with driver information in the form of an abstract of an individual's record showing all convictions, accidents, driver's license suspensions or revocations, and any type of driver's license that the individual currently possesses, provided that the individual's position or the position that the individual is being considered for involves the operation of a motor vehicle.

12. On the written request of any member of or applicant for membership in a volunteer fire company or any volunteer emergency medical services personnel or applicant to serve as volunteer emergency medical services personnel, the Commissioner shall (i) compare personal information supplied by the volunteer fire company or

volunteer emergency medical services agency with that contained in the Department's records and, when the information supplied by the volunteer fire company or volunteer emergency medical services agency is different from that contained in the Department's records, provide the volunteer fire company or volunteer emergency medical services agency with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the member's, personnel, or applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate written evidence that the person is a member of or applicant for membership in a volunteer fire company or a volunteer emergency medical services agency to serve as a member of a volunteer emergency medical services agency and the abstract is needed by a volunteer fire company or volunteer emergency medical services agency to establish the qualifications of the member, volunteer, or applicant to operate equipment owned by the volunteer fire company or volunteer emergency medical services agency.

13. On the written request of any person who has applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America, the Commissioner shall (i) compare personal information supplied by a Virginia affiliate of Big Brothers/Big Sisters of America with that contained in the Department's records and, when the information supplied by a Virginia affiliate of Big Brothers/Big Sisters of America is different from that contained in the Department's records, provide the Virginia affiliate of Big Brothers/Big Sisters of America with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America.

14. On the written request of any person who has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153, the Commissioner shall provide an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153.

15. Upon the request of any employer, prospective employer, or authorized representative of either, the Commissioner shall (i) compare personal information supplied by the employer, prospective employer, or agent with that contained in the Department's records and, when the information supplied by the employer, prospective employer, or agent is different from that contained in the Department's records, provide the employer, prospective employer, or agent with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the driving record of any individual who has been issued a commercial driver's license, provided that the individual's position or the position that the individual is being considered for involves the operation of a commercial motor vehicle. Such abstract shall show all convictions, accidents, license suspensions, revocations, or disqualifications, and any type of driver's license that the individual currently possesses.

16. Upon the receipt of a completed application and payment of applicable processing fees, the Commissioner may enter into an agreement with any governmental authority or business to exchange information specified in this section by electronic or other means.

17. Upon the request of an attorney representing a person in a motor vehicle accident, the Commissioner shall provide vehicle information, including the owner's name and address, to the attorney.

18. Upon the request, in the course of business, of any authorized representative of an insurance company or of any not-for-profit entity organized to prevent and detect insurance fraud, or perform rating and underwriting activities, the Commissioner shall provide to such person (i) all vehicle information, including the owner's name and address, descriptive data and title, registration, and vehicle activity data as requested or (ii) all driver information including name, license number and classification, date of birth, and address information for each driver under the age of 22 licensed in the Commonwealth of Virginia meeting the request criteria designated by such person, with such request criteria consisting of driver's license number or address information. No such information shall be used for solicitation of sales, marketing, or other commercial purposes.

19. Upon the request of an officer authorized to issue criminal warrants, for the purpose of issuing a warrant for

arrest for unlawful disposal of trash or refuse in violation of § 33.2-802 the Commissioner shall provide vehicle information, including the owner's name and address.

20. Upon written request of the compliance agent of a private security services business, as defined in § 9.1-138, which is licensed by the Department of Criminal Justice Services, the Commissioner shall provide the name and address of the owner of the vehicle under procedures determined by the Commissioner.

21. Upon the request of the operator of a toll facility or traffic light photo-monitoring system acting on behalf of a government entity, or of the Dulles Access Highway, or an authorized agent or employee of a toll facility operator or traffic light photo-monitoring system operator acting on behalf of a government entity or the Dulles Access Highway, for the purpose of obtaining vehicle owner data under subsection L M of § 46.2-819.1 or subsection H of § 15.2-968.1 or subsection N of § 46.2-819.5. Information released pursuant to this subdivision shall be limited to the name and address of the registered owner of the vehicle having failed to pay a toll or having failed to comply with a traffic light signal or having improperly used the Dulles Access Highway and the vehicle information, including all descriptive vehicle data and title and registration data of the same vehicle.

22. On the written request of any person who has applied to be a volunteer with a Virginia affiliate of Compeer, the Commissioner shall (i) compare personal information supplied by a Virginia affiliate of Compeer with that contained in the Department's records and, when the information supplied by a Virginia affiliate of Compeer is different from that contained in the Department's records, provide the Virginia affiliate of Compeer with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a Virginia affiliate of Compeer.

23. Upon the request of the Department of Environmental Quality for the purpose of obtaining vehicle owner data in connection with enforcement actions involving on-road testing of motor vehicles, pursuant to § 46.2-1178.1.

24. On the written request of any person who has applied to be a volunteer vehicle operator with a Virginia chapter of the American Red Cross, the Commissioner shall (i) compare personal information supplied by a Virginia chapter of the American Red Cross with that contained in the Department's records and, when the information supplied by a Virginia chapter of the American Red Cross is different from that contained in the Department's records, provide the Virginia chapter of the American Red Cross with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of the American Red Cross.

