

WEST VIRGINIA LEGISLATURE
2017 FIRST EXTRAORDINARY SESSION

Enrolled

Senate Bill 1003

BY SENATORS CARMICHAEL (MR. PRESIDENT) AND
PREZIOSO

(BY REQUEST OF THE EXECUTIVE)

[Passed June 16, 2017; in effect from passage]

SB 1003

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2017 JUN 22 2 41 PM

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1 AN ACT to repeal §17-16A-18a and §17-16A-23 of the Code of West Virginia, 1931, as amended;
2 to amend and reenact §17-16A-5, §17-16A-6, §17-16A-10, §17-16A-11, §17-16A-13, §17-
3 16A-13a, §17-16A-18, §17-16A-21, §17-16A-22, §17-16A-29 and §17-16A-30 of said
4 code; to amend said code by adding thereto a new section, designated §17-16A-11a; to
5 amend and reenact §17-16D-3 of said code; to amend said code by adding thereto a new
6 section, designated §17A-2-25; to amend and reenact §17A-3-7 of said code; and to
7 amend said code by adding thereto a new section, designated §17A-10-17, all relating
8 generally to the West Virginia Parkways Authority; defining terms; enlarging, restricting
9 and otherwise modifying the powers of the Parkways Authority relating to the issuance of
10 parkways bonds and the authority to charge tolls or fees; permitting the authority to study
11 and evaluate, and, if feasible, develop and implement a single fee program; authorizing
12 the authority to promulgate rules; permitting the authority to impose, in connection with
13 any single fee program, a flat fee in connection with any or all certificates of passenger
14 motor vehicle registration and renewal thereof by the Division of Motor Vehicles; clarifying
15 that Parkways Authority may not charge tolls on certain existing roads absent express
16 legislative authorization; providing for the use of proceeds of fee collections; adding the
17 power of the authority to enter into reciprocal toll enforcement agreements; creating and
18 designating a special revenue account within the State Road Fund known as the State
19 Road Construction Account; authorizing the deposit of proceeds of parkway revenue
20 bonds to the State Road Construction Account; requiring the expenditure of the account's
21 funds for construction, maintenance and repair of public highways and bridges in certain
22 counties within the state; creating and designating a special revenue account within the
23 State Treasury known as the West Virginia Parkways Authority Single Fee Program Fund;
24 clarifying notice and public meeting requirements and procedures; requiring either a single
25 fee program or unlimited use single fee EZ Pass transponder discount program before
26 any increase in vehicle rates, tolls or charges may be instituted; establishing limitations on

27 the amounts of the single annual fee that may be charged; clarifying the power of the
28 Parkways Authority to fix rates or tolls for Corridor L toll collection facility; expanding the
29 authority of the Parkways Authority to issue revenue bonds or refunding revenue bonds
30 for parkways' projects and for the West Virginia Turnpike; modifying approval required of
31 certain county commissions prior to approval of any parkway project; authorizing
32 electronic toll collection and enforcement of tolls on roads, highways and bridges;
33 authorizing implementation and collection of a fee for the single fee program; modifying
34 requirements for reports of local committees and resolutions of approval by county
35 commissions; authorizing the Division of Motor Vehicles to enter into agreements with the
36 authority to collect and remit certain fees; expanding the grounds for refusing to register a
37 motor vehicle; and creating a misdemeanor offense and providing for criminal penalties.

Be it enacted by the Legislature of West Virginia:

1 That §17-16A-18a and §17-16A-23 of the Code of West Virginia, 1931, as amended, be
2 repealed; that §17-16A-5, §17-16A-6, §17-16A-10, §17-16A-11, §17-16A-13, §17-16A-13a, §17-
3 16A-18, §17-16A-21, §17-16A-22, §17-16A-29 and §17-16A-30 of said code be amended and
4 reenacted; that said code be amended by adding thereto a new section, designated §17-16A-
5 11a; that §17-16D-3 of said code be amended and reenacted; that said code be amended by
6 adding thereto a new section, designated §17A-2-25; that §17A-3-7 of said code be amended
7 and reenacted; and that said code be amended by adding thereto a new section, designated
8 §17A-10-17, all to read as follows:

CHAPTER 17. ROADS AND HIGHWAYS.

ARTICLE 16A. WEST VIRGINIA PARKWAYS AUTHORITY.

§17-16A-5. Definitions.

1 As used in this article, the following words and terms shall have the following meanings,
2 unless the context shall indicate another or different meaning or intent:

3 (a) "Cost" means the cost of construction, reconstruction, maintenance, improvement,
4 repair and operation of the project, the cost of the acquisition of all land, rights-of-way, property,
5 rights, easements and interests acquired by the Parkways Authority or the Department of
6 Transportation for such construction, reconstruction, maintenance, improvement and repair, the
7 cost of all machinery, equipment, material and labor which are deemed essential thereto, the cost
8 of improvements, the cost of financing charges, interest prior to and during construction and for
9 one year after completion of construction, the cost of traffic estimates and of engineering,
10 consultant, accounting, architects', trustees' and legal fees and expenses, plans, specifications,
11 surveys, estimates of cost and of revenues, other costs and expenses necessary or incident to
12 determining the feasibility or practicability of constructing any such project, administrative
13 expenses and such other costs and expenses as may be necessary or incident to the construction
14 of the project, the financing of such construction and the placing of the project in operation or to
15 the operation of the project. Any obligation or expense hereafter incurred by the Department of
16 Transportation with the approval of the Parkways Authority, regardless of whether the approval
17 was authorized before or after the obligation or expense was incurred, for traffic surveys, borings,
18 preparation of plans and specifications, and other engineering and consulting services in
19 connection with the construction of a parkway project shall be regarded as a part of the cost of
20 such project and may be reimbursed to the state out of the proceeds of parkway revenue bonds
21 or revenue refunding bonds hereinafter authorized.

22 (b) "Department of Transportation" means the West Virginia Department of Transportation
23 and each of its respective divisions and subordinate agencies, including, without limitation, the
24 Division of Highways.

