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CHAPTER 5.

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HIGH-OCCUPANCY VEHICLE LANES AND HIGH-OCCUPANCY TOLL LANES.

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Drafting note: Relevant sections on high-occupancy vehicle lanes and high-occupancy traffic lanes are combined in a new chapter and placed in Subtitle II, Modes of Transportation.

6

~~Article 3.1.~~

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~~High Occupancy Toll Lanes.~~

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Drafting note: This article on high-occupancy toll lanes is combined with sections on high-occupancy vehicle lanes to create one chapter in proposed Title 33.2.

10

~~§ 33.1-56.1~~ 33.2-500. Definitions.

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~~For purposes of this article~~ As used in this chapter:

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~~"Board" means the Commonwealth Transportation Board;~~

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"High-occupancy requirement" means the number of persons required to be traveling in a vehicle for the vehicle to use HOT lanes without the payment of a toll. Emergency vehicles, law-enforcement vehicles using HOT lanes in the performance of their duties, which shall not include the use of such vehicles for commuting to and from the ~~work place~~ workplace, and mass transit vehicles and commuter buses shall meet the high-occupancy requirement for HOT lanes, regardless of the number of occupants in the vehicle~~;~~.

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"High-occupancy toll lanes" or "HOT lanes" means a portion of a highway containing one or more travel lanes separated from other lanes~~;~~ that has an electronic toll collection system, provides for free passage by vehicles that meet the high-occupancy requirement, and contains a photo-enforcement system for use in such electronic toll collection. HOT lanes shall not be a "toll facility" or "HOV lanes" for the purposes of any other provision of law or regulation~~;~~.

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"HOT lanes operator" means the operator of the facility containing HOT lanes, which may include the ~~Virginia~~ Department of Transportation or some other entity~~;~~.

26 "High-occupancy vehicle lanes" or "HOV lanes" means a portion of a highway
27 containing one or more travel lanes for the travel of high-occupancy vehicles or buses as
28 designated pursuant to § 33.1-42 [33.2-xxx].

29 "Mass transit vehicles" and "commuter buses" ~~mean~~ means vehicles providing a
30 scheduled transportation service to the general public. Such vehicles shall comprise nonprofit,
31 publicly or privately owned or operated transportation services, programs, or systems that may
32 be funded pursuant to § 58.1-638~~;~~.

33 "Owner" means the registered owner of a vehicle on record with the Department of
34 Motor Vehicles, or with the equivalent agency in another state. "Owner" does not mean a
35 vehicle rental or vehicle leasing company~~;~~.

36 "Photo-enforcement system" means a sensor installed in conjunction with a toll
37 collection device to detect the presence of a vehicle that automatically produces one or more
38 photographs, one or more microphotographs, a videotape, or other recorded images of each
39 vehicle's license plate at the time it is detected by the toll collection device~~;~~ ~~and~~.

40 "Unauthorized vehicle" means a motor vehicle that is restricted from use of the HOT
41 lanes pursuant to subdivision ~~D-1 X~~ of § ~~33.1-56.3~~ 33.2-XXX.

42 **Drafting note: Existing § 33.1-56.1 was amended by Chapter 195 of the 2013 Acts of**
43 **Assembly and those changes are shown in the existing language here. The definition of**
44 **Board is stricken and moved to the general definitions section in proposed § 33.2-100.**
45 **Technical changes are made.**

46 § ~~33.1-46.2~~ 33.2-501. Designation of high-occupancy vehicle lanes; use of such lanes;
47 penalties.

48 A. In order to facilitate the rapid and orderly movement of traffic to and from urban
49 areas during peak traffic periods, the ~~Commonwealth Transportation~~ Board may designate one
50 or more lanes of any highway in the ~~interstate~~ Interstate System, primary state highway system,
51 or secondary state highway ~~systems system~~ as ~~high-occupancy vehicle lanes, hereinafter~~
52 ~~referred to in this section as~~ HOV lanes. When lanes have been so designated and have been

