

Virginia Authorities

Chesapeake Bay Bridge and Tunnel Commission (Repealed effective October 1, 2014.)

Created

1954 Acts of Assembly, c. 693, as Chesapeake Bay Ferry Commission.

Amendments

1956, c. 462 (§§ 5, 6)

1962, c. 228 (§ 7-A [added])

1962, c. 605 (§§ 5, 6; name changed to Chesapeake Bay Bridge and Tunnel Commission)

1964, c. 348 (§ 7-A)

1998, c. 548 (§ 6)

2000, cc. 238, 705 (§ 6)

2005, cc. 270, 297 (§ 6).

Editor's note: The 2005 amendments to § 6 expired January 1, 2006, and therefore are not incorporated into the text of this document.

Repealed

2014 Acts of Assembly, c. 805.

Additional References

Chesapeake Bay Revenue Bond Act

Created by 1956 Acts of Assembly, c. 714.

Amended:

1959 Extra Session, c. 24

1990, c. 203.

Repealed by 2014 Acts of Assembly, c. 805.

Incorporated by reference in § 33.1-253 of the Code of Virginia.

The following §§ 1 through 19 were repealed by 2014 Acts of Assembly, c. 805, effective October 1, 2014:

§ 1. Short title.

This act shall be known, and may be cited, as the "Chesapeake Bay Ferry Revenue Bond Act." (1954, c. 693)

§ 2. Definitions.

As used in this act the following words and terms shall have the following meanings:

- (a) The word "District" shall mean the Chesapeake Bay Ferry District, a political subdivision of the State of Virginia, hereinafter created.
- (b) The word "Commission" shall mean the Chesapeake Bay Ferry Commission, hereinafter created as a governing body of the District, or if said commission shall be abolished, any board, commission or officer succeeding to the principal functions thereof, or upon whom the powers given by this act to said Commission shall be given by law.
- (c) The word "project" shall mean a public ferry service over and across the waters between

the city of Hampton and the county of Northampton, between the counties of Princess Anne and Northampton, in the State of Virginia, and between any points within the boundaries of said District, except as otherwise provided herein, where such ferry service would form a connecting link in the system of State highways, and shall include the carrying of vehicular traffic, trucks, passengers, freight, mail, express, and anything else legally transportable; and provision for the safety, comfort, convenience and entertainment of such passengers in such manner as may be usual and customary in the operation of similar ferry service elsewhere.

(d) The word "ferry" shall be deemed to include not only the vessel or vessels and equipment necessary and convenient for providing a public ferry service, but also all property, wharves, docks, slips, rights, easements and franchises relating thereto and deemed by the Commission to be necessary or convenient for the construction or the operation thereof.

(e) The term "cost of the project" shall embrace the cost of acquisition by purchase or condemnation, construction, the cost of all lands, properties, vessels, docks, wharves, slips, approaches and highway connections, rights, easements and franchises which are deemed necessary for such construction or for the operation of the project, or the cost of acquiring all of the capital stock of the corporation or corporations owning said ferry or ferries and the amount to be paid to discharge all of the obligations of such corporation or corporations in order to vest title to the ferry in the District, the cost of any improvements ordered prior to the initial financing under the provisions of this article, provision for reasonable working capital and a reserve for interest, and shall also embrace financing charges, interest prior to and during construction and for one year after completion of construction, cost of traffic estimates and of engineering data, engineering and legal expenses, court costs and other expenses involved in or incident to any condemnation proceedings brought under authority of this act, costs of plans, specifications, surveys, estimates of cost and revenue, other expenses necessary or incident to determining the feasibility or practicability of the project, administrative expense, and such other expenses as may be necessary or incident to the financing herein authorized, to the acquisition or construction of the project, and to the placing of the same in operation.

(f) The word "owner" shall include all persons as defined in § 1-13.19 of the Code of Virginia having any interest or title in and to property, rights, easements or franchises authorized to be acquired by this act. (1954, c. 693)

§ 3. General powers of commission.