25 (c) "Economic development project" means any land or water site, structure, facility or
26 equipment which the Parkways Authority may acquire, create, develop, construct, reconstruct,
27 improve or repair, or previously may have acquired, created, developed, constructed,
28 reconstructed, improved or repaired under the provisions of this article to promote the agricultural,

29 economic or industrial development of the state, together with all property rights, easements and
30 interests which may be acquired by the Parkways Authority for the development, construction or
31 operation of such project.

32 (d) "Expressway" means any road serving major intrastate and interstate travel, including
33 federal interstate routes.

34 (e) "Feeder roads" means any road serving community-to-community travel or collects and
35 feeds traffic to an expressway or turnpike.

36 (f) "Local service road" means any local arterialized and spur roads which provide land
37 access and socioeconomic benefits to abutting properties.

38 (g) "Owner" means all individuals, co-partnerships, associations or corporations having
39 any title or interest in any property, rights, easements and interests authorized to be acquired by
40 this article.

41 (h) "Park and forest roads" means any road serving travel within state parks, state forests
42 and public hunting and fishing areas.

43 (i) "Parkways Authority" or "authority" means the West Virginia Parkways Authority, or if
44 the Parkways Authority is abolished, the board, body, commission or authority succeeding to the
45 principal functions thereof or to whom the powers given by this article to the Parkways Authority
46 shall be given by law.

47 (j) "Parkway project" means any expressway, turnpike, bridge, tunnel, trunk line, feeder
48 road, state local service road or park and forest road, or any portion or portions of any expressway,
49 turnpike, trunk line, feeder road, state local service road or park and forest road, whether
50 contiguous or noncontiguous to the West Virginia Turnpike or to any such portion or portions
51 thereof, which the Parkways Authority or the Department of Transportation may acquire,
52 construct, reconstruct, maintain, operate, improve, repair or finance under the provisions of this
53 article, which shall include for all purposes of this article, any acquisition, construction,
54 reconstruction, maintenance, operation, improvement, repair or financing that the authority may

55 undertake by agreement with the Department of Transportation, or any expressway, turnpike or
56 other road constructed by the West Virginia Turnpike Commission pursuant to the authority
57 granted to it under the laws of this state prior to June 1, 1989, and shall embrace all bridges,
58 tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, toll houses,
59 service stations and administration, storage and other buildings, which the Parkways Authority or
60 the Department of Transportation may deem necessary for the operation of a parkway project, or
61 which is used in the operation of a parkway project, together with all property, rights, easements
62 and interests which may be acquired by the Parkways Authority or the Department of
63 Transportation for the construction or the operation of a parkway project or which were acquired
64 in connection with or are used in the operation of the turnpike or any other existing parkway
65 project. A parkway project shall also include any enhancements or improvements to the turnpike
66 or any parkway project, including, without limitation, projects involving lane widening, resurfacing,
67 surface replacement, bridge replacement, bridge improvements and enhancements, other bridge
68 work, drainage system improvements and enhancements, drainage system replacements, safety
69 improvements and enhancements, and traffic flow improvements and enhancements, which have
70 been recommended by the authority's or the Department of Transportation's consulting engineers
71 or traffic engineers, or both.

72 (k) "Project" or "projects" means a parkway project, economic development project or
73 tourism project, or any combination thereof.

74 (l) "Public meeting" means a meeting designed to solicit input and provide information
75 sufficient to allow the public to understand the scope and the costs of a particular project.

76 (m) "State Road Fund" means the State Road Fund created in article three, chapter
77 seventeen of this code.

78 (n) "Transportation secretary" means the Secretary of the Department of Transportation.

79 (o) "Toll revenues" means any amount received by the Parkways Authority from any
80 source as a fee for the right of transit over the West Virginia Turnpike or any other parkway project

81 and any fees paid by owners of registered motor vehicles in the state or any other state collected
82 pursuant to section seventeen, article ten, chapter seventeen-a of this code.

83 (p) "Tourism project" means:

84 (1) Any park or tourist facility and attraction which the Parkways Authority may create,
85 develop, construct, reconstruct, improve, maintain or repair or may have previously created,
86 developed, constructed, reconstructed, improved, maintained or repaired under the provisions of
87 this article, and shall include all roads, interchanges, entrance plazas, approaches, service
88 stations, administration, storage and any other buildings or service stations, structures which the
89 Parkways Authority may deem necessary for the operation of the tourism project, together with
90 all property rights, easements and interests which may be acquired by the Parkways Authority for
91 the construction or operation of the tourism project; and

92 (2) The construction, reconstruction, improvement, maintenance and repair of any park or
93 tourist facility and attraction owned by the state as of June 1, 1989.

94 (q) "Tourist facility and attraction" mean cabins, lodges, recreational facilities, restaurants
95 and other revenue producing facilities, any land or water site, and any information center, visitors'
96 center or rest stop which the Parkways Authority determines may improve, enhance or contribute
97 to the development of the tourism industry in the state.

98 (r) "Trunk line" means any road serving major city-to-city travel.

99 (s) "Turnpike" means the West Virginia Turnpike or any other toll road in the state.

100 (t) "West Virginia Turnpike Commission" means the State Turnpike Commission existing
101 as of June 1, 1989.

102 (u) "West Virginia Turnpike" means the turnpike from Charleston to a point approximately
103 one mile south of the intersection of Interstate 77 and U. S. Route 460 near Princeton in Mercer
104 County, West Virginia, which road is presently a part of the Federal Interstate Highway System.

§17-16A-6. Parkways Authority's powers.

