

HOUSE BILL NO. 2041
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Transportation
on _____)
(Patron Prior to Substitute—Delegate Seibold)

A BILL to amend and reenact §§ 46.2-208, 46.2-882, and 46.2-882.1 of the Code of Virginia, relating to speed safety cameras; placement and operation.

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-208, 46.2-882, 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 [Repealed.]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 the limitations contained in subdivision 6.

8. Upon the written request of any motor vehicle rental or leasing company or its authorized agent, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the

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

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

88 The Department shall release to a requester information that is required for a requester to carry out the

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

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

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

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

11. a. For the purpose of obtaining information regarding noncommercial driver's license holders, upon the written request of any employer, prospective employer, or authorized agent of either, and with the written consent of the individual concerned, the Commissioner shall (i) 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 and (ii) provide the requester with driver information in the form of a transcript of an individual's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all driver's license suspensions, revocations, cancellations, or forfeiture, provided that such individual's position or the position that the individual is being considered for involves the operation of a motor vehicle.

b. For the purpose of obtaining information regarding commercial driver's license holders, upon the written request of any employer, prospective employer, or authorized agent of either, the Commissioner shall (i) 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 and (ii) provide the requester with driver information in the form of a transcript of such individual's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all driver's license suspensions, revocations, cancellations, forfeitures, or disqualifications, provided that such individual's position or the position that the individual is being considered for involves the operation of a commercial motor vehicle.

12. Upon the written request of any member of a volunteer fire company or volunteer emergency medical services agency and with written consent of the individual concerned, or upon the request of an applicant for membership in a volunteer fire company or to serve as volunteer emergency medical services personnel, the Commissioner shall (i) 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 and (ii) provide driver information in the form of a transcript of the individual's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such transcript shall be provided free of charge if the

request is accompanied by appropriate written evidence that the person is a member of or applicant for membership in a volunteer fire company or a volunteer emergency medical services agency and the transcript is needed by the requester to establish the qualifications of the member, volunteer, or applicant to operate equipment owned by the volunteer fire company or volunteer emergency medical services agency.

13. Upon the written request of a Virginia affiliate of Big Brothers Big Sisters of America, a Virginia affiliate of Compeer, or the Virginia Council of the Girl Scouts of the USA, and with the consent of the individual who is the subject of the information and has applied to be a volunteer with the requester, or on the written request of a Virginia chapter of the American Red Cross, a Virginia chapter of the Civil Air Patrol, or Faith in Action, and with the consent of the individual who is the subject of the information and applied to be a volunteer vehicle operator with the requester, the Commissioner shall (i) 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 and (ii) provide driver information in the form of a transcript of the applicant's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such transcript shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer or volunteer vehicle operator with the requester as provided in this subdivision.

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

15, 16. [Repealed.]

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

18. Upon the request, in the course of business, of any authorized agent of an insurance company or of

any not-for-profit entity organized to prevent and detect insurance fraud, or perform rating and underwriting activities, the Commissioner shall provide (i) all vehicle information, the owner's name and address, descriptive data and title, registration, and vehicle activity data, as requested, or (ii) the driver name, license number and classification, date of birth, and address information for each driver under the age of 22 licensed in the Commonwealth, provided that such request includes the driver's license number or address information of such driver. Use of such information shall be limited to use in connection with insurance claims investigation activities, antifraud activities, rating, or underwriting.

19. [Repealed.]

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

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

21. (For contingent effective date, see Acts 2023, c. 738, cl. 2) Upon the request of the operator of a toll facility, a traffic light photo monitoring system acting on behalf of a government entity, or the Dulles Access Highway, or an authorized agent or employee of a toll facility operator or traffic light photo monitoring system operator acting on behalf of a government entity or the Dulles Access Highway, for the purpose of obtaining vehicle owner data under subsection H of § 15.2-968.1, subsection A of § 33.2-504, subsection M

205 of § 46.2-819.1, subsection P of § 46.2-819.3:1, or subsection N of § 46.2-819.5. Information released
206 pursuant to this subdivision shall be limited to the name, physical address, and, if available, email or other
207 electronic address of the owner of the vehicle having failed to pay a toll or having failed to comply with a
208 traffic light signal or having improperly used the Dulles Access Highway and the vehicle information,
209 including all descriptive vehicle data and title registration data of the same vehicle.

210 22-26. [Repealed.]

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

215 28. [Repealed.]