25. On the written request of any person who has applied to be a volunteer vehicle operator with a Virginia chapter of the Civil Air Patrol, the Commissioner shall (i) compare personal information supplied by a Virginia chapter of the Civil Air Patrol with that contained in the Department's records and, when the information supplied by a Virginia chapter of the Civil Air Patrol is different from that contained in the Department's records, provide the Virginia chapter of the Civil Air Patrol with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of the Civil Air Patrol.

26. On the written request of any person who has applied to be a volunteer vehicle operator with Faith in Action, the Commissioner shall (i) compare personal information supplied by Faith in Action with that contained in the Department's records and, when the information supplied by Faith in Action is different from that contained in the Department's records, provide Faith in Action with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with Faith in Action.

27. On the written request of the surviving spouse or child of a deceased person or the executor or administrator of a deceased person's estate, the Department shall, if the deceased person had been issued a driver's license or special identification card by the Department, supply the requestor with a hard copy image of any photograph of the deceased person kept in the Department's records.

28. On the written request of any person who has applied to be a volunteer with a Virginia Council of the Girl Scouts of the USA, the Commissioner shall (i) compare personal information supplied by a Virginia Council of the Girl Scouts of the USA with that contained in the Department's records and, when the information supplied by a Virginia Council of the Girl Scouts of the USA is different from that contained in the Department's records, provide a Virginia Council of the Girl Scouts of the USA with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with the Virginia Council of the Girl Scouts of the USA.

C. Whenever the Commissioner issues an order to suspend or revoke the driver's license or driving privilege of any individual, he may notify the National Driver Register Service operated by the ~~United States~~ U.S. Department of Transportation and any similar national driver information system and provide whatever classes of information the authority may require.

D. Accident reports may be inspected under the provisions of §§ [46.2-379](#) and [46.2-380](#).

E. Whenever the Commissioner takes any licensing action pursuant to the provisions of the Virginia Commercial Driver's License Act (§ [46.2-341.1](#) et seq.), he may provide information to the Commercial Driver License Information System, or any similar national commercial driver information system, regarding such action.

F. In addition to the foregoing provisions of this section, vehicle information may also be inspected under the provisions of §§ [46.2-633](#), [46.2-644.02](#), [46.2-644.03](#), and §§ [46.2-1200.1](#) through [46.2-1237](#).

G. The Department may promulgate regulations to govern the means by which personal, vehicle, and driver information is requested and disseminated.

H. Driving records of any person accused of an offense involving the operation of a motor vehicle shall be provided by the Commissioner upon request to any person acting as counsel for the accused. If such counsel is from the public defender's office or has been appointed by the court, such records shall be provided free of charge.

I. The Department shall maintain the records of persons convicted of violations of § [18.2-36.2](#), subsection B of § [29.1-738](#), and §§ [29.1-738.02](#), [29.1-738.2](#), and [29.1-738.4](#) which shall be forwarded by every general district court or circuit court or the clerk thereof, pursuant to § [46.2-383](#). Such records shall be electronically available to any law-enforcement officer as provided for under clause (ii) of subdivision B 9.

J. Whenever the Commissioner issues a certificate of title for a motor vehicle, he may notify the National Motor Vehicle Title Information System, or any other nationally recognized system providing similar information, or any entity contracted to collect information for such system, and may provide whatever classes of information are required by such system.

§ [46.2-819.1](#). Installation and use of photo-monitoring system or automatic vehicle identification system in conjunction with electronic or manual toll facilities; penalty.

A. *For purposes of this section:*

"Automatic vehicle identification device" means an electronic device that communicates by wireless transmission with an automatic vehicle identification system.

"Automatic vehicle identification system" means an electronic vehicle identification system installed to work in

conjunction with a toll collection device that automatically produces an electronic record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility.

"Operator of a toll facility other than the Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility.

"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles. For purposes of this section, "owner" does not mean a vehicle rental or vehicle leasing company.

"Photo-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection device that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this section.

B. The operator of any toll facility or the locality within which such toll facility is located may install and operate or cause to be installed and operated a photo-monitoring system or automatic vehicle identification system, or both, at locations where tolls are collected for the use of such toll facility. The operator of a toll facility shall send an invoice or bill for unpaid tolls to the registered owner of a vehicle as part of an electronic or manual toll collection process, prior to seeking remedies under this section.

~~B-C.~~ Information collected by a photo-monitoring system or automatic vehicle identification system installed and operated pursuant to subsection ~~A B~~ shall be limited exclusively to that information that is necessary for the collection of unpaid tolls. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other data collected by a photo-monitoring system or automatic vehicle identification system shall be used exclusively for the collection of unpaid tolls and shall not (i) be open to the public; (ii) be sold and/or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any other entity except as may be necessary for the collection of unpaid tolls or to a vehicle owner or operator as part of a challenge to the imposition of a toll; and (iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of this section or upon order from a court of competent jurisdiction. Information collected under this section shall be purged and not retained later than 30 days after the collection and reconciliation of any unpaid tolls, administrative fees, and/or civil penalties. Any entity operating a photo-monitoring system or automatic vehicle identification system shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or their designee. Any violation of this subsection shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law, any money or other thing of value obtained as a result of a violation of this section shall be forfeited to the Commonwealth.