1 (a) The Parkways Authority is hereby authorized and empowered:

2 (1) To adopt bylaws for the regulation of its affairs and the conduct of its business;

3 (2) To adopt an official seal and alter the same at pleasure;

4 (3) To maintain an office at such place or places within the state as it may designate;

5 (4) To sue and be sued in its own name, plead and be impleaded. Any and all actions
6 against the Parkways Authority shall be brought only in the county in which the principal office of
7 the Parkways Authority is located;

8 (5) To construct, reconstruct, improve, maintain, repair, operate or finance projects, at
9 such locations within the state or adjacent to the state pursuant to a reciprocal toll enforcement
10 agreement as may be determined by the Parkways Authority: *Provided*, That after July 1, 2010,
11 the Parkways Authority is prohibited from constructing new tourism projects or new economic
12 development projects, but this prohibition shall not prevent the authority from entering into lease
13 agreements, development agreements or other agreements with private businesses or
14 companies allowing and providing for such private businesses or companies to acquire, develop,
15 construct and operate motels, lodging facilities or other businesses and business facilities on land
16 owned by the authority and located adjacent to the Tamarack project and facilities at Exit 45 of
17 the West Virginia Turnpike;

18 (6) To issue parkway revenue bonds of the State of West Virginia, payable solely from toll
19 revenues, for the purpose of paying all or any part of the cost of any one or more parkway projects;

20 (7) To issue parkway revenue refunding bonds of the State of West Virginia, payable solely
21 from toll revenues, for any one or more of the following purposes:

22 (A) Refunding any bonds which shall have been issued under the provisions of this article
23 or any predecessor thereof; and

24 (B) Repaying to the state all or any part of the state funds used to upgrade the West
25 Virginia Turnpike to federal interstate standards;

26 (8) To charge, fix and revise, from time to time, tolls or fees for transit over each parkway
27 project constructed or improved or financed by it, by the Department of Transportation or by the

28 West Virginia Turnpike Commission: *Provided*, That the Parkways Authority may not charge tolls
29 or fees for transit over an existing road without express legislative authorization for the charging
30 of such tolls or fees: *Provided, however*, That an existing road does not include the West Virginia
31 Turnpike, new lanes or sections of an existing road, the replacement or construction of any bridge
32 or tunnel, or related facilities;

33 (9) To fix and revise, rents, fees or other charges, of whatever kind or character, for the
34 use of each tourism project or economic development project constructed by it or for the use of
35 any building, structure or facility constructed by it or financed in connection with a parkway project;

36 (10) To acquire, hold, lease and dispose of real and personal property in the exercise of
37 its powers and the performance of its duties under this article;

38 (11) To acquire in the name of the state by purchase or otherwise, on such terms and
39 conditions and in such manner as it may deem proper, or by the exercise of the right of
40 condemnation in the manner hereinafter provided, such public or private lands, including public
41 parks, playgrounds or reservations, or parts thereof or rights therein, rights-of-way, property,
42 rights, easements and interests, as it may deem necessary for carrying out the provisions of this
43 article. No compensation shall be paid for public lands, playgrounds, parks, parkways or
44 reservations so taken, and all public property damaged in carrying out the powers granted by this
45 article shall be restored or repaired and placed in its original condition as nearly as practicable;

46 (12) To designate the locations of, and establish, limit and control such points of ingress
47 to and egress from, each project as may be necessary or desirable in the judgment of the
48 Parkways Authority to ensure the proper operation and maintenance of such project and to
49 prohibit entrance to such project from any point or points not so designated;

50 (13) To make and enter into all contracts and agreements necessary or incidental to the
51 performance of its duties and the execution of its powers under this article, and to employ
52 consulting engineers, attorneys, accountants, architects, construction and financial experts,
53 trustees, superintendents, managers and such other employees and agents as may be necessary

54 in its judgment, and to fix their compensation. All such expenses shall be payable solely from the
55 proceeds of parkway revenue bonds or parkway revenue refunding bonds issued under the
56 provisions of this article or from toll revenues;

57 (14) To make and enter into all contracts, agreements or other arrangements with any
58 agency, department, division, board, bureau, commission, authority or other governmental unit of
59 the state to operate, maintain or repair any project;

60 (15) To receive and accept from any federal agency grants for or in aid of the construction
61 of any project, and to receive and accept aid or contributions from any source of either money,
62 property, labor or other things of value, to be held, used and applied only for the purposes for
63 which such grants and contributions may be made;

64 (16) To study, investigate, evaluate and, if feasible, develop and implement a "single fee"
65 program the purpose of which is to charge a flat fee to owners of motor vehicles registered in this
66 state who opt into any such program or any other state which opts into any such program:
67 *Provided*, That any single fee program shall apply only to passenger motor vehicles, divided into
68 classes based on size and usage, and shall not apply to commercial motor vehicles. The flat fee
69 shall be set by the authority at a rate or amount so that the aggregate of all toll revenues estimated
70 to be received by the authority at the time of fixing any such rate or amount, or any increase
71 thereof, provides sufficient toll revenues consistent with the purposes set forth in section thirteen
72 of this article and to cover the administrative costs of any such single fee program. The separate
73 fee shall be collected by adding it to the annual cost of vehicle registration as an additional fee
74 payable solely to the authority pursuant to section seventeen, article ten, chapter seventeen-a of
75 this code. A registered motor vehicle for which such single program fee has been paid shall be
76 entitled to traverse all toll roads within the state without stopping to pay individual tolls during the
77 effective period of said vehicle registration. The single fee program may also include comparable
78 provisions which would allow vehicles registered in other states to traverse West Virginia toll roads
79 in like fashion to West Virginia vehicles as set forth in this section upon the payment of a single

80 fee for each and every vehicle registered in such state, in accordance with the same classification
81 system adopted for West Virginia vehicles. The Parkways Authority, in consultation with the
82 Division of Motor Vehicles, shall propose rules for legislative approval in accordance with the
83 provisions of article three, chapter twenty-nine-a of this code to implement any single fee program
84 under this subdivision (16);

85 (17) To enter into reciprocal toll enforcement agreements with other toll agencies in this
86 state or in any other state or foreign country;

87 (18) To do all acts and things necessary or convenient to carry out the powers expressly
88 granted in this article; and

89 (19) To file the necessary petition or petitions pursuant to federal bankruptcy laws.). The
90 State of West Virginia hereby consents to the application of Title 11 of the United States Code to
91 the Parkways Authority.

