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SENATE BILL NO. 1233

Offered January 8, 2025

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A BILL to amend and reenact §§ 46.2-208 and 46.2-882.1 of the Code of Virginia, relating to pedestrian crossing violation monitoring systems and stop sign violation monitoring systems; violation enforcement; civil penalty.

Patrons—Williams Graves and Boysko

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-208 and 46.2-882.1 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-208. Records of Department; when open for inspection; release of privileged information.

A. The following information shall be considered privileged and unless otherwise provided for in this title shall not be released except as provided in subsection B:

- 1. Personal information as defined in § 2.2-3801;
- 2. Driver information, defined as all data that relates to driver's license status and driver activity;
- 3. Special identification card information, defined as all data that relates to identification card status; and
- 4. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle activity data, but excluding crash data.

B. The Commissioner shall release such information only under the following conditions:

1. Notwithstanding other provisions of this section, medical information included in personal information shall be released only to a physician, a physician assistant, or an advanced practice registered nurse in accordance with a proceeding under §§ 46.2-321 and 46.2-322.

2, 3. [Repealed.]

4. Upon the request of (i) the subject of the information, (ii) the parent of a minor who is the subject of the information, (iii) the guardian of the subject of the information, (iv) the authorized agent or representative of the subject of the information, or (v) the owner of the vehicle that is the subject of the information, the Commissioner shall provide him with the requested information and a complete explanation of it. Requests for such information need not be made in writing or in person and may be made orally or by telephone, provided that the Department is satisfied that there is adequate verification of the requester's identity. When so requested in writing by (a) the subject of the information, (b) the parent of a minor who is the subject of the information, (c) the guardian of the subject of the information, (d) the authorized agent or representative of the subject of the information, or (e) the owner of the vehicle that is the subject of the information, the Commissioner shall verify and, if necessary, correct the personal information provided and furnish driver, special identification card, or vehicle information. If the requester is requesting such information in the scope of his official business as counsel from a public defender's office or as counsel appointed by a court, such records shall be provided free of charge.

5. Upon the written request of any insurance carrier or surety, or authorized agent of either, the Commissioner shall furnish to such requester information in the record of any person subject to the provisions of this title. The transcript shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which he was involved and a report filed pursuant to § 46.2-373. No such report of any conviction or crash shall be made after 60 months from the date of the conviction or crash unless the Commissioner or court used the conviction or crash as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or crash pertaining thereto shall not be reported after 60 months from the date that the driver's license or driving privilege has been reinstated. The response of the Commissioner under this subdivision shall not be admissible in evidence in any court proceedings.

6. Upon the written request of any business organization or its authorized agent, in the conduct of its business, the Commissioner shall compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records. Personal information provided under this subdivision shall be used solely for the purpose of pursuing remedies that require locating an individual.

7. Upon the written request of any business organization or its authorized agent, the Commissioner shall provide vehicle information to the requester. Disclosures made under this subdivision shall not include any personal information, driver information, or special identification card information and shall not be subject to

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59 the limitations contained in subdivision 6.

60 8. Upon the written request of any motor vehicle rental or leasing company or its authorized agent, the
61 Commissioner shall (i) compare personal information supplied by the requester with that contained in the
62 Department's records and, when the information supplied by the requester is different from that contained in
63 the Department's records, provide the requester with correct information as contained in the Department's
64 records and (ii) provide the requester with driver information of any person subject to the provisions of this
65 title. Such information shall include any record of any conviction of a violation of any provision of any
66 statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in
67 which the subject of the information was involved and a report of which was filed pursuant to § 46.2-373. No
68 such information shall include any record of any conviction or crash more than 60 months after the date of
69 such conviction or crash unless the Commissioner or court used the conviction or crash as a reason for the
70 suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension
71 and any conviction or crash pertaining thereto shall cease to be included in such information after 60 months
72 from the date on which the driver's license or driving privilege was reinstated. The response of the
73 Commissioner under this subdivision shall not be admissible in evidence in any court proceedings.

