

Senate Bill 125

By: Senators Beach of the 21st, Williams of the 19th, Gooch of the 51st and Mullis of the 53rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated,
2 relating to the State Road and Tollway Authority, so as to authorize the collection of tolls for
3 the management of traffic flow; to provide for administrative fees for drivers failing to pay
4 the appropriate tolls; to provide for notice; to provide for permitted uses of funds collected
5 through tolls; to provide for sales tax exemptions for the authority; to amend Title 40 of the
6 Official Code of Georgia Annotated, relating to motor vehicles, so as to provide for
7 definitions; to provide for the installation of managed lane signs, barriers, or gates; to
8 prohibit entry or exit of a managed lane under certain conditions; to authorize the
9 development of a system of managed lanes; to provide for related matters; to provide for an
10 effective date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated, relating to the
14 State Road and Tollway Authority, is amended in Code Section 32-10-64, relating to general
15 toll powers, police powers, and rules and regulations, by revising subsection (a) and
16 paragraph (1) of subsection (c) as follows:

17 "(a)(1) For the purpose of earning sufficient revenue to make possible, in conjunction
18 with other funds available to the authority, the financing of the construction or acquisition
19 of projects of the authority with revenue bonds, the authority is authorized and
20 empowered to collect tolls on each and every project which it shall cause to be
21 constructed or acquired. It is found, determined, and declared that the necessities of
22 revenue bond financing are such that the authority's toll earnings on each project or
23 projects, in conjunction with other funds available to the authority, must exceed the actual
24 maintenance, repair, and normal reserve requirements of such projects, together with
25 monthly or yearly sums needed for the sinking fund payments upon the principal and
26 interest obligations of financing such project or projects; however, within the framework
27 of these legitimate necessities of the authority and subject to all bond resolutions, trust

28 indentures, and all other contractual obligations of the authority, the authority is charged
 29 with the duty of the operation of all projects in the aggregate at the most reasonable
 30 possible level of toll charges; and, furthermore, the authority is charged with the
 31 responsibility of a reasonable and equitable adjustment of such toll charges as between
 32 the various classes of users of any given project in which the repayment of financing is
 33 the primary or exclusive purpose for the exercise of the toll power of the authority.

34 (2) For the purpose of managing the flow of traffic, the authority is authorized and
 35 empowered to collect tolls on each and every project which it shall cause to be
 36 constructed or acquired in which managing the flow of traffic is the primary or exclusive
 37 purpose. It is found, determined, and declared that the necessities of managing the flow
 38 of traffic are such that the authority is charged with the responsibility of taking into
 39 consideration value pricing and lane management as those terms are described in
 40 subsection (d) of Code Section 40-6-54 in determining toll charges on such projects."

41 "(c)(1) No motor vehicle shall be driven or towed through a toll collection facility, where
 42 appropriate signs have been erected to notify traffic that it is subject to the payment of
 43 tolls beyond such sign, without payment of the proper toll. In the event of nonpayment
 44 of the proper toll, as evidenced by video or electronic recording, the registered owner of
 45 such vehicle shall be liable to make prompt payment to the authority of the proper toll
 46 and an administrative fee of up to \$25.00 per violation to recover the cost of collecting
 47 the toll. The authority or its authorized agent shall provide notice to the registered owner
 48 of a vehicle, and a reasonable time to respond to such notice, of the authority's finding
 49 of a violation of this subsection. The authority or its authorized agent may provide
 50 subsequent notices to the registered owner of a vehicle if such owner fails to respond to
 51 the initial notice. The administrative fee may increase with each notice, provided that
 52 such fee shall not exceed a cumulative total of \$25.00 per violation. Upon failure of the
 53 registered owner of a vehicle to pay the proper toll and administrative fee to the authority
 54 after notice thereof and within the time designated in such notice, the authority may
 55 proceed to seek collection of the proper toll and the administrative fee as debts owing to
 56 the authority, in such manner as the authority deems appropriate and as permitted under
 57 law. If the authority finds multiple failures by a registered owner of a vehicle to pay the
 58 proper toll and administrative fee after notice thereof and within the time designated in
 59 such ~~notice~~ notices, the authority may refer the matter to the Office of State
 60 Administrative Hearings. The scope of any hearing held by the Office of State
 61 Administrative Hearings shall be limited to consideration of evidence relevant to a
 62 determination of whether the registered owner has failed to pay, after notice thereof and
 63 within the time designated in such notice, the proper toll and administrative fee. The only
 64 affirmative defense that may be presented by the registered owner of a vehicle at such a

65 hearing is theft of the vehicle, as evidenced by presentation at the hearing of a copy of a
 66 police report showing that the vehicle has been reported to the police as stolen prior to
 67 the time of the alleged violation. A determination by the Office of State Administrative
 68 Hearings of multiple failures to pay by a registered owner of a vehicle shall subject such
 69 registered owner to imposition of, in addition to any unpaid tolls and administrative fees,
 70 a civil monetary penalty payable to the authority of not more than \$70.00 per violation.
 71 Upon failure by a registered owner to pay to the authority, within 30 days of the date of
 72 notice thereof, the amount determined by the Office of State Administrative Hearings as
 73 due and payable for multiple violations of this subsection, the motor vehicle registration
 74 of such registered owner shall be immediately suspended by operation of law. The
 75 authority shall give notice to the Department of Revenue of such suspension. Such
 76 suspension shall continue until the proper toll, administrative fee, and civil monetary
 77 penalty as have been determined by the Office of State Administrative Hearings are paid
 78 to the authority. Actions taken by the authority under this subsection shall be made in
 79 accordance with policies and procedures approved by the members of the authority."