92 (b) Nothing in this article shall be construed to prohibit the issuance of parkway revenue
93 refunding bonds in a common plan of financing with the issuance of parkway revenue bonds.

§17-16A-10. Parkway revenue bonds, generally.

1 (a) The Parkways Authority is authorized to provide by resolution for the issuance of
2 parkway revenue bonds of the state for the purpose of paying all or any part of the cost of one or
3 more parkway projects. The principal of and the interest on bonds shall be payable solely from
4 the funds provided for payment, except that:

5 (1) None of the proceeds of the issuance of parkway revenue bonds under this section
6 shall be used to pay all or any part of the cost of any economic development project or tourism
7 project;

8 (2) Nothing in this section shall be construed as prohibiting the Parkways Authority from
9 issuing additional parkway revenue bonds to the extent permitted by applicable federal law for
10 the purpose of constructing, maintaining and operating any highway constructed, in whole or in
11 part, with money obtained from the Appalachian Regional Commission; and

12 (3) The authorization to issue bonds under this section is in addition to the authorization
13 and power to issue bonds under any other section of this code.

14 (b) The bonds of each issue shall be dated, shall bear interest at a rate as may be
15 determined by the Parkways Authority in its sole discretion, shall mature at a time not exceeding
16 forty years from their date of issue as may be determined by the Parkways Authority, and may be
17 made redeemable before maturity, at the option of the Parkways Authority at a price and under
18 the terms and conditions as may be fixed by the Parkways Authority prior to the issuance of the
19 bonds.

20 (c) The Parkways Authority shall determine the form of the bonds, including any interest
21 coupons to be attached thereto, and shall fix the denomination of the bonds and the place of
22 payment of principal and interest, which may be at any bank or trust company or securities
23 depository within or without the state.

24 (d) The bonds shall be executed by manual or facsimile signature by the chair of the
25 Parkways Authority, and the official seal of the Parkways Authority shall be affixed to or printed
26 on each bond, and attested, manually or by facsimile signature, by the Secretary and Treasurer
27 of the Parkways Authority. Any coupons attached to any bond shall bear the manual or facsimile
28 signature of the chair of the Parkways Authority.

29 (e) In case any officer whose signature or a facsimile of whose signature appears on any
30 bonds or coupons shall cease to be an officer before the delivery of the bonds, the signature or
31 facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained
32 in office until delivery. In case the seal of the Parkways Authority has been changed after a
33 facsimile has been imprinted on the bonds, then the facsimile seal will continue to be sufficient
34 for all purposes.

35 (f) All bonds issued under the provisions of this article shall have all the qualities and
36 incidents of negotiable instruments under the negotiable instruments law of the state. The bonds
37 may be issued in coupon or in registered form, or both, as the Parkways Authority may determine,

38 and provision may be made for the registration of any coupon bonds as to principal alone and
39 also as to both principal and interest, and for the recorders into coupon bonds of any bonds
40 registered as to both principal and interest.

41 (g) The Parkways Authority may sell the bonds at a public or private sale at a price it
42 determines to be in the best interests of the state.

43 (h) The proceeds of the bonds of each issue shall be used solely for the payment of the
44 cost of the parkway project or parkway projects and by the Division of Highways for any
45 acquisition, construction, reconstruction, maintenance, improvement or repair of public highways
46 and bridges as provided for in this article for which the bonds were issued, and shall be disbursed
47 in a manner consistent with the resolution authorizing the issuance of the bonds or in the trust
48 agreement securing the bonds.

49 (i) If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be
50 less than the cost, then additional bonds may in like manner be issued to provide the amount of
51 the deficit. Unless otherwise provided in the resolution authorizing the issuance of the bonds or
52 in the trust agreement securing the bonds, the additional bonds shall be deemed to be of the
53 same issue and shall be entitled to payment from the same fund without preference or priority of
54 the bonds first issued.

55 (j) If the proceeds of the bonds of any issue exceed the cost of the parkway project or
56 parkway projects for which the bonds were issued, then the surplus shall be deposited to the
57 credit of the sinking fund for the bonds.

58 (k) Prior to the preparation of definitive bonds, the Parkways Authority may, under like
59 restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for
60 definitive bonds when the bonds have been executed and are available for delivery. The
61 Parkways Authority may also provide for the replacement of any bonds that become mutilated or
62 are destroyed or lost.

63 (l) All or any portion of the proceeds of any parkway revenue bonds issued pursuant to
64 this section may be credited to the special revenue account within the State Road Fund created
65 in section eleven of this article. Moneys in such fund shall be used by the Division of Highways
66 for any acquisition, construction, reconstruction, maintenance, improvement or repair of public
67 highways and bridges in this state.

68 (m) Bonds may be issued under the provisions of this article without obtaining the consent
69 of any department, division, commission, board, bureau or agency of the state in accordance with
70 this article: *Provided*, That the Parkways Authority shall comply with the provisions of section
71 twenty-eight, article one, chapter five of this code.

§17-16A-11. State Road Construction Account.

1 (a) There is hereby created within the State Road Fund a special revenue account to be
2 known as the State Road Construction Account held in the State Treasury to be expended by the
3 Division of Highways for construction, maintenance and repair of public highways and bridges in
4 this state. The State Road Construction Account created in this section is a special revenue
5 account in the State Treasury and is not part of the state General Revenue Fund.

6 (b) The State Road Construction Account shall consist of:

7 (1) All or any portion of the proceeds of any parkway revenue bonds issued pursuant to
8 section ten of this article that the Parkways Authority, in its discretion, may credit to the State
9 Road Construction Account, notwithstanding any provision of said section to the contrary;

10 (2) Any appropriations, grants, gifts, contributions or other revenues received by the State
11 Road Construction Account from any source; and

12 (3) All interest earned on moneys held in the account.