74 9. Upon the request of any federal, state, or local governmental entity, local government group self-
75 insurance pool, law-enforcement officer, attorney for the Commonwealth, or court, or the authorized agent of
76 any of the foregoing, the Commissioner shall compare personal information supplied by the requester with
77 that contained in the Department's records and, when the information supplied by the requester is different
78 from that contained in the Department's records, provide the requester with correct information as contained
79 in the Department's records. The Commissioner shall also provide driver, special identification card, and
80 vehicle information as requested pursuant to this subdivision. The Commissioner may release other
81 appropriate information to the governmental entity upon request. Upon request in accordance with this
82 subdivision, the Commissioner shall furnish a certificate, under seal of the Department, setting forth a
83 distinguishing number or license plate of a motor vehicle, trailer, or semitrailer, together with the name and
84 address of its owner. The certificate shall be prima facie evidence in any court in the Commonwealth of the
85 ownership of the vehicle, trailer, or semitrailer to which the distinguishing number or license plate has been
86 assigned by the Department. However, the Commissioner shall not release any photographs pursuant to this
87 subdivision unless the requester provides the depicted individual's name and other sufficient identifying
88 information contained on such individual's record. The information in this subdivision shall be provided free
89 of charge.

90 The Department shall release to a requester information that is required for a requester to carry out the
91 requester's official functions in accordance with this subdivision. If the requester has entered into an
92 agreement with the Department, such agreement shall be in a manner prescribed by the Department, and such
93 agreement shall contain the legal authority that authorizes the performance of the requester's official
94 functions and a description of how such information will be used to carry out such official functions. If the
95 Commissioner determines that sufficient authority has not been provided by the requester to show that the
96 purpose for which the information shall be used is one of the requester's official functions, the Commissioner
97 shall refuse to enter into any agreement. If the requester submits a request for information in accordance with
98 this subdivision without an existing agreement to receive the information, the request shall be in a manner
99 prescribed by the Department, and such request shall contain the legal authority that authorizes the
100 performance of the requester's official functions and a description of how such information will be used to
101 carry out such official functions. If the Commissioner determines that sufficient authority has not been
102 provided by the requester to show that the purpose for which such information shall be used is one of the
103 requester's official functions, the Commissioner shall deny such request.

104 Notwithstanding the provisions of this subdivision, the Department shall not disseminate to any federal,
105 state, or local government entity, law-enforcement officer, or law-enforcement agency any privileged
106 information for any purposes related to civil immigration enforcement unless (i) the subject of the
107 information provides consent or (ii) the requesting agency presents a lawful judicial order, judicial subpoena,
108 or judicial warrant. When responding to a lawful judicial order, judicial subpoena, or judicial warrant, the
109 Department shall disclose only those records or information specifically requested. Within three business
110 days of receiving a request for information for the purpose of civil immigration enforcement, the
111 Commissioner shall send a notification to the individual about whom such information was requested that
112 such a request was made and the identity of the entity that made such request.

113 The Department shall not enter into any agreement pursuant to subsection E with a requester pursuant to
114 this subdivision unless the requester certifies that the information obtained will not be used for civil
115 immigration purposes or knowingly disseminated to any third party for any purpose related to civil
116 immigration enforcement.

117 10. Upon the request of the driver licensing authority in any foreign country, the Commissioner shall
118 provide whatever driver and vehicle information the requesting authority shall require to carry out its official
119 functions. The information shall be provided free of charge.

120 11. a. For the purpose of obtaining information regarding noncommercial driver's license holders, upon

121 the written request of any employer, prospective employer, or authorized agent of either, and with the written
 122 consent of the individual concerned, the Commissioner shall (i) compare personal information supplied by
 123 the requester with that contained in the Department's records and, when the information supplied by the
 124 requester is different from that contained in the Department's records, provide the requester with correct
 125 information as contained in the Department's records and (ii) provide the requester with driver information in
 126 the form of a transcript of an individual's record, including all convictions, all crashes, any type of driver's
 127 license that the individual currently possesses, and all driver's license suspensions, revocations, cancellations,
 128 or forfeiture, provided that such individual's position or the position that the individual is being considered for
 129 involves the operation of a motor vehicle.

130 b. For the purpose of obtaining information regarding commercial driver's license holders, upon the
 131 written request of any employer, prospective employer, or authorized agent of either, the Commissioner shall
 132 (i) compare personal information supplied by the requester with that contained in the Department's records
 133 and, when the information supplied by the requester is different from that contained in the Department's
 134 records, provide the requester with correct information as contained in the Department's records and (ii)
 135 provide the requester with driver information in the form of a transcript of such individual's record, including
 136 all convictions, all crashes, any type of driver's license that the individual currently possesses, and all driver's
 137 license suspensions, revocations, cancellations, forfeitures, or disqualifications, provided that such
 138 individual's position or the position that the individual is being considered for involves the operation of a
 139 commercial motor vehicle.