The toll facility operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. Such fee may be levied upon the operator of the vehicle after the first unpaid toll has been documented. The operator of the vehicle shall pay the unpaid toll and any administrative fee detailed in an invoice for the unpaid toll issued by a toll facility operator. If paid within ~~30~~ 60 days of notification, the administrative fee shall not exceed \$25.

~~C-D.~~ If the matter proceeds to court, the registered owner or operator of a vehicle shall be liable for a civil penalty as follows: for a first offense, \$50; for a second offense within one year from the first offense, \$100; for a third offense within two years from the second offense, \$250; and for a fourth and any subsequent offense within three years from the second offense, \$500 plus, in each case, the unpaid toll, all accrued administrative fees imposed by the toll facility operator, and applicable court costs if the vehicle is found, as evidenced by information obtained from a photo-monitoring system or automatic vehicle identification system as provided in this section, to have used such a toll facility without payment of the required toll.

E. Notwithstanding subsections C and D, for a first conviction of a driver or registered owner of a vehicle under this section the total amount for the first conviction shall not exceed \$2,200, including civil penalties and administrative fees regardless of the total number of offenses the driver or registered owner of a vehicle is convicted of on that date.

~~D-F.~~ Any action under this section shall be brought in the ~~General District Court~~ general district court of the city or

county or city in which the toll facility is located. Such action shall be considered a traffic infraction but shall be tried as a civil case. The attorney for the Commonwealth may represent the interests of the toll facility operator. Any authorized agent or employee of a toll facility operator acting on behalf of a governmental entity shall be allowed the privileges accorded by § 16.1-88.03 in such cases.

~~E-G.~~ Proof of a violation of this section shall be evidenced by information obtained from a photo-monitoring system or automatic vehicle identification system as provided in this section. A certificate, sworn to or affirmed by a technician employed or authorized by the operator of a toll facility or by the locality wherein the toll facility is located, or a facsimile of such a certificate, based on inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo-monitoring system, or of electronic data collected by an automatic vehicle identification system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images or electronic data evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation under this section. A record of communication by an automatic vehicle identification device with the automatic vehicle identification system at the time of a violation of this section shall be prima facie evidence that the automatic vehicle identification device was located in the vehicle registered to use such device in the records of the ~~Virginia~~ Department of Transportation.

~~F-H.~~ It shall be prima facie evidence that the vehicle described in the summons issued pursuant to subsection ~~K L~~ was operated in violation of this section.

Upon a finding by a court of competent jurisdiction that the vehicle described in the summons issued pursuant to subsection ~~K L~~ was in violation of this section, the court shall impose a civil penalty upon the registered owner or operator of such vehicle in accordance with the amounts specified in subsection ~~C D~~, together with applicable court costs, the operator's administrative fee and the toll due. Penalties assessed as the result of action initiated by the ~~Virginia~~ Department of Transportation shall be remanded by the clerk of the court which adjudicated the action to the ~~Virginia~~ Department of Transportation's Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by an operator of a toll facility other than the ~~Virginia~~ Department of Transportation shall be remanded by the clerk of the court which adjudicated the action to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator.

The registered owner of such vehicle shall be given reasonable notice by way of a summons as provided in subsection ~~K L~~ that his vehicle had been used in violation of this section and such owner shall be given notice of the time and place of the hearing as well as the civil penalty and costs for such offense. The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus a reduced civil penalty of \$25 for a first or second offense or \$50 for a third, fourth, or subsequent offense, as specified on the summons, provided the owner actually pays to the toll facility operator the entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the owner accepts such offer and such amount is actually received by the toll facility operator at least 14 days prior to the hearing date specified on the summons, the toll facility operator shall move the court at least five business days prior to the date set for trial to dismiss the summons issued to the registered owner of the vehicle, and the court shall dismiss upon such motion.

Upon either (i) the filing of an affidavit with the toll facility operator within 14 days of receipt of an invoice for an unpaid toll from the toll facility operator or (ii) the filing of an affidavit with the court at least 14 days prior to the hearing date by the registered owner of the vehicle stating that he was not the ~~driver~~ operator of the vehicle on the date of the violation and providing the legal name and address of the operator of the vehicle at the time of the violation, an invoice and/or summons, as appropriate, will also be issued to the alleged operator of the vehicle at the time of the offense.

In any action against a vehicle operator, an affidavit made by the registered owner providing the name and address of the vehicle operator at the time of the violation shall constitute prima facie evidence that the person named in the affidavit was operating the vehicle at all the relevant times relating to the matter named in the affidavit.

If the registered owner of the vehicle produces for the toll facility operator or the court a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained stolen at the time of the alleged offense, then the toll facility operator shall not pursue the owner for the unpaid toll and, if a summons has been issued, the court shall dismiss the summons issued to the registered

owner of the vehicle.