13 (c) The funds in the special revenue account created by this section will be expended by
14 the Division of Highways for the costs of acquisition, construction, reconstruction, maintenance,
15 improvement or repair of public highways and bridges, as contained in the Division of Highways'
16 Statewide Transportation Improvement Plan as it existed on June 1, 2017, or the West Virginia

17 Division of Highways SOS Transportation Investment Program Candidate Project List dated May
18 3, 2017, in the following counties:

- 19 (1) Raleigh County;
- 20 (2) Fayette County;
- 21 (3) Wyoming County;
- 22 (4) Mercer County;
- 23 (5) Kanawha County;
- 24 (6) Greenbrier County;
- 25 (7) Monroe County;
- 26 (8) Summers County;
- 27 (9) McDowell County; and
- 28 (10) Nicholas County.

§17-16A-11a. West Virginia Parkways Authority Single Fee Program Fund.

1 There is hereby created within the State Treasury a special account within the State Road
2 Fund, designated the West Virginia Parkways Authority Single Fee Program Fund. The account
3 shall consist of any fees received from owners of registered motor vehicles in the state or any
4 other state that have opted in under any single fee program that may be created and implemented
5 by the authority pursuant to section six of this article. The account shall be administered by the
6 Parkways Authority and expenditures from the fund shall be used exclusively by the authority for
7 the purposes authorized in section thirteen of this article and for administrative costs related to
8 any single fee program implemented by the Parkways Authority under subdivision (16),
9 subsection (a), section six of this article.

§17-16A-13. Tolls, rents, fees, charges and revenues; competitive bidding on contracts.

1 (a) The Parkways Authority is hereby authorized to fix, revise, charge and collect tolls and
2 fees for the use of each parkway project and the different parts or sections thereof and to fix,
3 revise, charge and collect rents, fees, charges and other revenues, of whatever kind or character,

4 for the use of each economic development project or tourism project, or any part or section
5 thereof, and to contract with any person, partnership, association or corporation desiring the use
6 of any part thereof, including the right-of-way adjoining the paved portion, for placing thereon
7 telephone, fiber optic or other data transmission lines or devices, electric light, power or other
8 utility lines, gas stations, garages, stores, hotels, restaurants and advertising signs, or for any
9 other purpose except for tracks for railroad or railway use, and to fix the terms, conditions, rents
10 and rates of charges for such use: *Provided*, That the Parkways Authority may not charge tolls or
11 fees for transit over an existing road without express legislative authorization for the charging of
12 such tolls or fees: *Provided, however*, That an existing road does not include the West Virginia
13 Turnpike, new lanes or new sections of an existing road, the replacement or construction of any
14 bridge or tunnel, or related facilities. Such tolls, rents, fees and charges shall be so fixed and
15 adjusted in respect of the aggregate of tolls, or in respect of the aggregate rents, fees and
16 charges, from the project or projects in connection with which the bonds of any issue shall have
17 been issued as to provide a fund sufficient with other revenues, if any: (1) To pay the cost of
18 acquiring, constructing, reconstructing, maintaining, repairing, improving and operating such
19 project or projects and to create reserves therefor; (2) to pay the principal of and the interest on
20 such bonds and related costs and expenses as the same shall become due and payable, and to
21 create reserves for such purposes; and (3) to comply with any covenants under any trust
22 agreement securing any bonds issued by the Parkways Authority, or any predecessor thereof, or
23 to maintain bond credit ratings. Such tolls, rents, fees and other charges shall not be subject to
24 supervision or regulation by any other commission, board, bureau, department or agency of the
25 state. The tolls, rents, fees, charges and all other revenues derived from the project or projects in
26 connection with which the bonds of any issue shall have been issued, except such part thereof
27 as may be necessary to pay the cost of acquiring, constructing, reconstructing, maintaining,
28 improving, repairing and operating such project or projects and to provide such reserves therefor
29 as may be provided in the resolution authorizing the issuance of such bonds or in the trust

30 agreement securing the same, shall be set aside at regular intervals as may be provided in the
31 resolution or the trust agreement in a sinking fund which is hereby pledged to, and charged with,
32 the payment of: (i) The interest upon the bonds as such interest shall fall due; (ii) the principal of
33 the bonds as the same shall fall due; (iii) the necessary charges of paying agents and trustees for
34 paying principal and interest; and (iv) the redemption price or the purchase price of bonds retired
35 by call or purchase as therein provided. The use and disposition of moneys to the credit of such
36 sinking fund shall be subject to the provisions of the resolution authorizing the issuance of the
37 bonds or of the trust agreement. Except as may otherwise be provided in the resolution or the
38 trust agreement, such sinking fund shall be a fund for all bonds without distinction or priority of
39 one over another. The moneys in the sinking fund, less such reserve as may be provided in the
40 resolution or trust agreement, if not used within a reasonable time for the purchase of bonds for
41 cancellation as above provided, shall be applied to the redemption of bonds at the redemption
42 price then applicable.

43 (b) The Parkways Authority shall cause, as soon as it is legally able to do so, all contracts
44 to which it is a party and which relate to the operation, maintenance or use of any restaurant,
45 motel or other lodging facility, truck and automobile service facility, food vending facility or any
46 other service facility located along the West Virginia Turnpike, to be renewed on a competitive bid
47 basis. All contracts relating to any facility or services entered into by the Parkways Authority with
48 a private party with respect to any project constructed after the effective date of this legislation
49 shall be let on a competitive bid basis only. If the Parkways Authority receives a proposal for the
50 development of a project, except for a parkway project, such proposal shall be made available to
51 the public in a convenient location in the county wherein the proposed facility may be located.
52 The Parkways Authority shall publish a notice of the proposal by a Class I legal advertisement in
53 accordance with the provisions of article three, chapter fifty-nine of this code. The publication area
54 shall be the county in which the proposed facility would be located. Any citizen may communicate
55 by writing to the Parkways Authority his or her opposition to or approval to such proposal within a

56 period of time not less than forty-five days from the publication of the notice. No contract for the
57 development of an economic development project or a tourism project may be entered into by the
58 Parkways Authority until a public hearing is held in the vicinity of the location of the proposed
59 economic development project or tourism project with at least twenty days' notice of such hearing
60 by a Class I publication pursuant to section two of said article. The Parkways Authority shall make
61 written findings of fact prior to rendering a decision on any such proposed project. All studies,
62 records, documents and other materials which are considered by the Parkways Authority in
63 making such findings shall be made available for public inspection at the time of the publication
64 of the notice of public hearing and at a convenient location in the county where the proposed
65 economic development project or tourism project may be located. The Parkways Authority shall
66 promulgate rules in accordance with chapter twenty-nine-a of this code for the conduct of any
67 hearing required by this section. Persons attending any such hearing shall be afforded a
68 reasonable opportunity to speak and be heard on the proposed economic development project or
69 tourism project.