140 12. Upon the written request of any member of a volunteer fire company or volunteer emergency medical
 141 services agency and with written consent of the individual concerned, or upon the request of an applicant for
 142 membership in a volunteer fire company or to serve as volunteer emergency medical services personnel, the
 143 Commissioner shall (i) compare personal information supplied by the requester with that contained in the
 144 Department's records and, when the information supplied by the requester is different from that contained in
 145 the Department's records, provide the requester with correct information as contained in the Department's
 146 records and (ii) provide driver information in the form of a transcript of the individual's record, including all
 147 convictions, all crashes, any type of driver's license that the individual currently possesses, and all license
 148 suspensions, revocations, cancellations, or forfeitures. Such transcript shall be provided free of charge if the
 149 request is accompanied by appropriate written evidence that the person is a member of or applicant for
 150 membership in a volunteer fire company or a volunteer emergency medical services agency and the transcript
 151 is needed by the requester to establish the qualifications of the member, volunteer, or applicant to operate
 152 equipment owned by the volunteer fire company or volunteer emergency medical services agency.

153 13. Upon the written request of a Virginia affiliate of Big Brothers Big Sisters of America, a Virginia
 154 affiliate of Compeer, or the Virginia Council of the Girl Scouts of the USA, and with the consent of the
 155 individual who is the subject of the information and has applied to be a volunteer with the requester, or on the
 156 written request of a Virginia chapter of the American Red Cross, a Virginia chapter of the Civil Air Patrol, or
 157 Faith in Action, and with the consent of the individual who is the subject of the information and applied to be
 158 a volunteer vehicle operator with the requester, the Commissioner shall (i) compare personal information
 159 supplied by the requester with that contained in the Department's records and, when the information supplied
 160 by the requester is different from that contained in the Department's records, provide the requester with
 161 correct information as contained in the Department's records and (ii) provide driver information in the form
 162 of a transcript of the applicant's record, including all convictions, all crashes, any type of driver's license that
 163 the individual currently possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such
 164 transcript shall be provided at a fee that is one-half the normal charge if the request is accompanied by
 165 appropriate written evidence that the person has applied to be a volunteer or volunteer vehicle operator with
 166 the requester as provided in this subdivision.

167 14. On the written request of any person who has applied to be a volunteer with a court-appointed special
 168 advocate program pursuant to § 9.1-153, the Commissioner shall provide a transcript of the applicant's
 169 record, including all convictions, all crashes, any type of driver's license that the individual currently
 170 possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such transcript shall be
 171 provided free of charge if the request is accompanied by appropriate written evidence that the person has
 172 applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153.

173 15, 16. [Repealed.]

174 17. Upon the request of an attorney representing a person involved in a motor vehicle crash, the
 175 Commissioner shall provide the vehicle information for any vehicle involved in the crash and the name and
 176 address of the owner of any such vehicle.

177 18. Upon the request, in the course of business, of any authorized agent of an insurance company or of
 178 any not-for-profit entity organized to prevent and detect insurance fraud, or perform rating and underwriting
 179 activities, the Commissioner shall provide (i) all vehicle information, the owner's name and address,
 180 descriptive data and title, registration, and vehicle activity data, as requested, or (ii) the driver name, license
 181 number and classification, date of birth, and address information for each driver under the age of 22 licensed

182 in the Commonwealth, provided that such request includes the driver's license number or address information
183 of such driver. Use of such information shall be limited to use in connection with insurance claims
184 investigation activities, antifraud activities, rating, or underwriting.

185 19. [Repealed.]

186 20. Upon the written request of the compliance agent of a private security services business, as defined in
187 § 9.1-138, which is licensed by the Virginia Department of Criminal Justice Services, the Commissioner shall
188 provide the name and address of the owner of the vehicle under procedures determined by the Commissioner.