~~G-I.~~ Upon a finding by a court that a person has two or more unpaid tolls and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for the vehicle driven in the commission of the offense until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. If it is proven that the vehicle owner was not the operator at the time of the offense and upon a finding by a court that the person identified in an affidavit pursuant to subsection ~~F~~ *H* as the operator violated this section and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for any vehicle owned or co-owned by such person until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Such funds representing payment of unpaid tolls and all administrative fees of the toll facility operator shall be transferred from the court to the ~~Virginia~~ Department of Transportation's Toll Facilities Revolving Account or, in the case of an action initiated by an operator of a toll facility other than the ~~Virginia~~ Department of Transportation, to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator. The Commissioner shall collect a \$40 administrative fee from the registered owner or operator of the vehicle to defray the cost of processing and removing an order to deny registration or registration renewal.

~~H.~~ For purposes of this section, "operator of a toll facility other than the Virginia Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility; "owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles. For purposes of this section, "owner" does not mean a vehicle rental or vehicle leasing company; "photo-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection device that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this section; "automatic vehicle identification system" means an electronic vehicle identification system installed to work in conjunction with a toll collection device that automatically produces an electronic record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility; and "automatic vehicle identification device" means an electronic device that communicates by wireless transmission with an automatic vehicle identification system.

~~I-J.~~ Any vehicle rental or vehicle leasing company, if it receives an invoice or is named in a summons, shall be released as a party to the action if it provides the operator of the toll facility a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee within 30 days of receipt of the invoice or at least 14 days prior to the date of hearing set forth in the summons. Upon receipt of such rental agreement, lease, or affidavit, a notice shall be mailed to the renter or lessee identified therein. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.). The toll facility operator shall allow at least 30 days from the date of such mailing before pursuing other remedies under this section. In any action against the vehicle operator, a copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the vehicle at the time of the violation is prima facie evidence that the person named in the rental agreement, lease, or affidavit was operating the vehicle at all the relevant times relating to the matter named in the summons.

~~J-K.~~ Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine or cost imposed or ordered paid under this section for a violation of this section.

~~K-L.~~ On a form prescribed by the Supreme Court, a summons for a violation of this section may be executed pursuant to as provided in § 19.2-76.2. Toll facility personnel or their agents mailing such summons shall be

considered conservators of the peace for the sole and limited purpose of mailing such summons. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles or, if the registered owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to subsection ~~F~~ H, such named operator of the vehicle. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

~~L-M~~. The operator of a toll facility may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 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 and with the ~~Virginia~~ Department of Transportation to obtain any information that is necessary to conduct electronic toll collection. Information provided to the operator of a toll facility shall only be used for the collection of unpaid tolls and the operator of the toll facility shall be subject to the same conditions and penalties regarding release of the information as contained in subsection ~~B~~ C.

~~M-N~~. No person shall be subject to both the provisions of this section and to prosecution under § 46.2-819 for actions arising out of the same transaction or occurrence.

§ 46.2-819.3. Use of toll facility without payment of toll; enforcement; penalty.

A. For purposes of this section:

"Operator of a toll facility other than the Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility.

"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles. For purposes of this section, "owner" does not mean a vehicle rental or vehicle leasing company.

B. The toll facility operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. Such fee shall not be levied on a first unpaid toll unless the written promise to pay executed pursuant to subsection ~~C~~ E remains unpaid after 30 days. The person who executed the written promise to pay pursuant to subsection ~~C~~ E shall pay the unpaid toll and any administrative fee detailed in an invoice or bill issued by a toll facility operator. If paid within ~~30~~ 60 days of notification, the administrative fee shall not exceed \$25.

~~B-C~~. If the matter proceeds to court, the owner or operator of the vehicle shall be liable for a civil penalty as follows: for a first offense, \$50; for a second offense within one year from the first offense, \$100; for a third offense within two years from the second offense, \$250; and for a fourth and any subsequent offense within three years from the second offense, \$500 plus, in each case, the unpaid toll, all accrued administrative fees imposed by the toll facility operator and applicable court costs if the vehicle operator is found, as evidenced by information obtained from the toll facility operator, to have used such a toll facility without payment of the required toll.

D. *Notwithstanding subsections B and C, for a first conviction of a driver or registered owner of a vehicle under this section the total amount for the first conviction shall not exceed \$2,200, including civil penalties and administrative fees regardless of the total number of offenses the driver or registered owner of a vehicle is convicted of on that date.*

~~C-E~~. A written promise to pay an unpaid toll within a specified period of time executed by the driver of a motor vehicle, accompanied by a certificate sworn to or affirmed by an authorized agent of the toll facility that the unpaid toll was not paid within such specified period, shall be prima facie evidence of the facts contained therein.

~~D-F~~. The operator of a toll facility may send an invoice or bill to the driver of a motor vehicle using a toll facility without payment of the specified toll as part of an electronic or manual toll collection process prior to seeking remedies under this section. Any action under this section shall be brought in the general district court of the ~~city~~

~~or~~ county or city in which the toll facility is located. Such an action shall be considered a traffic infraction but shall be tried as a civil case. The attorney for the Commonwealth may represent the interests of the toll facility operator. Any authorized agent or employee of a toll facility operator acting on behalf of a governmental entity shall be allowed the privileges accorded by § 16.1-88.03 in such cases.