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

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

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

229 31. Upon the request of the operator of a ~~photo speed monitoring device~~ *speed safety camera* as defined in
230 § 46.2-882.1 acting on behalf of a government entity, the Commissioner shall provide vehicle owner data
231 pursuant to subsection H of § 46.2-882.1. Information released pursuant to this subdivision shall be limited to
232 the name and address of the owner of the vehicle having committed a vehicle speed violation, as defined in §
233 46.2-882.1, and the vehicle information, including all descriptive vehicle data and title and registration data,

for such vehicle.

32. Notwithstanding the provisions of this section other than subdivision 33, the Department shall not release, except upon request by the subject of the information, the guardian of the subject of the information, the parent of a minor who is the subject of the information, or the authorized agent of the subject of the information, or pursuant to a court order, (i) proof documents submitted for the purpose of obtaining a driving credential or a special identification card, (ii) the information in the Department's records indicating the type of proof documentation that was provided, or (iii) applications relating to the issuance of a driving credential or a special identification card. As used in this subdivision, "proof document" means any document not originally created by the Department that is submitted to the Department for the issuance of any driving credential or special identification card. "Proof document" does not include any information contained on a driving credential or special identification card.

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

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

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

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

E. The Department shall not release any privileged information pursuant to this title unless the Department has entered into a written agreement authorizing such release. The Department shall require the requesting entity to specify the purpose authorized pursuant to this title that forms the basis for the request and provide the permissible purpose as defined under 18 U.S.C. § 2721(b). Privileged information requested

263 by an entity that has been altered or aggregated may be used only for the original purposes specified in the
264 written agreement consistent with this title. The requesting entity shall disseminate privileged information
265 only to third parties subject to the original purpose specified in the written agreement consistent with this
266 title. Any agreement that does not allow third-party distribution shall include a statement that such
267 distribution is prohibited. Such agreement may limit the scope of any authorized distribution consistent with
268 this title. Privileged information distributed to any third party shall only be further distributed by such third
269 party subject to the original purpose specified and consistent with this title, or unless such third party is the
270 subject of the information, the parent of a minor who is the subject of the information, the guardian of the
271 subject of the information, the authorized agent or representative of the subject of the information, or the
272 owner of the vehicle that is the subject of the information.

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

285 The provisions of this subsection shall not apply to (a) requests for information made pursuant to
286 subdivision B 4; (b) a request made by an entity authorized to receive privileged information pursuant to
287 subsection B, provided that such request is made on a form provided by the Department, other than a written
288 agreement, that requires the requester to certify that such entity is entitled to receive such information
289 pursuant to this title, state the purpose authorized pursuant to subsection B that forms the basis for the
290 request, explain why the information requested is necessary to accomplish the stated purpose, and certify that
291 the information will be used only for the stated purpose and the information received shall not be

disseminated to third parties unless there is authorization to do so; or (c) the release of information to a law-enforcement officer or agency during an emergency situation, provided that (1) the requesting entity is authorized to receive such information pursuant to subdivision B 9, (2) the timely release of such information is in the interest of public safety, and (3) the requesting entity completes the form required pursuant to clause (b) within 48 hours of the release of such information.

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

G. The Department shall conduct audits annually based on a risk assessment to ensure that privileged information released by the Department pursuant to this title is being used as authorized by law and pursuant to the agreements entered into by the Department. If the Department finds that privileged information has been used in a manner contrary to law or the relevant agreement, the Department may revoke access.

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

§ 46.2-882. Determining speed with various devices; certificate as to accuracy of device; arrest without warrant.

The speed of any motor vehicle may be determined by the use of (i) a laser speed determination device, (ii) radar, (iii) a microcomputer device that is physically connected to an odometer cable and both measures and records distance traveled and elapsed time to determine the average speed of a motor vehicle, or (iv) a microcomputer device that is located aboard an airplane or helicopter and measures and records distance traveled and elapsed time to determine the average speed of a motor vehicle being operated on highways within the Interstate System of highways as defined in § 33.2-100. The speed of motor vehicles may be determined by the use of a ~~photo speed monitoring device~~ *speed safety camera* as authorized in § 46.2-882.1. The results of such determinations shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceeding where the speed of the motor vehicle is at issue.

In any court or legal proceeding in which any question arises about the calibration or accuracy of any laser speed determination device, radar, microcomputer device, or ~~photo speed monitoring device~~ *speed safety camera* as described in this section used to determine the speed of any motor vehicle, a certificate, or a true copy thereof, showing the calibration or accuracy of (a) the speedometer of any vehicle, (b) any tuning fork

employed in calibrating or testing the radar or other speed determination device, or (c) any other method employed in calibrating or testing any laser speed determination device or ~~photo speed monitoring device~~ *speed safety camera*, and when and by whom the calibration was made, shall be admissible as evidence of the facts therein stated. No calibration or testing of any device other than a ~~photo speed monitoring device~~ *speed safety camera* shall be valid for longer than six months. No calibration or testing of a ~~photo speed monitoring device~~ *speed safety camera* shall be valid for longer than 12 months.