§17-16A-13a. Public notice and meeting requirements.

1 (a) Notwithstanding any provision of the law to the contrary, on and after the effective date
2 of the amendment and reenactment of this section in 2017, the Parkways Authority is authorized
3 after prior public notice and meeting, as set forth in this section, to:

4 (1) Fix initial rates, tolls or charges along any portion of a parkway project and fix fees for
5 any single fee program implemented in accordance with section six of this article including,
6 without limitation, fixing initial rates, tolls or charges that may be subject to adjustment or
7 escalation from time to time, or approve any proposal or contract that would require the Parkways
8 Authority to fix any initial rates, tolls or charges along any portion of a parkway project or any fees
9 under any single fee program;

10 (2) Increase any rates, tolls or charges along any portion of the parkway project, increase
11 fees for any single fee program implemented in accordance with section six of this article, or

12 approve any proposal or contract that would result in or require an increase in any rates or tolls
13 along any portion of the parkway project or any fees under any single fee program: *Provided*, That
14 the Parkways Authority may not increase any passenger vehicle rates, tolls or charges without
15 establishing either a single fee program pursuant to subdivision (16), subsection (a), section six
16 of this article or a passenger motor vehicle unlimited use single fee EZ Pass transponder discount
17 program pursuant to section twenty-nine of this article: *Provided, however*, That the program shall
18 extend at least through the period that any rates, tolls or charges are imposed: *Provided further*,
19 That the single annual fee proposed to be charged under either such program may not exceed:

20 (A) An amount of \$25 per year: *Provided*, That the Parkways Authority may adjust this
21 amount every three years: *Provided, however*, That an increase in such amount may not exceed
22 five percent of the amount at each adjustment; and

23 (B) A usage fee for the EZ Pass transponder, radio frequency identifying tag or other
24 device issued by the Parkways Authority to participate in such program, which fee shall not
25 exceed the actual cost of issuing such device;

26 (3) Issue any parkway revenue bond pursuant to section ten of this article or any parkway
27 revenue refunding bond pursuant to sections twenty-one and twenty-two of this article which
28 would require the Parkways Authority to increase or adjust rates, tolls, fees under any single fee
29 program, or charges whether at the time of issuance of the bonds or at any time during the term
30 of any bonds;

31 (4) Approve any contract or project which would require or result in an increase in the
32 rates, tolls or charges along any portion of the parkway project or fees under any single fee
33 program implemented in accordance with section six of this article; or

34 (5) Take any other action which would require or result in an increase in the rates, tolls or
35 charges along any portion of the parkway project or fees under any single fee program
36 implemented in accordance with section six of this article.

37 (b) The Parkways Authority shall publish notice of any proposed contract, project or bond
38 which would require the Parkways Authority to fix any initial toll rates or charges or fees or result
39 in an increase of any toll rates or charges or fees, along with the associated initial rate or fee and
40 rate or fee increase, by a Class II legal advertisement in accordance with the provisions of article
41 three, chapter fifty-nine of this code, published and of general circulation in each county which
42 borders the parkway project or proposed parkway project affected by the proposed contract,
43 project or bond.

44 (c) Once notice has been provided in accordance with the provisions of this section, the
45 Parkways Authority shall conduct at least one public meeting at a reasonable time and location in
46 any county which borders the parkway project or proposed parkway project affected by the
47 proposed contract, project or bond, to allow interested members of the public an opportunity to
48 ask questions and give written comments during the meeting respecting the proposed contract,
49 project or bond which would require the Parkways Authority to fix any initial toll rates or charges
50 or fees or result in an increase of any toll rates or charges or fees. Any citizen may also
51 communicate by writing to the Parkways Authority his or her opposition to or approval of such
52 proposal, initial rate or toll or fee, rate or toll or fee increase or amended bond terms. The public
53 notice and written public comment period shall be conducted not less than forty-five days from
54 the publication of the notice and the affected public must be provided with at least twenty days'
55 notice of any scheduled public meeting.

56 (d) All studies, records, documents and other materials which were considered by the
57 Parkways Authority before recommending the approval of any such project or recommending the
58 adoption of any such initial rate or increase shall be made available for public inspection for a
59 period of at least twenty days prior to the scheduled meeting at a convenient location in each
60 county where a public meeting is held or online.

61 (e) Any final action taken by the Parkways Authority to approve or implement any proposed
62 initial rate or fee, rate or fee increase, contract or project which would require or result in a
63 proposed initial rate or toll or fee or a proposed increase of any rate or tolls along any portion of

64 a parkway project or fee for any single fee program without first satisfying the public notice and
65 meeting requirements of this section, shall be null and void.

66 (f) Nothing in this section shall be construed to permit or authorize the Parkways Authority
67 to charge tolls or fees on any existing road without express legislative authorization for the
68 charging of such tolls or fees: *Provided*, That an existing road does not include the West Virginia
69 Turnpike, new lanes or new sections of an existing road, the replacement or construction of any
70 bridge or tunnel, or related facilities.

§17-16A-18. Corridor L toll fees authorized; commuter pass.