189 21. (For contingent expiration date, see Acts 2023, c. 738, cl. 2) Upon the request of the operator of a toll
190 facility, a traffic light signal violation monitoring system acting on behalf of a government entity, a traffic
191 control device violation monitoring system acting on behalf of a government entity, or the Dulles Access
192 Highway, or an authorized agent or employee of a toll facility operator, a traffic light signal violation
193 monitoring system operator acting on behalf of a government entity, a traffic control device violation
194 monitoring system operator acting on behalf of a government entity, or the Dulles Access Highway, for the
195 purpose of obtaining vehicle owner data under subsection H of § 15.2-968.1, subsection A of § 33.2-504,
196 subsection M of § 46.2-819.1, subsection P of § 46.2-819.3:1, or subsection N of § 46.2-819.5. Information
197 released pursuant to this subdivision shall be limited to (i) the name, physical address, and, if available, email
198 or other electronic address of the owner of the vehicle having failed to pay a toll, comply with a traffic light
199 signal, or comply with a traffic control device or having improperly used the Dulles Access Highway and (ii)
200 the vehicle information, including all descriptive vehicle data and title and registration data of the same
201 vehicle.

202 21. (For contingent effective date, see Acts 2023, c. 738, cl. 2) Upon the request of the operator of a toll
203 facility, a traffic light photo monitoring system acting on behalf of a government entity, or the Dulles Access
204 Highway, or an authorized agent or employee of a toll facility operator or traffic light photo monitoring
205 system operator acting on behalf of a government entity or the Dulles Access Highway, for the purpose of
206 obtaining vehicle owner data under subsection H of § 15.2-968.1, subsection A of § 33.2-504, subsection M
207 of § 46.2-819.1, subsection P of § 46.2-819.3:1, or subsection N of § 46.2-819.5. Information released
208 pursuant to this subdivision shall be limited to the name, physical address, and, if available, email or other
209 electronic address of the owner of the vehicle having failed to pay a toll or having failed to comply with a
210 traffic light signal or having improperly used the Dulles Access Highway and the vehicle information,
211 including all descriptive vehicle data and title registration data of the same vehicle.

212 22-26. [Repealed.]

213 27. Upon the written request of the executor or administrator of a deceased person's estate, the
214 Department shall, if the deceased person had been issued a driver's license or special identification card by
215 the Department, supply the requester with a hard copy image of any photograph of the deceased person kept
216 in the Department's records.

217 28. [Repealed.]

218 29. a. Upon written agreement, the Commissioner may digitally verify the authenticity and validity of a
219 driver's license, learner's permit, or special identification card to the American Association of Motor Vehicle
220 Administrators, a motor vehicle dealer as defined in § 46.2-1500, or another organization approved by the
221 Commissioner.

222 b. Upon written agreement, the Commissioner may release minimum information as needed in the
223 Department's record through any American Association of Motor Vehicle Administrators service program
224 created for the purpose of the exchange of information to any business, government agency, or authorized
225 agent who would otherwise be authorized to receive the information requested pursuant to this section.

226 30. Upon the request of the operator of a video-monitoring system as defined in § 46.2-844 acting on
227 behalf of a government entity, the Commissioner shall provide vehicle owner data pursuant to subsection B
228 of § 46.2-844. Information released pursuant to this subdivision shall be limited to the name and address of
229 the owner of the vehicle having passed a stopped school bus and the vehicle information, including all
230 descriptive vehicle data and title and registration data for such vehicle.

231 31. Upon the request of the operator of a photo speed monitoring device, *pedestrian crossing violation*
232 *monitoring system, or stop sign violation monitoring system, as those terms are defined in § 46.2-882.1,*
233 acting on behalf of a government entity, the Commissioner shall provide vehicle owner data pursuant to
234 subsection H of § 46.2-882.1. Information released pursuant to this subdivision shall be limited to the name
235 and address of the owner of the vehicle having committed a vehicle speed violation, *pedestrian crossing*
236 *violation, or stop sign violation, respectively, as those terms are defined in § 46.2-882.1, and the vehicle*
237 *information, including all descriptive vehicle data and title and registration data, for such vehicle.*

238 32. Notwithstanding the provisions of this section other than subdivision 33, the Department shall not
239 release, except upon request by the subject of the information, the guardian of the subject of the information,
240 the parent of a minor who is the subject of the information, or the authorized agent of the subject of the
241 information, or pursuant to a court order, (i) proof documents submitted for the purpose of obtaining a driving
242 credential or a special identification card, (ii) the information in the Department's records indicating the type

243 of proof documentation that was provided, or (iii) applications relating to the issuance of a driving credential
244 or a special identification card. As used in this subdivision, "proof document" means any document not
245 originally created by the Department that is submitted to the Department for the issuance of any driving
246 credential or special identification card. "Proof document" does not include any information contained on a
247 driving credential or special identification card.