The Chesapeake Bay Ferry Commission, hereinafter created, is hereby authorized and empowered:

(a) To acquire, establish, construct, operate and maintain the project hereinafter defined;

(b) Acquisition or establishment. The commission created by authority of this act may acquire by purchase, condemnation or gift, any ferry within the boundaries of the Chesapeake Bay Ferry District which forms a connecting link in the system of State highways, and may purchase all equipment and other things necessary for the establishment of any new ferries within the boundaries of said district except as hereinafter provided to become connecting links in the State highway system whenever it shall determine such action to be advisable and expedient for the benefit of the people of this State and of this Chesapeake Bay Ferry District. (1954, c. 693)

§ 4. Bonds not to constitute a debt or pledge of taxing power.

Revenue bonds issued under the provisions of this act shall not be deemed to constitute a debt of the District or of the State of Virginia or of any county, city, district or political subdivision thereof, or a pledge of the faith and credit of the State or of any county, city, district or political subdivision thereof, but such bonds shall be payable solely from the funds herein provided therefor from tolls and revenues. The issuance of revenue bonds under the provisions of this act shall not directly or indirectly or contingently obligate the District, the State or any county, city or district therein or any political subdivision thereof to levy or to pledge any form of taxation whatever therefor. All such revenue bonds shall contain a statement on their face substantially to the foregoing effect. (1954, c. 693)

§ 5. Chesapeake Bay Bridge and Tunnel District.

A political subdivision of the State of Virginia to be known as the "Chesapeake Bay Bridge and Tunnel District" is hereby created. The district shall comprise the area now included in the boundaries of Accomack, Princess Anne and Norfolk Counties, Northampton County, including the town of Cape Charles, and within the corporate limits of the cities of Virginia Beach, Hampton, Newport News, South Norfolk, the former city of Warwick, Norfolk, and Portsmouth, Virginia, and the area of Chesapeake Bay between these political subdivisions, and by the name Chesapeake Bay Bridge and Tunnel District may sue and be sued, and by and through the Chesapeake Bay Bridge and Tunnel Commission hereinafter created as the governing board thereof, the district may plead and be impleaded, and contract with, individuals, partnerships, associations, private corporations, municipal corporations, political subdivisions of the State of Virginia, and the federal government or any agency thereof having any interest or title in and to property, rights, easements or franchises authorized to be acquired by this act. (1954, c. 693; 1956, c. 462; 1962, c. 605)

§ 6. Chesapeake Bay Bridge and Tunnel Commission.

A Commission, to be known as the "Chesapeake Bay Bridge and Tunnel Commission," is hereby created as the governing board of the Chesapeake Bay Bridge and Tunnel District created by this act. The Commission shall consist of the following eleven members: (i) one member of the Commonwealth Transportation Board, (ii) two members from Accomack County, (iii) two members from Northampton County, (iv) one member from the City of Portsmouth, (v) one member from the City of Chesapeake, (vi) one member from the City of Hampton, (vii) one member from the City of Newport News, (viii) one member from the City of Norfolk, and (ix) one member from the City of Virginia Beach. The members of said Commission appointed under the provisions of this section shall be residents of the counties or cities from which they are appointed.

Any member of the Commission appointed or reappointed on or after July 1, 1998, shall be appointed by the Governor, subject to confirmation by each house of the General Assembly. Commission members shall be appointed to four-year terms. Any member of the Commission shall be eligible for reappointment to a second four-year term, but, except for appointments to fill vacancies for portions of unexpired terms, shall be ineligible for appointment to any additional term. When a vacancy in the membership occurs, the Governor shall appoint a new member to complete the unexpired portion of the term, subject to confirmation by each house of the General Assembly.

