

Senate Bill 125

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

**AS PASSED SENATE**

**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 the  
 7 installation of managed lane signs, barriers, or gates; to prohibit entry or exit of a managed  
 8 lane under certain conditions; to provide for an effective date; to repeal conflicting laws; and  
 9 for other purposes.

10 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

11 **SECTION 1.**

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

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

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

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

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

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

79 **SECTION 2.**

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

82 "32-10-65.

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

94 **SECTION 3.**

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

97 "32-10-109.

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

111 **SECTION 4.**

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

113 "40-6-28.

114 (a) The department may install gates, signs, or barriers, or any combination thereof, to  
115 restrict access to managed lanes.

116 (b) No person shall drive any vehicle through, around, or under any barrier or closed or  
117 moving gate of a managed lane.

118 (c) No vehicle shall enter or exit a managed lane at any point other than designated entry  
119 or exit points unless directed by authorized emergency personnel."

120 **SECTION 5.**

121 This Act shall become effective upon its approval by the Governor or upon its becoming law  
122 without such approval.

123 **SECTION 6.**

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