248 33. Notwithstanding the provisions of this section, the Department may release the information in the
249 Department's records that it deems reasonable and necessary for the purpose of federal compliance audits.

250 34. The Department may release to a party that is subject to an administrative proceeding conducted by
251 the Department nonmedical privileged information necessary to participate in such administrative
252 proceeding. Such information shall be limited to matters of fact and law asserted or questioned by the
253 Department, as are required to be provided pursuant to §§ 2.2-4019 and 2.2-4020. The Department may also
254 release such information to other parties to the same administrative proceeding. Notwithstanding the
255 provisions of subsection E, no information released pursuant to this subdivision shall be disseminated to any
256 third party that is not a party to such administrative proceeding.

257 C. Information disclosed or furnished shall be assessed a fee as specified in § 46.2-214, unless as
258 otherwise provided in this section.

259 D. Upon the receipt of a completed application and payment of applicable processing fees, the
260 Commissioner may enter into an agreement with any governmental authority or business to exchange
261 information specified in this section by electronic or other means.

262 E. The Department shall not release any privileged information pursuant to this title unless the
263 Department has entered into a written agreement authorizing such release. The Department shall require the
264 requesting entity to specify the purpose authorized pursuant to this title that forms the basis for the request
265 and provide the permissible purpose as defined under 18 U.S.C. § 2721(b). Privileged information requested
266 by an entity that has been altered or aggregated may be used only for the original purposes specified in the
267 written agreement consistent with this title. The requesting entity shall disseminate privileged information
268 only to third parties subject to the original purpose specified in the written agreement consistent with this
269 title. Any agreement that does not allow third-party distribution shall include a statement that such
270 distribution is prohibited. Such agreement may limit the scope of any authorized distribution consistent with
271 this title. Privileged information distributed to any third party shall only be further distributed by such third
272 party subject to the original purpose specified and consistent with this title, or unless such third party is the
273 subject of the information, the parent of a minor who is the subject of the information, the guardian of the
274 subject of the information, the authorized agent or representative of the subject of the information, or the
275 owner of the vehicle that is the subject of the information.

276 Any agreement entered into pursuant to this subsection between the Department and the Department of
277 State Police shall specify (i) that privileged information shall be distributed only to authorized personnel of
278 an entity meeting the definition of a criminal justice agency as defined in § 9.1-101 and other comparable
279 local, state, and federal criminal justice agencies and entities issued a Virginia S-Originating Agency
280 Identification (S-ORI) status; (ii) that privileged information shall be accessed, used, and disseminated only
281 for the administration of criminal justice as defined in § 9.1-101; and (iii) that no local, state, or federal
282 government entity, through the Virginia Criminal Information Network (VCIN) or any other method of
283 dissemination controlled by the Department of State Police, has access to information stored by the
284 Department in violation of the protections contained in this section. The Department of State Police shall
285 notify the Department prior to when a new entity is to be granted S-ORI status and provide a copy of the
286 S-ORI application to the Department. The Department of State Police shall not allow any entity to access
287 Department data through VCIN if the Department objects in writing to the entity obtaining such data.

288 The provisions of this subsection shall not apply to (a) requests for information made pursuant to
289 subdivision B 4; (b) a request made by an entity authorized to receive privileged information pursuant to
290 subsection B, provided that such request is made on a form provided by the Department, other than a written
291 agreement, that requires the requester to certify that such entity is entitled to receive such information
292 pursuant to this title, state the purpose authorized pursuant to subsection B that forms the basis for the
293 request, explain why the information requested is necessary to accomplish the stated purpose, and certify that
294 the information will be used only for the stated purpose and the information received shall not be
295 disseminated to third parties unless there is authorization to do so; or (c) the release of information to a law-
296 enforcement officer or agency during an emergency situation, provided that (1) the requesting entity is
297 authorized to receive such information pursuant to subdivision B 9, (2) the timely release of such information
298 is in the interest of public safety, and (3) the requesting entity completes the form required pursuant to clause
299 (b) within 48 hours of the release of such information.

300 F. Any person that receives any privileged information that such person knows or has reason to know was
301 received in violation of this title shall not disseminate any such information and shall notify the Department
302 of the receipt of such privileged information.

303 G. The Department shall conduct audits annually based on a risk assessment to ensure that privileged

304 information released by the Department pursuant to this title is being used as authorized by law and pursuant
305 to the agreements entered into by the Department. If the Department finds that privileged information has
306 been used in a manner contrary to law or the relevant agreement, the Department may revoke access.