1 (a) The Parkways Authority is hereby authorized to operate the currently existing toll
2 collection facility located at the interchange of U. S. Route 19 (Corridor L) and to fix, revise, charge
3 and collect tolls for the use of such toll collection facility in accordance with the provisions of
4 section thirteen of this article. Any proposed increase of any rate or toll for use of the toll collection
5 facility located at Corridor L shall be subject to the public notice and meeting requirements of
6 section thirteen-a of this article. (1) The Parkways Authority shall maintain, advertise, implement
7 and otherwise make generally available to all qualified members of the public, resident or
8 nonresident, a system of commuter passes, in a form to be determined by the authority.
9 Applications for these commuter passes are to be made available by the Parkways Authority to
10 Division of Motor Vehicles offices in the state;

11 (2) The system of commuter passes implemented in accordance with the provisions of
12 subdivision (1), subsection (a) of this section, shall be available only for use when operating or
13 traveling in a Class A motor vehicle as herein defined. Any person who knowingly or intentionally
14 utilizes any commuter pass issued in accordance with this section while operating a vehicle other
15 than a Class A motor vehicle, as herein defined, at the U. S. Route 19 (Corridor L) turnpike toll
16 facility, or any other toll facility at or upon which such pass may later be usable, is guilty of a
17 misdemeanor and, for every such offense, upon conviction thereof, shall be punished in
18 accordance with the provisions of section seventeen, article sixteen-a of this chapter; and the

19 Parkways Authority shall hereafter be authorized and empowered to cancel any such commuter
20 pass or passes improperly used in accordance with this section;

21 (3) For the purpose of this section, a "Class A vehicle" shall be defined as a motor vehicle
22 of passenger type and truck with a gross weight of ten thousand pounds or less and registered or
23 eligible for registration as a Class A vehicle in accordance with section one, article ten, chapter
24 seventeen-a of this code as the same is currently constituted; and

25 (4) Notwithstanding any other provisions of this code to the contrary, the Parkways
26 Authority may not promulgate emergency rules in accordance with section fifteen, article three,
27 chapter twenty-nine-a of this code to increase or decrease tolls, "single program" fees or the
28 commuter pass fee established herein.

29 (b) Nothing in this section is to be construed to apply to, regulate or in any manner affect
30 the operation of the three main line toll barriers and toll collection facilities currently located on
31 the West Virginia Turnpike and operated by the Parkways Authority as Barrier A, Barrier B and
32 Barrier C (I-64, I-77).

§17-16A-21. Parkway revenue refunding bonds, generally.

1 The Parkways Authority is hereby authorized to provide by resolution for the issuance of
2 parkway revenue refunding bonds of the state for the purpose of refunding any bonds then
3 outstanding which shall have been issued or may be issued under the provisions of this article in
4 connection with the construction of any parkway project, including the payment of any redemption
5 premium thereon and any interest accrued or to accrue to the date of redemption of such bonds;
6 and, if deemed advisable by the Parkways Authority, for the additional purpose of constructing
7 improvements, extensions or enlargements of the project or projects in connection with which the
8 bonds to be refunded shall have been issued: *Provided*, That this section shall not be construed
9 as authorizing the issuance of parkway revenue refunding bonds for the purpose of refunding any
10 bonds then outstanding which shall have been issued under the provisions of this article, or any
11 predecessor thereof, in connection with the construction of the West Virginia Turnpike, which
12 revenue refunding bonds may be issued only as authorized under section twenty-two of this

13 article. The issuance of such bonds, the maturities and other details thereof, the rights of the
14 holders thereof and the rights, duties and obligations of the Parkways Authority in respect of the
15 same shall be governed by the provisions of this article insofar as the same may be applicable.
16 No issuance of a refunding bond may extend the maturity date of such bond being refunded and
17 may not exceed the outstanding principal of such bond being refunded. Any refunding bond shall
18 be structured to provide for approximately level annual debt service savings each fiscal year
19 through the final maturity or structured to approximate the level of debt service that would have
20 been paid prior to the refunding, with a preponderance of the savings being deferred toward
21 eliminating or reducing the most distant maturities. For purposes of this section, the outstanding
22 principal is to be determined as of the date on which the revenue bond is refinanced.

§17-16A-22. Parkway revenue refunding bonds—West Virginia Turnpike.

1 The Parkways Authority is hereby authorized to provide by resolution for the issuance of
2 parkway revenue refunding bonds of the state for the purpose of refunding any bonds which shall
3 have been issued under this article, or any predecessor thereof, in connection with the
4 construction of the West Virginia Turnpike, including the payment of any redemption premium
5 thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, to
6 the extent permissible under federal law and if deemed advisable by the Parkways Authority, for
7 repaying to the state all or any part of the state funds used to upgrade the West Virginia Turnpike
8 to federal interstate standards: *Provided*, That none of the proceeds of the issuance of parkway
9 revenue refunding bonds issued under this section shall be used to pay all or any part of the cost
10 of any economic development project or tourism project. Except as otherwise specifically provided
11 in this section, the issuance of parkway revenue refunding bonds pursuant to this section, the
12 maturities and other details thereof, the rights of the holders thereof, and the rights, duties and
13 obligations of the parkways authority in respect of the same, shall be governed by the provisions
14 of this article insofar as the same may be applicable.

15 The authority to issue parkway revenue refunding bonds under the provisions of this
16 section and section twenty-one of this article does not extend to the refunding of any parkway

17 revenue refunding bonds outstanding on the effective date of the amendment and reenactment
18 of such sections in 2017.

19 No issuance of a refunding bond may extend the maturity date of such bond being
20 refunded and may not exceed the outstanding principal of such bond being refunded. Any
21 refunding bond six shall be structured to provide for approximately level annual debt service
22 savings each fiscal year through the final maturity or structured to approximate the level of debt
23 service that would have been paid prior to the refunding, with a preponderance of the savings
24 being deferred toward eliminating or reducing the most distant maturities. For purposes of this
25 section, the outstanding principal is to be determined as of the date on which the revenue bond
26 is refinanced.

§17-16A-29. Discount program for purchasers of West Virginia EZ Pass transponders.