The Commission shall select a chairman annually from its membership. Within thirty days after the appointment of the original members of the Commission, the Commission shall meet on the call of any member and elect one of its members as chairman and another as vice-chairman. The Commission shall employ a secretary and treasurer (who may or may not be a member of the Commission) and if not a member of the Commission, fix his compensation and duties. Any member of the Commission may be removed from office for cause by the Governor. Each member of the Commission, immediately following his appointment, shall take an oath of office, prescribed by Article II, Section 7 of the Constitution of Virginia, before any judge, clerk, or deputy clerk of any court of record; judge of a district court in the Commonwealth; the Secretary of the Commonwealth or his deputy; or a member of the State Corporation Commission. No member of the Commission shall receive any salary but shall be entitled to expenses and the per diem pay allowed members of the Commonwealth Transportation Board. Six members of the Commission shall constitute a quorum. The records of the Commission shall be public records. The Commission is authorized to do all things necessary or incidental to the performance of its duties and the execution of its powers under this act. The route for any bridge or tunnel or combination thereof, built by the Commission, shall be selected, subject to the approval of the Commonwealth Transportation Board. (1954, c. 693; 1956, c. 462; 1962, c. 605; 1998, c. 548; 2000, cc. 238, 705; 2005, cc. 270, 297 [expired])

§ 7. Incidental powers of the Commission.

Without in any manner limiting or restricting the general powers granted by this act, the commission shall have power:

- (a) To make rules and regulations for the conduct of its business;
- (b) To acquire, by purchase or condemnation, in the name of the District, hold and dispose of personal property, including vessels and equipment incidental thereto, for the corporate purposes of the District;
- (c) To acquire full information to enable it to establish, construct, maintain and operate the project;
- (d) To employ consulting engineers, a superintendent or manager of the project, and such other engineering, architectural, construction and accounting experts and inspectors and attorneys and such other employees as may be deemed necessary, and within the limitations prescribed in this act, to prescribe their powers and duties and fix their compensation;
- (e) To make and enter into all contracts or agreements, as the commission may determine, which are necessary or incidental to the performance of its duties and to the execution of the powers granted under this act;
- (f) To accept loans and grants of money or materials or property at any time from the United States of America, or the State of Virginia or any agency or instrumentality thereof;
- (g) To purchase, solely from funds provided under the authority of this act, such lands, buildings, structures, vessels, docks, wharves, slips, and any other equipment necessary or convenient to the operation thereof, rights of way, franchises, easements, and interests in lands, or the capital stock of corporations owning such assets, deemed by the commission to be necessary for the construction or operation of the project, upon such terms and at such

prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof, and to take title thereto in the name of the District. Whenever a price cannot be agreed upon, or whenever the owner is legally incapacitated or is absent, or is unable to convey valid title, or is unknown, the commission is hereby authorized and empowered to acquire any such property, by condemnation in accordance with and subject to the provisions of Article 5 of Chapter 1 of Title 33 and of § 25-233 of the Code of Virginia; and the provisions of any and all laws applicable to the condemnation of property and the power of eminent domain by the State Highway Commission, under the laws of the State of Virginia, except as altered or modified by this act shall apply, mutatis mutandis, to proceedings under this act;

(h) To adopt an official seal and alter the same at its pleasure; and to make and from time to time amend and repeal by-laws and rules and regulations not inconsistent with law to carry into effect the powers and purposes of the commission.

(i) To exercise any power usually possessed by private corporations performing similar functions, including the right to expend, solely from funds provided under the authority of this act, such funds as may be considered by the commission to be advisable or necessary in advertising its facilities and services to the traveling public. (1954, c. 693)

§ 7-A. Incidental powers of the Commission. Without in any manner limiting the general powers granted by this act, the Commission shall have power:

(a) To adopt and enforce reasonable rules and regulations which after publication one time in full in a newspaper of general circulation published in or having general circulation in the city of Virginia Beach and a newspaper of general circulation published in or having general circulation in the county of Northampton and when posted where the using public may conveniently see the same, shall have the force and effect of law as to (1) maximum and minimum speed limits applicable to motor vehicles using such project and other property under control of the Commission, (2) the types, kinds and sizes of the vehicles which may use such project, (3) the nature, size, type or kind of materials or substances which shall not be transported through or over such project, and (4) such other rules and regulations as may be necessary or expedient in the interest of public safety with respect to the use of such project.