307 H. Any request for privileged information by an authorized agent of a governmental entity shall be
308 governed by the provisions of subdivision B 9.

309 **§ 46.2-882.1. Use of photo speed monitoring devices, pedestrian crossing violation monitoring**
310 **systems, and stop sign violation monitoring systems in highway work zones, school crossing zones, and**
311 **high-risk intersection segments; civil penalty.**

312 A. For the purposes of this section:

313 "High-risk intersection segment" means any highway or portion thereof located not more than 1,000 feet
314 from the limits of the property of a school that is part of or adjacent to an intersection containing a marked
315 crosswalk that is identified in the manner provided in this section as one in which a traffic fatality has
316 occurred since January 1, 2014.

317 "Highway work zone" has the same meaning ascribed to it in § 46.2-878.1.

318 "*Pedestrian crossing violation*" means a violation of this title resulting from the operation of a vehicle in
319 violation of § 46.2-924.

320 "*Pedestrian crossing violation monitoring system*" means equipment that produces one or more
321 photographs, microphotographs, videotapes, or other recorded images of pedestrian crossing violations.

322 "Photo speed monitoring device" means equipment that uses radar or LIDAR-based speed detection and
323 produces one or more photographs, microphotographs, videotapes, or other recorded images of vehicles.

324 "School crossing zone" has the same meaning ascribed to it in § 46.2-873.

325 "*Stop sign violation*" means a violation of this title resulting from the operation of a vehicle in violation of
326 a stop sign placed in accordance with § 46.2-830, including a violation of § 46.2-821 or 46.2-833.1. "*Stop*
327 *sign violation*" does not include violations of traffic light signals, traffic control devices other than stop signs,
328 or speed limits.

329 "*Stop sign violation monitoring system*" means equipment that produces one or more photographs,
330 microphotographs, videotapes, or other recorded images of stop sign violations.

331 "Vehicle speed violation" means a violation of this title resulting from the operation of a vehicle in excess
332 of the speed limit, including a violation of § 46.2-873 or 46.2-878.1.

333 B. A state or local law-enforcement agency may place and operate a photo speed monitoring device in
334 school crossing zones for the purposes of recording violations of § 46.2-873 and in highway work zones for
335 the purposes of recording violations of § 46.2-878.1.

336 A state or local law-enforcement agency may place and operate a photo speed monitoring device at a
337 high-risk intersection segment located within the locality for the purpose of recording vehicle speed
338 violations, provided that such law-enforcement agency certifies that a traffic fatality has occurred since
339 January 1, 2014, in such segment.

340 *A state or local law-enforcement agency may place and operate in school crossing zones or highway work*
341 *zones (i) a pedestrian crossing violation monitoring system for purposes of recording pedestrian crossing*
342 *violations and (ii) a stop sign violation monitoring system for purposes of recording stop sign violations.*

343 *A state or local law-enforcement agency may place and operate at a high-risk intersection segment*
344 *located within the locality (a) a pedestrian crossing violation monitoring system for the purpose of recording*
345 *pedestrian crossing violations and (b) a stop sign violation monitoring system for the purposes of recording*
346 *stop sign violations, provided that such law-enforcement agency certifies that a traffic fatality has occurred*
347 *since January 1, 2014, in such segment.*

348 C. The operator of a vehicle shall be liable for a monetary civil penalty imposed pursuant to this section if
349 such vehicle is found; (i) as evidenced by information obtained from a photo speed monitoring device, to be
350 traveling at speeds of at least 10 miles per hour above the posted speed limit in the zone monitored by the
351 photo speed monitoring device; (ii) as evidenced by information obtained from a pedestrian crossing
352 violation monitoring system, to have committed a pedestrian crossing violation; or (iii) as evidenced by
353 information obtained from a stop sign violation monitoring system, to have committed a stop sign violation.
354 Such civil penalty shall not exceed \$100, and any prosecution shall be instituted and conducted in the same
355 manner as prosecution for traffic infractions. Civil penalties collected under this section resulting from a
356 summons issued by a local law-enforcement officer shall be paid to the locality in which such violation
357 occurred. Civil penalties collected under this section resulting from a summons issued by a law-enforcement
358 officer employed by the Department of State Police shall be paid into the Literary Fund. However, all civil
359 penalties collected under this section resulting from a summons issued based on evidence obtained from a
360 photo speed monitoring device placed and operated at a high-risk intersection segment shall be paid to the
361 Commonwealth Transportation Board to be used for the Virginia Highway Safety Improvement Program
362 established pursuant to § 33.2-373.

