

## AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

### SECTION 1.

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

"(a)(1) For the purpose of earning sufficient revenue to make possible, in conjunction with other funds available to the authority, the financing of the construction or acquisition of projects of the authority with revenue bonds, the authority is authorized and empowered to collect tolls on each and every project which it, the department, or local governing authority shall cause to be constructed. It is found, determined, and declared that the necessities of revenue bond financing are such that the authority's toll earnings on each project or projects, in conjunction with other funds available to the authority, must exceed the actual maintenance, repair, and normal reserve requirements of such projects, together with monthly or yearly sums needed for the sinking fund payments upon the principal and interest obligations of financing such project or projects; however, within the framework of these legitimate necessities of the authority and subject to all bond resolutions, trust indentures, and all other contractual obligations of the authority, the authority is charged with the duty of the operation of all projects in the aggregate at the most reasonable possible level of toll charges; and, furthermore, the authority is charged with the responsibility of a reasonable and equitable adjustment of such toll charges as between the various classes of users of any given project in which the

repayment of financing is the primary or exclusive purpose for the exercise of the toll power of the authority.

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

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

pay by a registered owner of a vehicle shall subject such registered owner to imposition of, in addition to any unpaid tolls and administrative fees, a civil monetary penalty payable to the authority of not more than \$70.00 per violation. Upon failure by a registered owner to pay to the authority, within 30 days of the date of notice thereof, the amount determined by the Office of State Administrative Hearings as due and payable for multiple violations of this subsection, the motor vehicle registration of such registered owner shall be immediately suspended by operation of law. The authority shall give notice to the Department of Revenue of such suspension. Such suspension shall continue until the proper toll, administrative fee, and civil monetary penalty as have been determined by the Office of State Administrative Hearings are paid to the authority. Actions taken by the authority under this subsection shall be made in accordance with policies and procedures approved by the members of the authority."

## **SECTION 2.**

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

"32-10-65.

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

## **SECTION 3.**

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

"32-10-109.

It is found, determined, and declared that the creation of the authority and the carrying out of its corporate purpose are in all respects for the benefit of the people of this state and that the authority is an institution of purely public charity and will be performing an essential governmental function in the exercise of the power conferred upon it by this article; and

this state covenants with the holders of the bonds that the authority shall not be required to pay any taxes or assessments upon any of the property acquired or leased by it or under its jurisdiction, control, possession, or supervision or upon its activities in the operation or maintenance of the projects erected by it or upon any fees, tolls, or other charges for the use of such projects or upon other income received by the authority. The bonds of the authority, their transfer, and the income therefrom shall at all times be exempt from taxation within this state. The tax exemption provided for in this chapter shall include an exemption from sales and use tax on property purchased by the authority or for use by the authority."

#### **SECTION 4.**

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

"(25.2) 'Managed lane' means a designated lane or series of designated lanes which utilize tolls payable to the State Road and Tollway Authority and which may use other lane management strategies in order to manage the flow of traffic. Such additional lane management strategies may include, but are not limited to, value pricing, vehicle occupancy requirements, or vehicle type restrictions, or any combination thereof."

#### **SECTION 5.**

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

"40-6-28.

- (a) The department may install gates, signs, or barriers, or any combination thereof, to restrict access to managed lanes.
- (b) No person shall drive any vehicle through, around, or under any barrier or closed or moving gate of a managed lane.
- (c) No vehicle shall enter or exit a managed lane at any point other than designated entry or exit points unless directed by authorized emergency personnel."

#### **SECTION 6.**

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

#### **SECTION 7.**

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