53 | appropriately marked with ~~such~~-signs or other markers as the Board may prescribe, they shall be
54 | reserved during periods designated by the Board for the exclusive use of buses and high-
55 | occupancy vehicles. Any local governing body may also, with respect to highways under its
56 | exclusive jurisdiction, designate HOV lanes and impose and enforce restrictions on the use of
57 | such ~~HOV~~-lanes. Any highway for which the ~~local jurisdiction~~ locality receives highway
58 | maintenance funds pursuant to § ~~33.1-41.1~~ 33.2-XXX shall be deemed to be within the
59 | exclusive jurisdiction of the local governing body for the purposes of this section. HOV lanes
60 | shall be reserved for high-occupancy vehicles of a specified number of occupants as determined
61 | by the Board or, for HOV lanes designated by a local governing body, by that local governing
62 | body. Notwithstanding the foregoing provisions of this section, no designation of any lane or
63 | lanes of any highway as HOV lanes shall apply to the use of any such lanes by:

- 64 | 1. Emergency vehicles such as ~~fire-fighting~~ firefighting vehicles, ambulances, and rescue
65 | squad vehicles_;
- 66 | 2. Law-enforcement vehicles_;
- 67 | 3. Motorcycles_;
- 68 | 4. a. Transit and commuter buses designed to transport 16 or more passengers, including
69 | the driver_;
- 70 | b. Any vehicle operating under a certificate issued under § 46.2-2075, 46.2-2080, 46.2-
71 | 2096, 46.2-2099.4, or 46.2-2099.44_;
- 72 | 5. Vehicles of public utility companies operating in response to an emergency call_;
- 73 | 6. Vehicles bearing clean special fuel vehicle license plates issued pursuant to § 46.2-
74 | 749.3, provided such use is in compliance with federal law_;
- 75 | 7. Taxicabs having two or more occupants, including the driver_; or
- 76 | 8. (Contingent effective date) Any active duty military member in uniform who is
77 | utilizing Interstate ~~Route~~ 264 and Interstate ~~Route~~ 64 for the purposes of traveling to or from a
78 | military facility in the Hampton Roads Planning District.

79 In the Hampton Roads Planning District, HOV restrictions may be temporarily lifted and
80 HOV lanes opened to use by all vehicles when restricting use of HOV lanes becomes impossible
81 or undesirable and the temporary lifting of HOV limitations is indicated by signs along or above
82 the affected portion of highway.

83 The Commissioner of ~~VDOF~~ Highways shall implement a program of the HOV
84 facilities in the Hampton Roads Planning District beginning not later than May 1, 2000. This
85 program shall include the temporary lifting of HOV restrictions and the opening of HOV lanes
86 to all traffic when an incident resulting from nonrecurring causes within the general lanes occurs
87 such that a lane of traffic is blocked or is expected to be blocked for 10 minutes or longer. The
88 HOV restrictions for the facility ~~will~~ shall be reinstated when the general lane is no longer
89 blocked and is available for use.

90 The Commissioner of Highways shall maintain necessary records to evaluate the effects
91 of such openings on the operation of the general lanes and the HOV lanes. He shall report on the
92 effects of this program. This program will terminate if the Federal Highway Administration
93 requires repayment of any federal highway construction funds because of the program's impact
94 on the HOV facilities in Hampton Roads.

95 B. In designating any lane or lanes of any highway as HOV lanes, the Board, or local
96 governing body ~~as the case may be,~~ shall specify the hour or hours of each day of the week
97 during which the lanes shall be so reserved, and the hour or hours shall be plainly posted at
98 whatever intervals along the lanes the Board or local governing body deems appropriate. Any
99 person driving a motor vehicle in a designated HOV lane in violation of this section ~~shall be is~~
100 guilty of a traffic infraction, which shall not be a moving violation, and on conviction shall be
101 fined \$100. However, violations committed within the boundaries of Planning District ~~Eight~~ 8
102 shall be punishable as follows:

103 1. For a first offense, by a fine of \$125;

104 2. For a second offense within a period of five years from a first offense, by a fine of
105 \$250;

106 3. For a third offense within a period of five years from a first offense, by a fine of \$500;

107 and

108 4. For a fourth or subsequent offense within a period of five years from a first offense,

109 by a fine of \$1,000.

110 Upon a conviction under this section, the court shall furnish to the Commissioner of the
111 Department of Motor Vehicles in accordance with § 46.2-383 an abstract of the record of such
112 conviction, which shall become a part of the person's driving record. Notwithstanding the
113 provisions of § 46.2-492, no driver demerit points shall be assessed for any violation of this
114 section; except that persons convicted of second, third, fourth, or subsequent violations within
115 five years of a first offense committed in Planning District ~~Eight~~ 8 shall be assessed three
116 demerit points for each such violation.

