

Senate Bill 125

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

**AS PASSED**

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 provide for an effective  
9 date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**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, the department, or local  
20 governing authority shall cause to be constructed ~~or acquired~~. It is found, determined,  
21 and declared that the necessities of revenue bond financing are such that the authority's  
22 toll earnings on each project or projects, in conjunction with other funds available to the  
23 authority, must exceed the actual maintenance, repair, and normal reserve requirements  
24 of such projects, together with monthly or yearly sums needed for the sinking fund  
25 payments upon the principal and interest obligations of financing such project or projects;

26 however, within the framework of these legitimate necessities of the authority and subject  
27 to all bond resolutions, trust indentures, and all other contractual obligations of the  
28 authority, the authority is charged with the duty of the operation of all projects in the  
29 aggregate at the most reasonable possible level of toll charges; and, furthermore, the  
30 authority is charged with the responsibility of a reasonable and equitable adjustment of  
31 such toll charges as between the various classes of users of any given project in which the  
32 repayment of financing is the primary or exclusive purpose for the exercise of the toll  
33 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, the department, or local  
36 governing authority shall cause to be constructed in which managing the flow of traffic  
37 is the primary or exclusive purpose. It is found, determined, and declared that the  
38 necessities of managing the flow of traffic are such that the authority is charged with the  
39 responsibility of taking into consideration value pricing and lane management as those  
40 terms are described in subsection (d) of Code Section 40-6-54 in determining toll charges  
41 on such projects."

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

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

81

## SECTION 2.

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

84 "32-10-65.

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

96

97 **SECTION 3.**

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

100 "32-10-109.

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

114 **SECTION 4.**

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

117 "(25.2) 'Managed lane' means a designated lane or series of designated lanes which  
118 utilize tolls payable to the State Road and Tollway Authority and which may use other  
119 lane management strategies in order to manage the flow of traffic. Such additional lane  
120 management strategies may include, but are not limited to, value pricing, vehicle  
121 occupancy requirements, or vehicle type restrictions, or any combination thereof."

122 **SECTION 5.**

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

124 "40-6-28.

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

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

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

131 **SECTION 6.**

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

134 **SECTION 7.**

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