363 D. If a photo speed monitoring device, *pedestrian crossing violation monitoring system, or stop sign*
364 *violation monitoring system* is used, proof of a vehicle speed violation, *pedestrian crossing violation, or stop*

365 *sign violation, respectively*, shall be evidenced by information obtained from such device. A certificate, or a
 366 facsimile thereof, sworn to or affirmed by a law-enforcement officer, based upon inspection of photographs,
 367 microphotographs, videotapes, or other recorded images produced by a photo speed monitoring device,
 368 *pedestrian crossing violation monitoring system, or stop sign violation monitoring system*, shall be prima
 369 facie evidence of the facts contained therein. Any photographs, microphotographs, videotapes, or other
 370 recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate
 371 the liability for such vehicle speed violation, *pedestrian crossing violation, or stop sign violation*.

372 E. In the prosecution for a vehicle speed violation, *pedestrian crossing violation, or stop sign violation* in
 373 which a summons was issued by mail, prima facie evidence that the vehicle described in the summons issued
 374 pursuant to this section was operated in a manner constituting a vehicle speed violation, *pedestrian crossing*
 375 *violation, or stop sign violation*, together with proof that the defendant was at the time of such violation the
 376 owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner,
 377 lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be
 378 rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the
 379 general district court that he was not the operator of the vehicle at the time of the alleged violation and
 380 provides the name and address of the person who was operating the vehicle at the time of the alleged
 381 violation or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of the
 382 alleged violation and provides the name and address of the person who was operating the vehicle at the time
 383 of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report,
 384 showing that the vehicle had been reported to the police as stolen prior to the time of the alleged vehicle
 385 speed violation, *pedestrian crossing violation, or stop sign violation*, is presented, prior to the return date
 386 established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

387 F. Imposition of a penalty pursuant to this section by mailing a summons shall not be deemed a conviction
 388 as an operator and shall not be made part of the operating record of the person upon whom such liability is
 389 imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.
 390 However, if a law-enforcement officer uses a photo speed monitoring device, *pedestrian crossing violation*
 391 *monitoring system, or stop sign violation monitoring system* to record a vehicle speed violation, *pedestrian*
 392 *crossing violation, or stop sign violation, respectively*, and personally issues a summons at the time of the
 393 violation, the conviction that results shall be made a part of such driver's driving record and used for
 394 insurance purposes in the provision of motor vehicle insurance coverage.

395 G. A summons for a vehicle speed violation, *pedestrian crossing violation, or stop sign violation* issued
 396 by mail pursuant to this section may be executed pursuant to § 19.2-76.2. Notwithstanding the provisions of §
 397 19.2-76, a summons issued by mail pursuant to this section may be executed by mailing by first-class mail a
 398 copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be
 399 mailed to the address contained in the records of or accessible to the Department. In the case of a vehicle
 400 lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter. Every
 401 such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut
 402 the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing
 403 of an affidavit as provided in subsection E and (ii) instructions for filing such affidavit, including the address
 404 to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the
 405 summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.
 406 No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to
 407 appear on the return date of the summons. If the summons is issued to an owner, lessee, or renter of a vehicle
 408 with a registration outside the Commonwealth and such person fails to appear on the date of return set out in
 409 the summons mailed pursuant to this section, the summons will be eligible for all legal collections activities.
 410 Any summons executed for a vehicle speed violation, *pedestrian crossing violation, or stop sign violation*
 411 issued pursuant to this section shall provide to the person summoned at least 30 days from the mailing of the
 412 summons to inspect information collected by a photo speed monitoring device, *pedestrian crossing violation*
 413 *monitoring system, or stop sign violation monitoring system, respectively*, in connection with the violation. If
 414 the law-enforcement agency that was operating the photo speed monitoring device, *pedestrian crossing*
 415 *violation monitoring system, or stop sign violation monitoring system* does not execute a summons for a
 416 vehicle speed violation, *pedestrian crossing violation, or stop sign violation, respectively*, issued pursuant to
 417 this section within 30 days from the date of the violation, all information collected pertaining to that
 418 suspected violation shall be purged within 60 days from the date of the violation.