117 C. In the prosecution of an offense, committed in the presence of a law-enforcement
118 officer, of failure to obey a road sign restricting a highway, or portion thereof, to the use of
119 high-occupancy vehicles, proof that the vehicle described in the HOV violation summons was
120 operated in violation of this section, together with proof that the defendant was at the time of
121 such violation the registered owner of the vehicle, shall constitute in evidence a rebuttable
122 presumption that such registered owner of the vehicle was the person who committed the
123 violation. Such presumption shall be rebutted if the registered owner of the vehicle testifies in
124 open court under oath that he was not the operator of the vehicle at the time of the violation. A
125 summons for a violation of this section may be executed in accordance with § 19.2-76.2. Such
126 rebuttable presumption shall not arise when the registered owner of the vehicle is a rental or
127 leasing company.

128 D. Notwithstanding the provisions of § 19.2-76, whenever a summons for a violation of
129 this section is served in any ~~county, city, or town~~ locality, it may be executed by mailing by
130 first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records
131 of the Department of Motor Vehicles. If the summoned person fails to appear on the date of

132 return set out in the summons mailed pursuant to this section, the summons shall be executed in
133 the manner set out in § 19.2-76.3.

134 No proceedings for contempt or arrest of a person summoned by mailing shall be
135 instituted for his failure to appear on the return date of the summons.

136 E. Notwithstanding § ~~33.1-252~~ 33.2-XXX, high-occupancy vehicles having three or
137 more occupants (HOV-3) may be permitted to use the Omer L. Hirst-Adelard L. Brault
138 Expressway (Dulles Toll Road) without paying a toll.

139 F. Notwithstanding the contrary provisions of this section, the following conditions shall
140 be met before the HOV-2 designation of Interstate Route 66 outside the Capital Beltway can be
141 changed to HOV-3 or any more restrictive designation:

142 1. The Department of Transportation shall publish a notice of its intent to change the
143 existing designation and also immediately provide similar notice of its intent to all members of
144 the General Assembly representing districts that touch or are directly impacted by traffic on
145 Interstate Route 66.

146 2. The Department of Transportation shall hold public hearings in the corridor to receive
147 comments from the public.

148 3. The Department of Transportation shall make a finding of the need for a change in
149 such designation, based on public hearings and its internal data, and present this finding to the
150 ~~Commonwealth Transportation~~ Board for approval.

151 4. The ~~Commonwealth Transportation~~ Board shall make written findings and a decision
152 based upon the following criteria:

153 a. Is changing the HOV-2 designation to HOV-3 in the public interest?

154 b. Is there quantitative and qualitative evidence that supports the argument that HOV-3
155 will facilitate the flow of traffic on Interstate Route 66?

156 c. Is changing the HOV-2 designation beneficial to comply with the federal Clean Air
157 Act Amendments of 1990?

158 ~~G. [Repealed.]~~

159 **Drafting note: Language is added in subsection A clarifying to whom the**
160 **Commissioner of Highways has to report. The definition of locality in § 1-221 of the Code**
161 **of Virginia as it applies Code-wide replaces "county, city, or town" in subsection D.**
162 **Technical changes are made.**

163 § ~~33.1-56.2~~ 33.2-502. Designation of HOT lanes.

164 The Board may designate one or more lanes of any highway, including lanes that may
165 previously have been designated HOV lanes under § ~~33.1-46.2~~ 33.2-XXX, in the ~~interstate~~
166 ~~system of highways~~ Interstate System, primary state highway ~~system of highways~~, or ~~national~~
167 ~~highway system~~ National Highway System, or any portion thereof, as ~~high-occupancy toll lanes,~~
168 ~~or~~ HOT lanes. In making HOT lanes designations, the Board shall also specify the high-
169 occupancy requirement and conditions for use of such HOT lanes; or may authorize the
170 Commissioner of Highways to make such determination consistent with the terms of a
171 comprehensive agreement executed pursuant to § ~~56-566~~ 33.2-XXX. The high-occupancy
172 requirement for a HOT lanes facility constructed or operated as a result of the Public-Private
173 Transportation Act (§ ~~56-556~~ 33.2-XXX et seq.) shall not be less than three.

174 **Drafting note: Technical changes.**

175 § ~~33.1-56.3~~ 33.2-503. HOT lanes enforcement.