~~E.~~G. Upon a finding by a court of competent jurisdiction that the driver of a motor vehicle identified in the summons issued pursuant to subsection ~~I~~ K was in violation of this section, the court shall impose a civil penalty upon the driver of a motor vehicle in accordance with the amounts specified in subsection ~~B~~ C, together with applicable court costs, the operator's administrative fee, and the toll due. Penalties assessed as the result of action initiated by the ~~Virginia~~ Department of Transportation shall be remanded by the clerk of the court which adjudicated the action to the ~~Virginia~~ Department of Transportation's Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by an operator of a toll facility other than the ~~Virginia~~ Department of Transportation shall be remanded by the clerk of the court which adjudicated the action to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator.

~~F.~~H. The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus a reduced civil penalty of \$25 for a first or second offense or \$50 for a third, fourth, or subsequent offense, as specified on the summons, provided the owner actually pays to the toll facility operator the entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the owner accepts such offer and such amount is actually received by the toll facility operator at least 14 days prior to the hearing date specified on the summons, the toll facility operator shall move the court at least five business days prior to the date set for trial to dismiss the summons issued to the registered owner of the vehicle, and the court shall dismiss upon such motion.

~~G.~~I. Upon a finding by a court that a person has three or more unpaid tolls and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for any vehicle owned or co-owned by the offender. The Commissioner shall collect a \$40 administrative fee from the owner or operator of the vehicle to defray the cost of processing and removing an order to deny registration or registration renewal.

~~H.~~ For purposes of this section, "operator of a toll facility other than the Virginia Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility.

~~I.~~J. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine, or cost imposed or ordered paid under this section for a violation of this section.

~~J.~~K. A summons for a violation of this section may be executed ~~pursuant to~~ as provided in § 19.2-76.2. Toll facility personnel or their agents mailing such summons shall be considered conservators of the peace for the sole and limited purpose of mailing such summons. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to the address of the driver of a motor vehicle as shown on the written promise to pay executed pursuant to subsection ~~C~~ E or records of the Department of Motor Vehicles. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

~~K.~~L. No person shall be subject to both the provisions of this section and to prosecution under § 46.2-819 for actions arising out of the same transaction or occurrence.

§ 46.2-819.3:1. Installation and use of video-monitoring system and automatic vehicle identification system in conjunction with all-electronic toll facilities; penalty.

A. For purposes of this section:

"Automatic vehicle identification device" means an electronic device that communicates by wireless transmission with an automatic vehicle identification system.

"Automatic vehicle identification system" means an electronic vehicle identification system installed to work in conjunction with a toll collection device that automatically produces an electronic record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility.

"Operator" means a person who was driving a vehicle that was the subject of a toll violation but who is not the owner of the vehicle.

"Operator of a toll facility other than the Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility.

"Owner" means the registered owner of a vehicle on record with the Department or, in the case of a vehicle where the owner of the vehicle is a vehicle leasing entity, the lessee. For purposes of this section, "owner" does not mean a vehicle rental or vehicle leasing company.

"Video-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection device that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this section.

B. The operator of any toll facility or the locality within which such toll facility is located may install and operate or cause to be installed and operated a video-monitoring system in conjunction with an automatic vehicle identification system on facilities for which tolls are collected for the use of such toll facility and that do not offer manual toll collection. A video-monitoring system shall include, but not be limited to, electronic systems that monitor and capture images of vehicles using a toll facility to enable toll collection for vehicles that do not pay using a toll collection device. The operator of a toll facility shall send an invoice for unpaid tolls in accordance with the requirements of § 46.2-819.6 to the registered owner of a vehicle as part of a video-monitoring toll collection process, prior to seeking remedies under this section.

~~B~~-C. Information collected by a video-monitoring system in conjunction with an automatic vehicle identification system installed and operated pursuant to subsection ~~A~~ B shall be limited exclusively to that information that is necessary for the collection of unpaid tolls and establishing when violations occur, including use in any proceeding to determine whether a violation occurred. Notwithstanding any other provision of law, all images or other data collected by a video-monitoring system in conjunction with an automatic vehicle identification system shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system and used exclusively for the collection of unpaid tolls and for efforts to pursue violators of this section and shall not (i) be open to the public; (ii) be sold and/or used for sales, solicitation, or marketing purposes other than those of the toll facility operator to facilitate toll payment; (iii) be disclosed to any other entity except as may be necessary for the collection of unpaid tolls or to a vehicle owner or operator as part of a challenge to the imposition of a toll; and/or (iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of this section or upon order from a court of competent jurisdiction. Except as provided above, information collected under this section shall be purged and not retained later than 30 days after the collection and reconciliation of any unpaid tolls, administrative fees, and/or civil penalties. Any entity operating a video-monitoring system in conjunction with an automatic vehicle identification system shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or their designee. Any violation of this subsection shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law, any money or other thing of value obtained as a result of a violation of this section shall be forfeited to the Commonwealth. If a vehicle uses a toll facility without paying the toll, the owner or operator shall be in violation of this section if he refuses to pay the toll within 30 days of notification. The toll facility operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. Such fee shall not be levied upon the owner or operator of the vehicle unless the toll has not been paid by the owner or operator within 30 days after receipt of the invoice for the unpaid toll, which nonpayment for 30 days shall constitute the violation of this section. Once such a violation has occurred, the owner or operator of