80 **SECTION 2.**

81 Said article is further amended by revising Code Section 32-10-65, relating to fixing,
 82 revising, charging, and collecting tolls and the use and disposition of tolls, as follows:

83 "32-10-65.

84 The authority is authorized to fix, revise, charge, and collect tolls for the use of each
 85 project. Such tolls shall be so fixed and adjusted as to carry out and perform the terms and
 86 provisions of any resolution, trust indenture, or contract with or for the benefit of
 87 bondholders; and such tolls shall not be subject to supervision or regulation by any other
 88 commission, board, bureau, or agency of the state. Notwithstanding any provision of this
 89 article to the contrary, if the repayment of financing is not the primary or exclusive purpose
 90 for the exercise of the authority's toll power, the authority shall not be required to issue or
 91 have outstanding bonds or other indebtedness in respect to a project in order to fix, revise,
 92 charge, enforce, or collect tolls for such project. The use and disposition of tolls and
 93 revenues shall be subject to the provisions of the resolution authorizing the issuance of
 94 such bonds or of the trust indenture securing the same, if there are any."

95 **SECTION 3.**

96 Said article is further amended by revising Code Section 32-10-109, relating to covenant with
 97 holders as to tax-exempt status of authority property and bonds, as follows:

98 "32-10-109.

99 It is found, determined, and declared that the creation of the authority and the carrying out
 100 of its corporate purpose are in all respects for the benefit of the people of this state and that
 101 the authority is an institution of purely public charity and will be performing an essential
 102 governmental function in the exercise of the power conferred upon it by this article; and
 103 this state covenants with the holders of the bonds that the authority shall not be required
 104 to pay any taxes or assessments upon any of the property acquired or leased by it or under
 105 its jurisdiction, control, possession, or supervision or upon its activities in the operation or
 106 maintenance of the projects erected by it or upon any fees, tolls, or other charges for the
 107 use of such projects or upon other income received by the authority. The bonds of the
 108 authority, their transfer, and the income therefrom shall at all times be exempt from
 109 taxation within this state. The tax exemption provided for in this chapter shall include an
 110 exemption from sales and use tax on property purchased by the authority or for use by the
 111 authority."

112 **SECTION 4.**

113 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended
 114 in Code Section 40-1-1, relating to definitions, by adding new paragraphs to read as follows:

115 "(16.1) 'Express lane' means a type of managed lane that utilizes tolls payable to the State
 116 Road and Tollway Authority and value pricing to manage motor vehicle roadway
 117 congestion. Prices to use such lanes vary according to demand and system performance."

118 "(18.2) 'High occupancy toll (HOT) lane' means a type of managed lane that utilizes a
 119 combination of eligibility, value pricing, and tolls payable to the State Road and Tollway
 120 Authority to manage motor vehicle roadway congestion. Eligibility for use of such lanes
 121 without paying a toll may be based upon vehicle occupancy or vehicle type. Prices to use
 122 such lane vary according to demand and system performance.

123 (18.3) 'High occupancy vehicle (HOV) lane' means a type of managed lane that utilizes
 124 eligibility to manage motor vehicle roadway congestion. Eligibility for use of such lanes
 125 shall be exclusively based upon vehicle occupancy or vehicle type."

126 "(25.2) 'Managed lane' means a designated lane or series of designated lanes which use
 127 lane management strategies in order to manage the flow of traffic. Such lane
 128 management strategies may include, but are not limited to, value pricing, vehicle
 129 occupancy requirements, toll payment, or vehicle type restrictions, or any combination
 130 thereof. Managed lanes include express lanes, high occupancy toll (HOT) lanes, and high
 131 occupancy vehicle (HOV) lanes."

132 **SECTION 5.**

133 Said title is further amended by adding a new Code section to read as follows:

134 "40-6-28.135 (a) The department may install gates, signs, or barriers, or any combination thereof, to
136 restrict access to managed lanes.137 (b) No person shall drive any vehicle through, around, or under any barrier or closed or
138 moving gate of a managed lane.139 (c) No vehicle shall enter or exit a managed lane at any point other than designated entry
140 or exit points unless directed by authorized emergency personnel."141 **SECTION 6.**142 Said title is further amended in Code Section 40-6-54, relating to the establishment of high
143 occupancy toll lanes, by revising subsection (d) as follows:144 "(d) The General Assembly finds and declares that the development, improvement, and use
145 of exclusive or preferential ~~high occupancy vehicle~~ managed lanes, emergency vehicle
146 lanes, and truck lanes or routes should be undertaken in order to relieve congestion and
147 increase the efficiency of the federal-aid highway system. The Department of
148 Transportation in cooperation with the State Road and Tollway Authority is hereby
149 authorized to implement ~~high occupancy toll (HOT)~~ managed lanes where appropriate in
150 ~~qualifying HOV lanes. A 'HOT lane' is a designated lane which allows single occupancy~~
151 ~~vehicles to gain access to HOV lanes by paying a toll set by the State Road and Tollway~~
152 ~~Authority.~~ The department may design and develop a system of ~~HOT~~ managed lanes
153 which uses value pricing and lane management. 'Value pricing' recognizes the need to vary
154 the road user charge according to the levels of congestion and time of day; and 'lane
155 management' restricts access to the designated ~~HOT~~ managed lanes based on vehicle
156 occupancy, vehicle type, or other objective which would maximize the efficiency of the
157 federal-aid highway system."158 **SECTION 7.**159 This Act shall become effective upon its approval by the Governor or upon its becoming law
160 without such approval.161 **SECTION 8.**

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