176 Any person operating a motor vehicle on designated HOT lanes shall make
177 arrangements with the HOT lanes operator for payment of the required toll prior to entering
178 such HOT lanes. The driver of a vehicle who enters the HOT lanes in an unauthorized vehicle,
179 in violation of the conditions for use of such HOT lanes established pursuant to § ~~33.1-56.2~~
180 33.2-XXX, without payment of the required toll; or without having made arrangements with the
181 HOT lanes operator for payment of the required toll; shall have committed a violation of this
182 section, which may be enforced in the following manner:

183 ~~A-1.~~ On a form prescribed by the Supreme Court, a summons for civil violation of this
184 section may be executed by a law-enforcement officer, when such violation is observed by such

185 officer. The form shall contain the option for the driver of the vehicle to prepay ~~all penalties, the~~
186 unpaid toll, and all penalties, administrative fees, and costs.

187 ~~B.1.2.~~ a. A HOT lanes operator shall install and operate, or cause to be installed or
188 operated, a photo-enforcement system at locations where tolls are collected for the use of such
189 HOT lanes.

190 ~~2.~~ b. A summons for civil violation of this section may be executed pursuant to this
191 ~~subsection~~ subdivision, when such violation is evidenced by information obtained from a photo-
192 enforcement system as defined in this ~~article~~ chapter. A certificate, sworn to or affirmed by a
193 technician employed or authorized by the HOT lanes operator, or a facsimile of such a
194 certificate, based on inspection of photographs, microphotographs, videotapes, or other recorded
195 images produced by a photo-enforcement system, shall be prima facie evidence of the facts
196 contained therein. Any photographs, microphotographs, videotape, or other recorded images
197 evidencing such a violation shall be available for inspection in any proceeding to adjudicate the
198 liability for such violation under this ~~subsection~~ subdivision. Any vehicle rental or vehicle
199 leasing company, if named in a summons, shall be released as a party to the action if it provides
200 to the HOT lanes operator a copy of the vehicle rental agreement or lease or an affidavit
201 identifying the renter or lessee prior to the date of hearing set forth in the summons. Upon
202 receipt of such rental agreement, lease, or affidavit, a summons shall be issued for the renter or
203 lessee identified therein. Release of this information shall not be deemed a violation of any
204 provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et
205 seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.).

206 ~~3.~~ c. On a form prescribed by the Supreme Court, a summons issued under this
207 ~~subsection~~ subdivision may be executed pursuant to § 19.2-76.2. Such form shall contain the
208 option for the driver or registered owner to prepay ~~all penalties, the~~ unpaid toll, and all penalties,
209 administrative fees, and costs. HOT lanes operator personnel or their agents mailing such
210 summons shall be considered conservators of the peace for the sole and limited purpose of
211 mailing such summons. Notwithstanding the provisions of § 19.2-76, a summons for a violation

212 of this section may be executed by mailing by first-class mail a copy thereof to the address of
213 the owner of the vehicle as shown on the records of the Department of Motor Vehicles or, if the
214 registered owner has named and provided a valid address for the operator of the vehicle at the
215 time of the violation in an affidavit executed pursuant to this ~~subsection~~ subdivision, such
216 named operator of the vehicle. If the summoned person fails to appear on the date of return set
217 out in the summons mailed pursuant to this section, the summons shall be executed in the
218 manner set out in § 19.2-76.3.

219 ~~4.d.~~ The registered owner of such vehicle shall be given reasonable notice by way of a
220 summons as provided in this ~~subsection~~ subdivision that his vehicle had been used in violation
221 of this section, and such owner shall be given notice of the time and place of the hearing and
222 notice of the civil penalty and costs for such offense.

223 Upon the filing of an affidavit with the court at least 14 days prior to the hearing date by
224 the registered owner of the vehicle stating that he was not the driver of the vehicle on the date of
225 the violation and providing the legal name and address of the driver of the vehicle at the time of
226 the violation, a summons will also be issued to the alleged driver of the vehicle at the time of the
227 offense. The affidavit shall constitute prima facie evidence that the person named in the affidavit
228 was driving the vehicle at all the relevant times relating to the matter named in the affidavit.

229 If the registered owner of the vehicle produces a certified copy of a police report
230 showing that the vehicle had been reported to the police as stolen prior to the time of the alleged
231 offense and remained stolen at the time of the alleged offense, then the court shall dismiss the
232 summons issued to the registered owner of the vehicle.

233 ~~C. 1-3. a.~~ The HOT lanes operator may impose and collect an administrative fee in
234 addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which
235 administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and
236 not exceed \$100 per violation. The operator of the vehicle shall pay the unpaid tolls and any
237 administrative fee detailed in a notice or invoice issued by a HOT lanes operator. If paid within
238 30 days of notification, the administrative fee shall not exceed \$25.

