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HOUSE BILL NO. 943
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Transportation
on _____)
(Patron Prior to Substitute—Franklin, L.V.)

A BILL to amend and reenact § 33.2-613 of the Code of Virginia, relating to free use of toll facilities; campus police officers.

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-613 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-613. Free use of toll facilities by certain state officers and employees; penalties.

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

- 1. The Commissioner of Highways;
- 2. Members of the Commonwealth Transportation Board;
- 3. Employees of the Department of Transportation;
- 4. The Superintendent of the Department of State Police;
- 5. Officers and employees of the Department of State Police;
- 6. Members of the Board of Directors of the Virginia Alcoholic Beverage Control Authority;
- 7. Employees of the regulatory and hearings divisions of the Virginia Alcoholic Beverage Control Authority and special agents of the Virginia Alcoholic Beverage Control Authority;
- 8. The Commissioner of the Department of Motor Vehicles;
- 9. Employees of the Department of Motor Vehicles;
- 10. Local police officers;
- 11. Sheriffs and their deputies;
- 12. Regional jail officials;
- 13. Animal wardens;
- 14. The Director and officers of the Department of Wildlife Resources;
- 15. Persons operating firefighting equipment and emergency medical services vehicles as defined in

§ 32.1-111.1;

- 31 16. Operators of school buses being used to transport pupils to or from schools;
- 32 17. Operators of (i) commuter buses having a capacity of 20 or more passengers, including the driver, and
- 33 used to regularly transport workers to and from their places of employment and (ii) public transit buses;
- 34 18. Employees of the Department of Rail and Public Transportation;
- 35 19. Employees of any transportation facility created pursuant to the Virginia Highway Corporation Act of
- 36 1988; ~~and~~
- 37 20. Law-enforcement officers of the Virginia Marine Resources Commission; *and*
- 38 21. *Campus police officers appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1.*

39 B. Notwithstanding the provision of subsection A requiring presentation of a toll pass for toll-free use of
40 such facilities, in cases of emergency and circumstances of concern for public safety on the highways of the
41 Commonwealth, the Department of Transportation shall, in order to alleviate an actual or potential threat or
42 risk to the public's safety, facilitate the flow of traffic on or within the vicinity of the toll facility by
43 permitting the temporary suspension of toll collection operations on its facilities.

44 1. The assessment of the threat to public safety shall be performed and the decision temporarily to suspend
45 toll collection operations shall be made by the Commissioner of Highways or his designee.

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

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

58 C. Any tollgate keeper who refuses to permit the persons listed in subsection A to use any toll bridge, toll
59 ferry, toll tunnel, or toll road upon presentation of such a toll pass is guilty of a misdemeanor punishable by a
60 fine of not more than \$50 and not less than \$2.50. Any person other than those listed in subsection A who

61 exhibits any such toll pass for the purpose of using any toll bridge, toll ferry, toll tunnel, or toll road is guilty
62 of a Class 1 misdemeanor.

63 D. Any vehicle operated by the holder of a valid driver's license or other document issued under Chapter 3
64 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction, authorizing the operation of a
65 motor vehicle upon the highways shall be allowed free use of all toll bridges, toll roads, and other toll
66 facilities in the Commonwealth if:

- 67 1. The vehicle is specially equipped to permit its operation by an individual with a disability;
- 68 2. The driver of the vehicle has been certified, either by a physician licensed by the Commonwealth or any
69 other state or by the Adjudication Office of the U.S. Department of Veterans Affairs, as having a severe
70 physical disability and having permanent upper limb mobility or dexterity impairments that substantially
71 impair his ability to deposit coins in toll baskets;
- 72 3. The driver has applied for and received from the Department of Transportation a vehicle window
73 sticker identifying him as eligible for such free passage; and
- 74 4. Such identifying window sticker is properly displayed on the vehicle.

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

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

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

- 85 1. The Commissioner of Highways;
- 86 2. Members of the Commonwealth Transportation Board;
- 87 3. Employees of the Department of Transportation;
- 88 4. The Superintendent of the Department of State Police;
- 89 5. Officers and employees of the Department of State Police;
- 90 6. The Commissioner of the Department of Motor Vehicles;

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

92 8. Sheriffs and deputy sheriffs.

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

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

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