(b) The violation of any such rules and regulations shall be punishable as follows:

(1) If such a violation would have been a violation of law or ordinance if committed on any public road, street, highway or turnpike in the county or municipality in which such violation occurred, it shall be tried and punished in the same manner as if it had been committed on such public road, street, highway or turnpike.

If such violation occurs within one jurisdiction and is punishable within another jurisdiction, the court trying the case shall, if the accused is found guilty, apply that punishment that is prescribed for offenses occurring within the jurisdiction of the court trying the case.

(2) All other violations shall be punishable as a misdemeanor.

(c) To appoint and employ policemen to enforce within the area under the control of the Commission the rules and regulations adopted by the Commission and the laws of this Commonwealth. Such police shall have the powers vested in police officers under § 15-557 and §

52-8 of the Code of Virginia which sections shall apply, mutatis mutandis, to police appointed under this Act.

Such policemen appointed by the Commission may issue summons to appear, or arrest on view or on information without warrant as permitted by law, within the jurisdiction of this State, and conduct before any police or county court of any political subdivision into which the project extends, any person violating, within or upon the project or other property under the control of the Commission, any rule or regulation of the Commission or any law of this Commonwealth pertaining to the regulation and control of highway traffic on any bridge or tunnel owned or operated by the Commission including all entrance or exit plazas and approaches adjacent or appurtenant thereto, and also including, but not limited to, any rule or regulation regarding the payment of tolls.

(d) For the purpose of enforcing such laws, rules and regulations, the courts of the city of Virginia Beach and the county of Northampton shall be deemed to have concurrent jurisdiction of criminal offenses that constitute violations of the laws, rules and regulations of the Commission. (1962, c. 228; 1964, c. 348)

§ 8. Consent of state to use subaqueous soil of Chesapeake Bay.

The State of Virginia hereby consents to the use by the commission, in any manner whatsoever in the performance of its duties hereunder, of all lands lying under the waters of the Chesapeake Bay which are within the State and are deemed by the commission to be necessary for the construction or operation of the project. (1954, c. 693)

§ 9. Revenue bonds.

The commission is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of revenue bonds of the District for the purpose of paying all or a part of the cost of the project as hereinabove defined. The principal and interest of such bonds shall be payable solely from the special fund herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding five per centum per annum, payable semiannually, shall mature at such time or times, not exceeding forty years from their date or dates, as may be determined by the commission, and may be made redeemable before maturity, at the option of the commission, at such price or prices and under such terms and conditions as may be fixed by the commission prior to the issuance of the bonds. The principal and interest of such bonds may be made payable in any lawful medium. The commission shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof, which may be at any bank or trust company within or without the State. In case any officer whose signature shall appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All revenue bonds issued under the provisions of this act shall have and are hereby declared to have, as between successive holders, all the qualities and incidents of negotiable instruments under the negotiable instruments law of the State. The bonds may be issued in coupon or in registered form, or both, as the commission may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion of any bonds registered as to both principal and interest into coupon bonds. The commission may sell such bonds in such manner and for such

price as it may determine to be for the best interest of the District, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than five per centum per annum computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding, however, from such computations the amount of any premium to be paid on redemption of any bonds prior to maturity. The proceeds of such bonds shall be disbursed for the purposes for which such bonds shall have been issued upon requisition of the chairman of the commission under such restrictions, if any, as the resolution authorizing the issuance of such bonds or the trust indenture hereinafter mentioned may provide.