the vehicle shall pay the unpaid tolls and any administrative fee detailed in the invoice for the unpaid toll issued by a toll facility operator. If paid within ~~30~~ 60 days of the toll violation, the administrative fee shall not exceed \$25. The toll facility operator may levy charges for the direct cost of use of and processing for a video-monitoring system and to cover the cost of the invoice, which are in addition to the toll and may not exceed double the amount of the base toll, provided that potential toll facility users are provided notice before entering the facility by conspicuous signs that clearly indicate that the toll for use of the facility could be tripled for any vehicle that does not have an active, functioning automatic vehicle identification device registered for and in use in the vehicle using the toll facility, and such signs are posted at a location where the driver can still choose to avoid the use of the toll facility if he chooses not to pay the toll.

A person receiving an invoice for an unpaid toll under this section may (a) pay the toll and administrative fees directly to the toll facility operator or (b) file with the toll facility operator a notice, on a form provided by the toll facility operator as required under subsection B of § 46.2-819.6, to contest liability for a toll violation. The notice to contest liability for a toll violation may be filed by any person receiving an invoice for an unpaid toll by mailing or delivering the notice to the toll facility operator within 60 days of receiving such invoice for unpaid toll. Upon receipt of such notice, the toll facility operator may issue a summons pursuant to subsection ~~K~~ L and may not seek withholding of registration or renewal thereof under subsection ~~G~~ I until a court of competent jurisdiction has found the alleged violator liable for tolls under this section.

~~C~~-D. If the matter proceeds to court, the registered owner or operator of a vehicle shall be liable for a civil penalty as follows: for a first offense, \$50; for a second offense within one year from the first offense, \$100; for a third offense within two years from the second offense, \$250; and for a fourth and any subsequent offense within three years from the second offense, \$500; plus, in each case, the unpaid toll, all accrued administrative fees imposed by the toll facility operator, and applicable court costs if the vehicle is found, as evidenced by information obtained from a video-monitoring system in conjunction with an automatic vehicle identification system as provided in this section, to have used such a toll facility without payment of the required toll within 30 days of receipt of the invoice for the toll.

E. Notwithstanding subsections C and D, for a first conviction of a driver or registered owner of a vehicle under this section the total amount for the first conviction shall not exceed \$2,200, including civil penalties and administrative fees regardless of the total number of offenses the driver or registered owner of a vehicle is convicted of on that date.

~~D~~-F. Any action under this section shall be brought in the general district court of the ~~city or~~ county or city in which the toll facility is located. Such action shall be considered a traffic infraction but shall be tried as a civil case. The attorney for the Commonwealth may represent the interests of the toll facility operator. Any authorized agent or employee of a toll facility operator acting on behalf of a governmental entity shall be allowed the privileges accorded by § 16.1-88.03 in such cases.

~~E~~-G. Proof of a violation of this section shall be evidenced by information obtained from a video-monitoring system or automatic vehicle identification system as provided in this section. A certificate, sworn to or affirmed by a technician employed or authorized by the operator of a toll facility or by the locality wherein the toll facility is located, or a facsimile of such a certificate, based on inspection of photographs, microphotographs, videotapes, or other recorded images produced by a video-monitoring system or of electronic data collected by an automatic vehicle identification system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images or electronic data evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation under this section. A record of communication by an automatic vehicle identification device with the automatic vehicle identification system at the time of a violation of this section shall be prima facie evidence that the automatic vehicle identification device was located in the vehicle registered to use such device in the records of the ~~Virginia~~ Department of Transportation.

~~F~~-H. It shall be prima facie evidence that the vehicle described in the summons issued pursuant to subsection ~~K~~ L was operated in violation of this section.

Upon a finding by a court of competent jurisdiction that the vehicle described in the summons issued pursuant to subsection ~~K L~~ was in violation of this section, the court shall impose a civil penalty upon the registered owner or operator of such vehicle in accordance with the amounts specified in subsection ~~C D~~, together with applicable court costs, the operator's administrative fee, and the toll due. Penalties assessed as the result of action initiated by the ~~Virginia~~ Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the ~~Virginia~~ Department of Transportation's Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by an operator of a toll facility other than the ~~Virginia~~ Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator.

The registered owner of such vehicle shall be given reasonable notice by way of a summons as provided in subsection ~~K L~~ that his vehicle had been used in violation of this section, and such owner shall be given notice of the time and place of the hearing as well as the civil penalty and costs for such offense.

Upon the filing of an affidavit by the registered owner of the vehicle with the toll facility operator within 14 days of receipt of an invoice for unpaid toll or a summons stating that such owner was not the driver of the vehicle on the date of the violation and providing the legal name and address of the operator of the vehicle at the time of the violation, an invoice for unpaid toll or summons, whichever the case may be, will also be issued to the alleged operator of the vehicle at the time of the offense.