239 ~~2-b.~~ Upon a finding by a court of competent jurisdiction that the driver of the vehicle
240 observed by a law-enforcement officer under ~~subsection A, subdivision 1~~ or the vehicle
241 described in the summons for civil violation issued pursuant to evidence obtained by a photo-
242 enforcement system under ~~subsection B subdivision 2~~ was in violation of this section, the court
243 shall impose a civil penalty upon the driver of such vehicle issued a summons under ~~subsection~~
244 ~~A subdivision 1~~, or upon the driver or registered owner of such vehicle issued a summons under
245 ~~subsection B subdivision 2~~, payable to the HOT lanes operator as follows: for a first offense,
246 \$50; for a second offense, \$250; for a third offense within a period of two years of the second
247 offense, \$500; and for a fourth and subsequent offense within a period of three years of the
248 second offense, \$1,000, together with, in each case, the unpaid toll, all accrued administrative
249 fees imposed by the HOT lanes operator as authorized by this section, and applicable court
250 costs. The court shall remand penalties, the unpaid toll, and administrative fees assessed for
251 violation of this section to the treasurer or director of finance of the county or city in which the
252 violation occurred for payment to the HOT lanes operator for expenses associated with
253 operation of the HOT lanes and payments against any bonds or other liens issued as a result of
254 the construction of the HOT lanes. No person shall be subject to prosecution under both
255 ~~subsections A and B subdivisions 1 and 2~~ for actions arising out of the same transaction or
256 occurrence.

257 ~~3-c.~~ Upon a finding by a court that a person has violated this section, in the event such
258 person fails to pay the required penalties, fees, and costs, the court shall notify the
259 Commissioner of the Department of Motor Vehicles, who shall suspend all of the registration
260 certificates and license plates issued for any motor vehicles registered solely in the name of such
261 person and shall not issue any registration certificate or license plate for any other vehicle that
262 such person seeks to register solely in his name until the court has notified the Commissioner of
263 the Department of Motor Vehicles that such penalties, fees, and costs have been paid. The HOT
264 lanes operator and the Commissioner of the Department of Motor Vehicles may enter into an
265 agreement whereby the HOT lanes operator may reimburse the Department of Motor Vehicles

266 for ~~their~~ its reasonable costs to develop, implement, and maintain this enforcement mechanism,
267 and that specifies that the Commissioner of the Department of Motor Vehicles shall have an
268 obligation to suspend such registration certificates so long as the HOT lanes operator makes the
269 required reimbursements in a timely manner in accordance with the agreement.

270 4-d. Except as provided in ~~subsections D and E~~ subdivisions 4 and 5, imposition of a
271 civil penalty pursuant to this section shall not be deemed a conviction as an operator of a motor
272 vehicle under Title 46.2 and shall not be made part of the driving record of the person upon
273 whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision
274 of motor vehicle insurance coverage.

275 D-1.4. a. The HOT lanes operator may restrict the usage of the HOT lanes to designated
276 vehicle classifications pursuant to an interim or final comprehensive agreement executed
277 pursuant to § ~~56-566 or 56-566.1~~ 33.2-XXX. Notice of any such vehicle classification
278 restrictions shall be provided through the placement of signs or other markers prior to and at all
279 HOT lanes entrances.

280 2-b. Any person driving an unauthorized vehicle on the designated HOT lanes ~~shall be is~~
281 guilty of a traffic infraction, which shall not be a moving violation, and shall be punishable as
282 follows: for a first offense, by a fine of \$125; for a second offense within a period of five years
283 from a first offense, by a fine of \$250; for a third offense within a period of five years from a
284 first offense, by a fine of \$500; and for a fourth and subsequent offense within a period of five
285 years from a first offense, by a fine of \$1,000.

286 Upon a conviction under this ~~subsection~~ subdivision, the court shall furnish to the
287 Commissioner of the Department of Motor Vehicles, in accordance with § 46.2-383, an abstract
288 of the record of such conviction ~~that, which~~ shall become a part of the person's driving record.
289 Notwithstanding the provisions of § 46.2-492, no driver demerit points shall be assessed for any
290 violation of this ~~subsection~~ subdivision, except that persons convicted of a second, third, fourth,
291 or subsequent violation within five years of a first offense shall be assessed three demerit points
292 for each such violation.

