

Senate Bill 196

By: Senators Ramsey, Sr. of the 43rd, Williams of the 19th, Loudermilk of the 14th, Henson of the 41st, Davenport of the 44th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Sections 32-10-64 and 40-6-54 of the Official Code of Georgia Annotated,
2 relating to the general toll powers, police powers, and rules and regulations of the State Road
3 and Tollway Authority and the designation of travel lanes for exclusive use of certain
4 vehicles by the Department of Transportation, penalties, presumption that an owner
5 committed the violation, and establishment of high occupancy toll lanes, respectively, so as
6 to authorize motorcycles to operate in toll lanes and on toll roads without the payment of a
7 toll; to provide for related matters; to provide an effective date; to repeal conflicting laws;
8 and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Code Section 32-10-64 of the Official Code of Georgia Annotated, relating to the general toll
12 powers, police powers, and rules and regulations of the State Road and Tollway Authority,
13 is amended by revising subsection (c) as follows:

14 "(c)(1) No motor vehicle shall be driven or towed through a toll collection facility, where
15 appropriate signs have been erected to notify traffic that it is subject to the payment of
16 tolls beyond such sign, without payment of the proper toll; provided, however, that a
17 motorcycle, as defined in Code Section 40-1-1, shall be permitted to pass through a toll
18 collection facility without payment of any toll. In the event of nonpayment of the proper
19 toll, as evidenced by video or electronic recording, the registered owner of such vehicle
20 shall be liable to make prompt payment to the authority of the proper toll and an
21 administrative fee of \$25.00 per violation to recover the cost of collecting the toll. The
22 authority or its authorized agent shall provide notice to the registered owner of a vehicle,
23 and a reasonable time to respond to such notice, of the authority's finding of a violation
24 of this subsection. Upon failure of the registered owner of a vehicle to pay the proper toll
25 and administrative fee to the authority after notice thereof and within the time designated
26 in such notice, the authority may proceed to seek collection of the proper toll and the
27 administrative fee as debts owing to the authority, in such manner as the authority deems

28 appropriate and as permitted under law. If the authority finds multiple failures by a
29 registered owner of a vehicle to pay the proper toll and administrative fee after notice
30 thereof and within the time designated in such notice, the authority may refer the matter
31 to the Office of State Administrative Hearings. The scope of any hearing held by the
32 Office of State Administrative Hearings shall be limited to consideration of evidence
33 relevant to a determination of whether the registered owner has failed to pay, after notice
34 thereof and within the time designated in such notice, the proper toll and administrative
35 fee. The only affirmative defense that may be presented by the registered owner of a
36 vehicle at such a hearing is theft of the vehicle, as evidenced by presentation at the
37 hearing of a copy of a police report showing that the vehicle has been reported to the
38 police as stolen prior to the time of the alleged violation. A determination by the Office
39 of State Administrative Hearings of multiple failures to pay by a registered owner of a
40 vehicle shall subject such registered owner to imposition of, in addition to any unpaid
41 tolls and administrative fees, a civil monetary penalty payable to the authority of not
42 more than \$70.00 per violation. Upon failure by a registered owner to pay to the
43 authority, within 30 days of the date of notice thereof, the amount determined by the
44 Office of State Administrative Hearings as due and payable for multiple violations of this
45 subsection, the motor vehicle registration of such registered owner shall be immediately
46 suspended by operation of law. The authority shall give notice to the Department of
47 Revenue of such suspension. Such suspension shall continue until the proper toll,
48 administrative fee, and civil monetary penalty as have been determined by the Office of
49 State Administrative Hearings are paid to the authority. Actions taken by the authority
50 under this subsection shall be made in accordance with policies and procedures approved
51 by the members of the authority.

52 (2) The registered owner of a vehicle which is observed being driven or towed through
53 a toll collection facility without payment of the proper toll may avoid liability under this
54 subsection by presenting to the authority a copy of a police report showing that the
55 vehicle had been reported to the police as stolen prior to the time of the alleged violation.

56 (3) For purposes of this subsection, for any vehicle which is registered to an entity other
57 than a natural person, the term 'registered owner' shall be deemed to refer to the natural
58 person who is the operator of such motor vehicle at the time of the violation of this
59 subsection, but only if the entity to which the vehicle is registered has supplied to the
60 authority, within 60 days following notice from the authority or its authorized agent,
61 information in the possession of such entity which is sufficient to identify and give notice
62 to the natural person who was the operator of the motor vehicle at the time of the
63 violation of this subsection."

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SECTION 2.

65 Code Section 40-6-54 of the Official Code of Georgia Annotated, relating to the designation
66 of travel lanes for exclusive use of certain vehicles by the Department of Transportation,
67 penalties, presumption that an owner committed the violation, and establishment of high
68 occupancy toll lanes, is amended by revising subsection (d) as follows:

69 "(d) The General Assembly finds and declares that the development, improvement, and use
70 of exclusive or preferential high occupancy vehicle lanes, emergency vehicle lanes, and
71 truck lanes or routes should be undertaken in order to relieve congestion and increase the
72 efficiency of the federal-aid highway system. The Department of Transportation in
73 cooperation with the State Road and Tollway Authority is hereby authorized to implement
74 high occupancy toll (HOT) lanes where appropriate in qualifying HOV lanes. A 'HOT
75 lane' is a designated lane which allows single occupancy vehicles to gain access to HOV
76 lanes by paying a toll set by the State Road and Tollway Authority. The department may
77 design and develop a system of HOT lanes which uses value pricing and lane management.
78 'Value pricing' recognizes the need to vary the road user charge according to the levels of
79 congestion and time of day; and 'lane management' restricts access to the designated HOT
80 lanes based on occupancy, vehicle type, or other objective which would maximize the
81 efficiency of the federal-aid highway system. Motorcycles shall be authorized to operate
82 in HOT lanes without payment of a toll."

83 **SECTION 3.**

84 This Act shall become effective on July 1, 2013.

85 **SECTION 4.**

86 All laws and parts of laws in conflict with this Act are repealed.