In any action against a vehicle operator, an affidavit made by the registered owner providing the name and address of the vehicle operator at the time of the violation shall constitute prima facie evidence that the person named in the affidavit was operating the vehicle at all the relevant times relating to the matter named in the affidavit. If the registered owner of the vehicle produces for the toll facility operator or the court a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained stolen at the time of the alleged offense, then the toll facility operator shall not pursue the owner for the unpaid toll contained in the invoice for unpaid toll or the court shall dismiss the summons issued to the registered owner of the vehicle.

~~G-I~~. 1. Upon a finding by a court that a person has two or more unpaid tolls and such person fails to pay the required penalties, fees, and unpaid tolls, then the court or toll facility operator shall notify the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for the vehicle driven in the commission of the offense until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. If it is proven that the vehicle owner was not the operator at the time of the offense and upon a finding by a court that the person identified in an affidavit pursuant to subsection ~~F H~~ as the operator violated this section and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for any vehicle owned or co-owned by such person until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Such funds representing payment of unpaid tolls and all administrative fees of the toll facility operator shall be transferred from the court to the ~~Virginia~~ Department of Transportation's Toll Facilities Revolving Account or, in the case of an action initiated by an operator of a toll facility other than the ~~Virginia~~ Department of Transportation, to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator. The Commissioner shall collect a \$40 administrative fee from the registered owner or operator of the vehicle to defray the cost of processing and removing an order to deny registration or registration renewal.

2. If an owner of a vehicle has received at least one invoice for two or more unpaid tolls in accordance with § [46.2-819.6](#) by certified mail and has (i) failed to pay the unpaid tolls and administrative fees and (ii) failed to file a notice to contest liability for a toll violation, then the toll facility operator may notify the Commissioner, who shall, if no form contesting liability has been timely filed with the toll facility operator pursuant to this section, refuse to issue or renew the vehicle registration certificate of any applicant therefor or the license plate issued for any vehicle driven in the commission of the offense until the toll facility operator has notified the Commissioner that such fees and unpaid tolls have been paid.

If the vehicle owner was not the operator at the time of the offense and the person identified in an affidavit pursuant to subsection ~~F H~~ as the operator has received at least one invoice for two or more unpaid tolls in

accordance with § 46.2-819.6 by certified mail and such person has (i) failed to pay the unpaid tolls and administrative fees and (ii) failed to file a notice to contest liability for a toll violation, then the toll facility operator may notify the Commissioner, who shall, if no form contesting liability has been timely filed with the toll facility operator pursuant to this section, refuse to issue or renew any vehicle registration certificate of any applicant therefor or the license plate issued for any vehicle owned or co-owned by such person until the toll facility operator has notified the Commissioner that such fees and unpaid tolls have been paid.

The Commissioner may only refuse to issue or renew any vehicle registration pursuant to this subsection upon the request of a toll facility operator if such toll facility operator has entered into an agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration of any applicant therefor who owes unpaid tolls and administrative fees to the toll facility operator. The toll facility operator seeking to collect unpaid tolls and administrative fees through the withholding of registration or renewal thereof by the Commissioner as provided for in this subsection shall notify the Commissioner in the manner provided for in his agreement with the Commissioner and supply to the Commissioner information necessary to identify the violator whose registration or renewal is to be denied. The Commissioner shall charge a \$40 fee to defray the cost of processing and withholding the registration or registration renewal, and the toll facility operator may add this fee to the amount of the unpaid tolls and administrative fees. Any agreement entered into pursuant to the provisions of this subsection shall provide for the Department to send the violator notice of the intent to deny renewal of registration at least 30 days prior to the expiration date of a current vehicle registration and such notice shall include a form, as required under subsection B of § 46.2-819.6, to contest liability of the underlying toll violation. The notice provided by the Commissioner shall include instructions for filing the form to contest liability with the toll facility operator within 21 days after the date of mailing of the Commissioner's notice. Upon timely receipt of the form, the toll facility operator shall notify the Commissioner, who shall refrain from withholding the registration or renewal thereof, after which the toll facility operator may proceed to issue a summons for unpaid toll. For the purposes of this subsection, notice by first-class mail to the registrant's address as maintained in the records of the Department shall be deemed sufficient.

~~H. For purposes of this section, "operator" means a person who was driving a vehicle that was the subject of a toll violation but who is not the owner of the vehicle; "operator of a toll facility other than the Virginia Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility; "owner" means the registered owner of a vehicle on record with the Department or, in the case of a vehicle where the owner of the vehicle is a vehicle leasing entity, the lessee. For purposes of this section, "owner" does not mean a vehicle rental or vehicle leasing company; "video monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection device that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this section; "automatic vehicle identification system" means an electronic vehicle identification system installed to work in conjunction with a toll collection device that automatically produces an electronic record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility; and "automatic vehicle identification device" means an electronic device that communicates by wireless transmission with an automatic vehicle identification system.~~

~~I.-J.~~ Any vehicle rental or vehicle leasing company, if it receives an invoice for unpaid toll or is named in a summons, shall be released as a party to the action if it provides the operator of the toll facility a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee within 30 days of receipt of the invoice or summons. Upon receipt of such rental agreement, lease, or affidavit, an invoice for unpaid toll shall be mailed to the renter or lessee identified therein. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.). The toll facility operator shall allow at least 30 days from the date of such mailing before pursuing other remedies under this section. In any action against the vehicle operator, a copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the vehicle at the time of the violation is prima facie evidence that the person named in the rental agreement, lease, or affidavit was operating the vehicle at all the relevant times relating to the matter named in the summons.