If the bonds of a particular issue, by error of estimates, or otherwise, shall be less than the cost of the project, additional bonds may in like manner be issued to provide the amount of such deficit and, unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust indenture, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose. If the proceeds of the bonds of any issue shall exceed the amount required for the purpose for which such bonds are issued, the surplus shall be paid into the funds hereinafter provided for the payment of principal and interest of such bonds. Prior to the preparation of definitive bonds, the commission may, under like restrictions, issue temporary bonds, with or without coupons, exchangeable for definitive bonds upon the issuance of the latter. The commission may also provide for the replacement of any bond which shall become mutilated or be destroyed or lost. Such revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than the proceedings, conditions, and things which are specified and required by this act.

The commission is hereby authorized to provide by resolution for the issuance of revenue refunding bonds of the District for the purpose of refunding any bonds issued under the provisions of this act and then outstanding. The issuance of such refunding bonds, the maturities and other details thereof, the rights of the holders thereof, and the duties of the commission with respect to same, shall be governed by the foregoing provisions of this act insofar as the same may be applicable.

Prior to the issuance by the commission of the revenue bonds of the District under the provisions of this act, each member of the commission shall give bond payable to the Commonwealth of Virginia, in form approved by the Attorney General, in such penalty as shall be fixed by the Governor, with some surety or guaranty company duly authorized to do business in Virginia and approved by the Governor, as security, conditioned upon the faithful discharge of his duties. The premium of such bonds shall be considered as part of the cost of the project. (1954, c. 693)

§ 10. Trust indenture.

In the discretion of the commission each and any issue of such revenue bonds may be secured by a trust indenture by and between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the State. Such trust indenture may pledge or assign tolls and revenues, to be received, but shall not convey or mortgage the project or any part thereof. Either the resolution providing for the issuance of revenue bonds or such trust indenture may contain such provisions specifying, defining, protecting, and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the

commission in relation to the acquisition, construction, improvement, maintenance, operation, repair and insurance of the project, and the custody, safeguarding, and application of all moneys, and may also provide that the project shall be constructed and paid for under the supervision and approval of consulting engineers employed or designated by the commission and satisfactory to the original purchasers of the bonds issued therefor, and may also require that the security given by contractors and by any depository of the proceeds of the bonds or revenues or other moneys be satisfactory to the purchasers. It shall be lawful for any bank or trust company incorporated under the laws of this State to act as such depository and to furnish such indemnifying bonds or to pledge such securities as may be required by the commission. Such indenture may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations. In addition to the foregoing, such trust indenture may contain such other provisions as the commission may deem reasonable and proper for the security of bondholders. All expenses incurred in carrying out the provisions of such trust indenture may be treated as a part of the cost of maintenance, operation, and repairs of the project. (1954, c. 693)

§ 11. Tolls and revenues.

The commission is hereby authorized to fix and to revise from time to time tolls or fees for the use of the project or any part thereof and to charge and collect the same, and to contract with any person, partnership, association, or corporation desiring the use of any ferry included in the project, its approaches and appurtenances, or any part thereof, for placing therein or thereon water, gas, or oil pipe lines, telephone, telegraph, electric light, or power lines, or for any other purpose, and to fix the terms, conditions, and rates of charge for such use.

The tolls for the use of the project shall be so fixed and adjusted as to provide a fund sufficient, with other revenues of such project, to pay (a) the cost of maintaining, repairing and operating the project unless such cost shall be otherwise provided for and (b) the bonds, and the interest thereon as the same shall become due. All tolls and all other revenue derived from the project, except such part thereof as may be required to pay the cost of maintaining, repairing and operating the project, and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of the bonds or in the trust indenture, or such parts thereof as may be required by such resolution or trust indenture, shall be set aside at such regular intervals as may be provided in such resolution or such trust indenture in a sinking fund which is hereby pledged to and charged with the payment of (1) the interest upon such bonds as such interest shall fall due, (2) the principal of the bonds as the same fall due, (3) the necessary fiscal agency charges for paying principal and interest, and (4) any premium upon bonds retired by call or purchase as herein provided. The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the issuance of bonds, or in the trust indenture but, except as may otherwise be provided in such resolution or trust indenture, such sinking fund shall be a fund for the benefit of all bonds without distinction or priority of one over another. The moneys in such sinking fund, in accordance with the provisions of the resolution authorizing the issuance of the bonds or of the trust indenture, shall be applied to the payment of the interest on and the principal of the bonds and the purchase or redemption of bonds. All bonds so purchased or redeemed shall forthwith be cancelled and shall not again be issued. (1954, c. 693)

§ 12. Cessation of tolls.