The driver of any such motor vehicle may be arrested without a warrant under this section if the arresting officer is in uniform and displays his badge of authority and if the officer has observed the registration of the speed of such motor vehicle by the laser speed determination device, radar, or microcomputer device as described in this section, or has received a radio message from the officer who observed the speed of the motor vehicle registered by the laser speed determination device, radar, or microcomputer device as described in this section. However, in case of an arrest based on such a message, such radio message shall have been dispatched immediately after the speed of the motor vehicle was registered and furnished the license number or other positive identification of the vehicle and the registered speed to the arresting officer.

Neither State Police officers nor local law-enforcement officers shall use laser speed determination devices or radar, as described herein in airplanes or helicopters for the purpose of determining the speed of motor vehicles.

State Police officers may use laser speed determination devices, radar, and/or microcomputer devices as described in this section. All localities may use radar and laser speed determination devices to measure speed. State Police officers and local law-enforcement may use ~~photo speed monitoring devices~~ *speed safety camera* s to measure speed as authorized in § 46.2-882.1. The Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William and towns within such counties may use microcomputer devices as described in this section.

The Division of Purchases and Supply, pursuant to § 2.2-1112, shall determine the proper equipment used to determine the speed of motor vehicles and shall advise the respective law-enforcement officials of the same. Police chiefs and sheriffs shall ensure that all such equipment and devices purchased on or after July 1, 1986, meet or exceed the standards established by the Division.

§ 46.2-882.1. Use of speed safety cameras in highway work zones, school crossing zones, high-risk speed corridor, and certain pedestrian corridors; civil penalty.

A. For the purposes of this section:

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

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

~~"Photo speed monitoring device"~~ *"Pole-mounted speed display sign"* means a self-contained system that uses radar or LIDAR-based speed detection to measure the real-time speed of an approaching vehicle and displays that speed to the driver.

"Speed safety camera" means equipment that uses radar or LIDAR-based speed detection and produces one or more photographs, microphotographs, videotapes, or other recorded images of vehicles.

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

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

B. 1. A state or local law-enforcement agency may place and operate a ~~photo speed monitoring device~~ *speed safety camera* in school crossing zones for the purposes of recording violations of § 46.2-873 and in highway work zones for the purposes of recording violations of § 46.2-878.1. *A speed safety camera placed in a highway work zone shall only be operated when the requisite conditions for a violation of § 46.2-878.1 to occur are present.*

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

No law-enforcement agency shall place and operate a speed safety camera in a location other than a school crossing zone, highway work zone, or high-risk speed corridor without the approval by ordinance of the local governing body as provided in subdivision 2.

2. *The governing body of any county, city, or town may also provide by ordinance for the placement and operation of a speed safety camera by the law-enforcement agency of such locality for the purposes of recording vehicle speed violations on any highway in such locality with a speed limit of 45 miles per hour or*

379 less that is located in (i) a priority pedestrian corridor as identified by the Department of Transportation in
380 the statewide Pedestrian Safety Action Plan or (ii) a high-risk pedestrian corridor as designated by the
381 Commissioner of Highways. The Commissioner of Highways shall develop criteria for designating a highway
382 segment as a high-risk pedestrian corridor.

383 C. The operator of a vehicle shall be liable for a monetary civil penalty imposed pursuant to this section if
384 such vehicle is found, as evidenced by information obtained from a ~~photo speed monitoring device~~ speed
385 safety camera, to be traveling at speeds of at least 10 miles per hour above the posted speed limit in the zone
386 monitored by the ~~photo speed monitoring device~~ speed safety camera. Such civil penalty shall not exceed
387 \$100, and any prosecution shall be instituted and conducted in the same manner as prosecution for traffic
388 infractions. Civil penalties collected under this section resulting from a summons issued by a local
389 law-enforcement officer shall be paid to the locality in which such violation occurred *to be deposited in a*
390 *fund used solely for the operating costs of such speed safety cameras, which shall not exceed the amount of*
391 *operating costs reported to the Department of State Police pursuant to subsection K, except that any excess*
392 *moneys in such fund shall be paid to the Commonwealth Transportation Board to be used for the Virginia*
393 *Highway Safety Improvement Program established pursuant to § 33.2-373. Civil penalties collected under*
394 *this section resulting from a summons issued by a law-enforcement officer employed by the Department of*
395 *State Police shall be paid into the Literary Fund to the Department of State Police to be deposited in a fund*
396 *used solely for the payment of the agreed upon compensation and actual program costs incurred by the*
397 *Department of State Police in placing and operating such speed safety cameras, except that any excess*
398 *moneys in such fund shall be paid to the Commonwealth Transportation Board to be used for the Virginia*
399 *Highway Safety Improvement Program established pursuant to § 33.2-373. However, all civil penalties*
400 *collected under this section resulting from a summons issued based on evidence obtained from a* ~~photo speed~~
401 ~~monitoring device~~ *speed safety camera placed and operated at a* ~~high-risk intersection segment~~ *high-risk*
402 *speed corridor shall be paid to the Commonwealth Transportation Board to be used for the Virginia Highway*
403 *Safety Improvement Program established pursuant to § 33.2-373.*