1 (a) The Parkways Authority is hereby authorized to create a discount program for
2 purchasers of West Virginia EZ Pass transponders: *Provided*, That prior to the fixation of any
3 initial rates, tolls or charges or any increase in any rates, tolls or charges along any portion of the
4 parkway project, the Parkways Authority may create a discount program for purchasers of West
5 Virginia EZ Pass transponders. Any discount program created pursuant to this section shall
6 provide discounts for each class of motor vehicles: *Provided, however*, That any single fee
7 program implemented by the authority pursuant to subdivision (16), subsection (a), section six of
8 this article shall apply only to passenger motor vehicles.

9 (b) The authority shall provide public notice and hold a public meeting on any proposed
10 discount program as required in section thirteen-a of this article prior to implementation of such
11 program.

12 (c) For purposes of this section, a "West Virginia EZ Pass transponder" means a device
13 issued by the Parkways Authority which allows the purchaser to attach the device to his or her
14 motor vehicle and travel through a Parkways Authority toll facility and be billed for such travel by
15 the authority.

§17-16A-30. Coordination with county commission in counties where a parkway project may be located.

1 Once a parkway project for a new toll road is identified by the authority, the Governor shall
2 appoint, with the advice and consent of the Senate, two persons from each county where the
3 parkway project for the new toll road is located to serve on a local committee to provide
4 recommendations and suggestions to the authority on all matters regarding the local identified
5 project. The local committee shall also report any of its findings to the county commission or
6 county commissions of the counties in which the parkway project for the new toll road is located.
7 Prior to any final approval of a parkway project for a new toll road, the county commissions of the
8 counties in which the parkway project road is located shall by resolution approve the parkway
9 project: *Provided*, That a resolution approving the parkway project for a new toll road is only
10 required from a simple majority of the county commissions of the counties in which the parkway
11 project for a new toll road is located.

ARTICLE 16D. ELECTRONIC TOLL COLLECTION.

§17-16D-3. Electronic toll collection authorized.

1 Notwithstanding the provisions of article sixteen-a and section five-b, article seventeen-a
2 of this chapter and section seven-a, article six, chapter seventeen-c of this code to the contrary,
3 the collection and enforcement of tolls for the use of roads, highways and bridges may be
4 accomplished by electronic toll collection as provided in this article and in rules promulgated by
5 authority of this article.

**CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION,
CERTIFICATE OF TITLE AND ANTITHEFT PROVISIONS.**

ARTICLE 2. DIVISION OF MOTOR VEHICLES.

§17A-2-25. Agreements with West Virginia Parkways Authority.

1 The Division is hereby authorized, directed and empowered to enter into all necessary
2 agreements with the West Virginia Parkways Authority to collect road user fees imposed by the

3 authority under subdivision (16), subsection (a), section six, article sixteen-a, chapter seventeen
4 of this code, or any other applicable section of its enabling legislation, and to deposit the fees
5 collected by the Division into the West Virginia Parkways Authority Single Fee Program Fund
6 established under section eleven-a, article sixteen-a, chapter seventeen of this code.

**ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF
CERTIFICATES OF TITLE.**

§17A-3-7. Grounds for refusing registration or certificate of title.

1 The division shall refuse registration or issuance of a certificate of title or any transfer of
2 registration upon any of the following grounds:

3 (1) That the application contains any false or fraudulent statement or that the applicant
4 has failed to furnish required information or reasonable additional information requested by the
5 division or that the applicant is not entitled to the issuance of a certificate of title or registration of
6 the vehicle under this chapter;

7 (2) That the applicant fails to present a statement of insurance or proof of other security
8 as required pursuant to the provisions of section three of this article;

9 (3) That the vehicle is mechanically unfit or unsafe to be operated or moved upon the
10 highways;

11 (4) That the division has reasonable grounds to believe that the vehicle is a stolen or
12 embezzled vehicle or that the granting of registration or the issuance of certificate of title would
13 constitute a fraud against the rightful owner or other person having a valid lien upon such vehicle;

14 (5) That the registration of the vehicle stands suspended or revoked for any reason as
15 provided in the motor vehicle laws of this state;

16 (6) That the required fee has not been paid;

17 (7) That the vehicle is operated by a commercial motor carrier who has failed to provide a
18 federal motor carrier identification number (USDOT number) or whose authority to operate in

19 interstate commerce has been denied or suspended by the federal Motor Carrier Safety
20 Administration; or

21 (8) That any road user fee due under a single fee program imposed by the West Virginia
22 Parkways Authority has not been paid.

ARTICLE 10. FEES FOR REGISTRATION, LICENSING, ETC.

§17A-10-17. Fee for West Virginia Parkways Authority Single Fee Program.

1 In addition to each fee provided in this article, an additional fee for any single fee program
2 that may be implemented by the West Virginia Parkways Authority pursuant to section six, article
3 sixteen-a, chapter seventeen of this code shall be payable upon the issuance of each certificate
4 of registration and renewal thereof issued pursuant to article three of this chapter. The Division
5 shall collect and deposit all the additional fees into the West Virginia Parkways Authority Single
6 Fee Program Fund created in section eleven-a, article sixteen-a, chapter seventeen of this code.
7 The additional fee provided herein may be imposed for each application for such certificate and
8 renewal thereof made on or after July 1, 2017.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Ed. J. [Signature]
Member ~~Chairman~~, Senate Committee

[Signature]
Chairman, House Committee

Originated in the Senate.

In effect from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker of the House of Delegates

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2017 JUN 22 P 4:41

FILED

The within *is* approved..... this the *22nd*.....
Day of *June*..... 2017.

[Signature]
Governor



Jim Justice
Governor of West Virginia

FILED

2017 JUN 22 P 1: 41

OFFICE WEST VIRGINIA
SECRETARY OF STATE

June 22, 2017

The Honorable Mac Warner
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Secretary Warner:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

Senate Bill No. One Thousand Three (1003), which was presented to me on June 19, 2017.

Senate Bill No. One Thousand Six (1006), which was presented to me on June 19, 2017.

You will note that I have approved these bills on June 22, 2017.

Sincerely

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Clark S. Barnes
The Honorable Stephen J. Harrison

PRESENTED TO THE GOVERNOR

JUN 19 2017

Time 3:34 PM