293 ~~E-5.~~ The driver of a vehicle who enters the HOT lanes by crossing through any barrier,
294 buffer, or other area separating the HOT lanes from other lanes of travel ~~shall have committed is~~
295 guilty of a violation of § 46.2-852, unless the vehicle is a state or local law-enforcement vehicle,
296 firefighting truck, ambulance, or rescue squad vehicle used in the performance of its official
297 duties. No person shall be subject to ~~both~~ prosecution both under this ~~subsection subdivision~~ and
298 under ~~subsection A, B, or D subdivision 1, 2, or 4~~ for actions arising out of the same transaction
299 or occurrence.

300 Upon a conviction under this ~~subsection subdivision~~, the court shall furnish to the
301 Commissioner of the Department of Motor Vehicles in accordance with § 46.2-383 an abstract
302 of the record of such conviction, which shall become a part of the convicted person's driving
303 record.

304 ~~F-6.~~ No person shall be subject to prosecution both under ~~both~~ this section and under §
305 ~~33.1-46.2 33.2-XXX~~, 46.2-819, or 46.2-819.1 for actions arising out of the same transaction or
306 occurrence.

307 ~~G-7.~~ Any action under this section shall be brought in the general district court of the
308 county or city in which the violation occurred.

309 **Drafting note: Existing § 33.1-56.3 was amended by Chapters 85 and 101 of the**
310 **Acts of Assembly of 2013 and those changes are reflected in the existing language here.**
311 **Technical changes are made.**

312 § ~~33.1-56.4 33.2-504~~. Release of personal information to or by HOT lanes operators;
313 penalty.

314 A. The HOT lanes operator may enter into an agreement with the Department of Motor
315 Vehicles, in accordance with the provisions of subdivision B 21 ~~of subsection B~~ of § 46.2-208,
316 to obtain vehicle owner information regarding the registered owners of vehicles that use HOT
317 lanes; and with the Department of Transportation to obtain any information that is necessary to
318 conduct electronic toll collection and otherwise operate HOT lanes. No HOT lanes operator
319 shall disclose or release any personal information received from the Department of Motor

320 Vehicles or the Department of Transportation to any third party, except in the issuance of a
321 summons and institution of court proceedings in accordance with § ~~33.1-56.3~~ 33.2-XXX.
322 Information in the possession of a HOT lanes operator under this section shall be exempt from
323 disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

324 B. Information collected by a photo-enforcement system shall be limited exclusively to
325 that information that is necessary for the collection of unpaid tolls. Notwithstanding any other
326 provision of law, all photographs, microphotographs, electronic images, or other data collected
327 by a photo-enforcement system shall be used exclusively for the collection of unpaid tolls and
328 shall not be (i) ~~be~~ open to the public; (ii) ~~be~~ sold ~~and/or~~ or used for sales, solicitation, or
329 marketing purposes; (iii) ~~be~~ disclosed to any other entity except as may be necessary for the
330 collection of unpaid tolls or to a vehicle owner or operator as part of a challenge to the
331 imposition of a toll; ~~and or~~ (iv) ~~be~~ used in a court in a pending action or proceeding unless the
332 action or proceeding relates to a violation of § ~~33.1-56.3~~ 33.2-XXX or upon order from a court
333 of competent jurisdiction. Information collected under this section shall be purged and not
334 retained later than 30 days after the collection and reconciliation of any unpaid tolls,
335 administrative fees, ~~and/or~~ or civil penalties. Any entity operating a photo-enforcement system
336 shall annually certify compliance with this section and make all records pertaining to such
337 system available for inspection and audit by the Commissioner of Highways or the
338 Commissioner of the Department of Motor Vehicles or their designee. Any violation of this
339 subsection ~~shall constitute~~ constitutes a Class 1 misdemeanor. In addition to any fines or other
340 penalties provided for by law, any money or other thing of value obtained as a result of a
341 violation of this section shall be forfeited to the Commonwealth.

342 **Drafting note: Technical changes.**

343 § ~~33.1-56.5~~ 33.2-505. Exclusion of HOT lanes from certain other laws.

344 Notwithstanding any other provision of law, the provisions of §§ 22.1-187, ~~33.1-46.2,~~
345 ~~33.1-252~~ 33.2-XXX, 33.2-XXX, 46.2-819, and 46.2-819.1 shall not apply to HOT lanes.

346 **Drafting note: Technical changes.**