419 H. A private vendor may enter into an agreement with a law-enforcement agency to be compensated for
 420 providing a photo speed monitoring device, *pedestrian crossing violation monitoring system, or stop sign*
 421 *violation monitoring system* and all related support services, including consulting, operations, and
 422 administration. However, only a law-enforcement officer may swear to or affirm the certificate required by
 423 this section. Any such agreement for compensation shall be based on the value of the goods and services
 424 provided, not on the number of violations paid or monetary penalties imposed. Any private vendor
 425 contracting with a law-enforcement agency pursuant to this section may enter into an agreement with the

426 Department, in accordance with the provisions of subdivision B 31 of § 46.2-208, to obtain vehicle owner
427 information regarding the registered owners of vehicles that committed a vehicle speed violation, *pedestrian*
428 *crossing violation, or stop sign violation*. Any such information provided to such private vendor shall be
429 protected in a database.

430 I. Information collected by a photo speed monitoring device, *pedestrian crossing violation monitoring*
431 *system, or stop sign violation monitoring system* operated pursuant to this section shall be limited exclusively
432 to that information that is necessary for the enforcement of vehicle speed violations, *pedestrian crossing*
433 *violations, or stop sign violations, respectively*. Information provided to the operator of a photo speed
434 monitoring device, *pedestrian crossing violation monitoring system, or stop sign violation monitoring system*
435 shall be protected in a database and used only for enforcement of vehicle speed violations, *pedestrian*
436 *crossing violations, or stop sign violations, respectively*, and enforcement against individuals who violate the
437 provisions of this section. Notwithstanding any other provision of law, all photographs, microphotographs,
438 videotapes, or other recorded images collected by a photo speed monitoring device, *pedestrian crossing*
439 *violation monitoring system, or stop sign violation monitoring system* shall be used exclusively for enforcing
440 vehicle speed violations, *pedestrian crossing violations, or stop sign violations, respectively*, and shall not be
441 (i) open to the public; (ii) sold or used for sales, solicitation, or marketing purposes; (iii) disclosed to any
442 other entity except as may be necessary for the enforcement of a vehicle speed violation, *pedestrian crossing*
443 *violation, or stop sign violation, respectively*, or to a vehicle owner or operator as part of a challenge to the
444 violation; or (iv) used in a court in a pending action or proceeding unless the action or proceeding relates to a
445 vehicle speed violation, *pedestrian crossing violation, or stop sign violation, respectively*, or a violation of
446 this section, or such information is requested upon order from a court of competent jurisdiction. Information
447 collected under this section pertaining to a specific violation shall be purged and not retained later than 60
448 days after the collection of any civil penalties. Any law-enforcement agency using photo speed monitoring
449 devices, *pedestrian crossing violation monitoring system, or stop sign violation monitoring system* shall
450 annually certify compliance with this section and make all records pertaining to such system available for
451 inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor
452 Vehicles or his designee. Any person who discloses personal information in violation of the provisions of this
453 subsection shall be subject to a civil penalty of \$1,000 per disclosure.

454 J. A conspicuous sign shall be placed within 1,000 feet of any school crossing zone, highway work zone,
455 or high-risk intersection segment at which a photo speed monitoring device, *pedestrian crossing violation*
456 *monitoring system, or stop sign violation monitoring system* is used, indicating the use of the device. There
457 shall be a rebuttable presumption that such sign was in place at the time of the commission of the speed limit
458 violation, *pedestrian crossing violation, or stop sign violation, respectively*.

459 K. Any state or local law-enforcement agency that places and operates a photo speed monitoring device,
460 *pedestrian crossing violation monitoring system, or stop sign violation monitoring system* pursuant to the
461 provisions of this section shall report to the Department of State Police, in a format to be determined by the
462 Department of State Police, by January 15 of each year on the number of traffic violations prosecuted, the
463 number of successful prosecutions, and the total amount of monetary civil penalties collected. The
464 Department of State Police shall aggregate such information and report it to the General Assembly by
465 February 15 of each year.

466 L. *Prior to implementing or expanding the use of a pedestrian crossing violation monitoring system or*
467 *stop sign violation monitoring system in a locality, the local law-enforcement agency shall conduct a public*
468 *awareness program to advise the public that such local law-enforcement agency is implementing or*
469 *expanding such pedestrian crossing violation monitoring system or stop sign violation monitoring system.*