~~J-K.~~ Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine, or cost imposed or ordered paid under this section for a violation of this section.

~~K-L.~~ On a form prescribed by the Supreme Court, a summons for a violation of this section may be executed pursuant to *as provided in* § 19.2-76.2. Toll facility personnel or their agents mailing such summons shall be considered conservators of the peace for the sole and limited purpose of mailing such summons. Notwithstanding the provisions of § 19.2-76, a summons or summonses for a violation of unpaid tolls may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department or, if the registered owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to subsection ~~F H~~, such named operator of the vehicle. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

~~L-M.~~ The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus a reduced civil penalty of \$25 for a first or second offense or \$50 for a third, fourth, or subsequent offense, as specified on the summons, provided the owner actually pays to the toll facility operator the entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the owner accepts such offer and such amount is actually received by the toll facility operator at least 14 days prior to the hearing date specified on the summons, the toll facility operator shall move the court at least five business days prior to the date set for trial to dismiss the summons issued to the registered owner of the vehicle, and the court shall dismiss upon such motion.

~~M-N.~~ The operator of a toll facility may enter into an agreement with the Department, in accordance with the provisions of subdivision B 21 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 and with the Virginia Department of Transportation to obtain any information that is necessary to conduct electronic toll collection. Information provided to the operator of a toll facility shall be used only for the collection of unpaid tolls, and the operator of the toll facility shall be subject to the same conditions and penalties regarding release of the information as contained in subsection ~~B C~~.

~~N-O.~~ No person shall be subject to both the provisions of this section and to prosecution under § 46.2-819 for actions arising out of the same transaction or occurrence.

§ 46.2-819.6. Invoice for unpaid toll.

A. The operator of a toll facility shall send an invoice for the unpaid toll pursuant to ~~§ 46.2-819.7 subsection C~~ to the registered owner of the vehicle. An invoice for the unpaid toll shall contain the following:

1. The name and address of the registered owner alleged to be liable under this section;
2. The registration number of the motor vehicle involved in such violation or information obtained from an automatic vehicle identification system if the vehicle is identified by an automatic vehicle identification system for the purpose of violation detection;
3. The location where such violation took place;
4. The date and time of such violation;
5. The amount of the toll not paid;
6. The amount of the administrative fee;
7. The date by which the toll and administrative fee must be paid;
8. The statutory defenses available under this chapter;
9. A warning describing the penalties for nonpayment of the invoice for the unpaid toll or failure to file a notice to contest liability for the toll violation; and
10. The procedures and time limits for filing a notice to contest liability for a toll violation as provided in subsection ~~B C~~ of § 46.2-819.3:1.

B. The toll facility operator shall include with the invoice a form to be used by the registered owner or operator of the vehicle to contest liability for a toll violation. This form shall include the mailing address to which it should be sent.

C. *Whenever an invoice for an unpaid toll is to be provided to any person by the toll facility operator, it may be executed by mailing by first-class mail a copy of the invoice to the address of the owner of the vehicle as shown on the records of the Department.*

§ 46.2-819.8. *Toll grace period.*

No registered owner or operator of a vehicle that has an electronic toll collection device that is property of the Commonwealth whose vehicle is associated with such device has been used in violation of § 33.2-503, 46.2-819.1, 46.2-819.3, or 46.2-819.3:1 shall owe any penalties, fees, or costs in addition to the unpaid toll unless the toll operator or HOT lanes operator has attempted to process the collection of the toll through the Commonwealth's electronic toll account system at least twice. A toll operator shall make an attempt to process and collect an unpaid toll on the sixth day after the unpaid toll and shall make an additional attempt on the tenth day after the unpaid toll if earlier attempts to process and collect the unpaid toll were unsuccessful.

2. That the provisions of § 33.2-255.1 of the Code of Virginia, as created by this act, shall become effective on January 1, 2017.

3. That § 46.2-819.7 of the Code of Virginia is repealed.

4. That the eleventh enactment of Chapter 766 of the Acts of Assembly of 2013 is repealed.

5. That the provisions of this act shall apply to violations that occur on or after July 1, 2016."

Page 503, line 47, strike "on its passage as provided in § 1-214, Code of Virginia" and insert "July 1, 2016."

Page 503, line 49, strike "2." and insert "3."

Page 503, line 49, after "2018" insert: "The provisions of the second enactment of this act shall have no expiration date."

Explanation

(This amendment adds a statewide tolling policy to Part 5 of the budget.)