When the bonds issued for the project and the interest thereon shall have been paid, or a

sufficient amount shall have been provided for their payment and shall continue to be held for that purpose, the commission shall cease to charge tolls for the use of the project and thereafter the project shall be free; provided, however, that the commission shall thereafter charge tolls for the use of the project in the event that tolls are required for maintaining, repairing and operating the project due to the lack of funds from other sources than tolls. (1954, c. 693)

§ 13. Trust funds.

All moneys received pursuant to the authority of this act, whether as proceeds from the sale of bonds, as grants or other contributions, or as revenues and earnings, shall be deemed to be trust funds, to be held and applied solely as provided in this act. The commission shall, in the resolution providing for the issuance of revenue bonds or in the trust indenture, provide for the payment of the proceeds of the sale of the bonds and the earnings and revenues to be received to any officer who, or any agency, bank or trust company which shall act as trustee of such funds and shall hold and apply the same for the purposes hereof, subject to such regulations as this act and such resolution and trust indenture may provide. (1954, c. 693)

§ 14. Remedies.

Any holder of bonds issued under the provisions in this act or any of the coupons appertaining thereto, and the trustee thereunder the trust indenture, if any, except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture, may either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the State of Virginia or granted hereunder and under such resolution or trust indenture, and may enforce and compel performance of all duties required by this act or by such resolution or trust indenture to be performed by the commission or any officer thereof, including the fixing, charging and collecting of tolls and other charges for the use of the project. (1954, c. 693)

§ 15. Governmental function.

It is hereby found, determined and declared that the creation of the District and the carrying out of its corporate purposes is in all respects for the benefit of the people of this State and is a public purpose and that the District and the commission will be performing an essential governmental function in the exercise of the powers conferred by this act, and the State covenants with the holders of the bonds issued under the provisions of this act that the District shall not be required to pay any taxes or assessments upon any of the property acquired by it or under its jurisdiction, control, possession or supervision or upon its activities in the operation and maintenance of the project or upon any revenues therefrom and the project and the bonds issued in connection therewith and the income derived therefrom shall be exempt from all State, municipal and local taxation. (1954, c. 693)

§ 16. Bonds eligible for investment.

Bonds issued by the District under the provisions of this Article are hereby made securities in which all public officers and public bodies of the Commonwealth and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any State or municipal officer or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or obligations is now or may hereafter be authorized by law. (1954, c. 693)

§ 17. No competitive facility.

No franchise, rights or privileges shall be granted or authorized by the State of Virginia or by any political subdivision or court thereof for the establishment, acquisition or construction, maintenance or operation of any ferry within the boundaries of the Chesapeake Bay Ferry District, or to any competing bridge or tunnel from the Eastern Shore to Hampton, or from the Eastern Shore to Princess Anne County, and no such facility shall be constructed or established hereafter to provide means of transit within the boundaries of the Chesapeake Bay Ferry District, except by the Commission created by this act to govern said district so long as any bonds issued under this act shall remain outstanding or until provision shall first be made for the payment of the principal and interest upon all such bonds; provided, however, that such prohibition shall not apply to any ferry which may hereafter be established for the exclusive transportation of railroad cars, or of railroad passengers holding through tickets, or to projects heretofore authorized under the State Revenue Bond Act of 1940, as amended. (1954, c. 693)

§ 18. Act liberally construed.

This act, being necessary for the welfare of the State and its inhabitants, shall be liberally construed to effect the purposes thereof. (1954, c. 693)

§ 19. Constitutional construction.

The provisions of this act are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions of this act. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein. (1954, c. 693)