404 D. If a ~~photo speed monitoring device~~ speed safety camera is used, proof of a vehicle speed violation shall
405 be evidenced by information obtained from such device. A certificate, or a facsimile thereof, sworn to or
406 affirmed by a law-enforcement officer, based upon inspection of photographs, microphotographs, videotapes,
407 or other recorded images produced by a ~~photo speed monitoring device~~ speed safety camera, shall be prima

facie evidence of the facts contained therein. Any photographs, microphotographs, videotapes, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such vehicle speed violation.

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

F. Imposition of a penalty pursuant to this section by mailing a summons shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. However, if a law-enforcement officer uses a ~~photo speed monitoring device~~ *speed safety camera* to record a vehicle speed violation and personally issues a summons at the time of the violation, the conviction that results shall be made a part of such driver's driving record and used for insurance purposes in the provision of motor vehicle insurance coverage.

G. A summons for a vehicle speed violation issued by mail pursuant to this section may be executed pursuant to § 19.2-76.2. Notwithstanding the provisions of § 19.2-76, a summons issued by mail pursuant to this section may be executed by mailing by first-class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of or accessible to the Department. In the case of a vehicle lessee or renter, the copy shall be mailed to the

address contained in the records of the lessor or renter. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection E and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. *Every such mailing shall also include an explanation and necessary information for the process of contesting such an alleged violation and payment of a civil penalty.* If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. If the summons is issued to an owner, lessee, or renter of a vehicle with a registration outside the Commonwealth and such person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons will be eligible for all legal collections activities. Any summons executed for a vehicle speed violation issued pursuant to this section shall provide to the person summoned at least 30 days from the mailing of the summons to inspect information collected by a ~~photo speed monitoring device~~ *speed safety camera* in connection with the violation. If the *locality or* law-enforcement agency that was operating the ~~photo speed monitoring device~~ *speed safety camera* does not execute a summons for a vehicle speed violation issued pursuant to this section within 30 days from the date of the violation, all information collected pertaining to that suspected violation shall be purged within 60 days from the date of the violation.

H. A private vendor may enter into an agreement with a *locality or* law-enforcement agency to be compensated for providing a ~~photo speed monitoring device~~ *speed safety camera* and all related support services, including consulting, operations, and administration. However, only a law-enforcement officer may swear to or affirm the certificate required by this section. Any such agreement for compensation shall be based on the value of the goods and services provided, not on the number of violations paid or monetary penalties imposed. *Any such agreement for compensation shall provide that if such private vendor is responsible for mailing a summons pursuant to this section, such private vendor shall not impose or collect any additional fee, including any administrative fee, and shall only collect a civil penalty as authorized pursuant to this section.* Any private vendor contracting with a *locality or* law-enforcement agency pursuant to this section may enter into an agreement with the Department, in accordance with the provisions of subdivision B 31 of § 46.2-208, to obtain vehicle owner information regarding the registered owners of

vehicles that committed a vehicle speed violation. Any such information provided to such private vendor shall be protected in a database.

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

J. ~~A conspicuous sign~~ *At least two conspicuous signs* shall be placed within 1,000 feet of any school crossing zone, highway work zone, or ~~high-risk intersection segment~~ *high-risk speed corridor* at which a ~~photo speed monitoring device~~ *speed safety camera* is used, indicating the use of the ~~device~~ *camera*. *At least one of such signs shall be a pole-mounted speed display sign.* There ~~shall be~~ *is* a rebuttable presumption that such sign was in place at the time of the commission of the *vehicle speed limit* violation.

K. Any *locality or* state or local law-enforcement agency that places and operates a ~~photo speed monitoring device~~ *speed safety camera* pursuant to the provisions of this section shall report to the Department of State Police, in a format to be determined by the Department of State Police, by January 15 of

each year on the number of traffic violations prosecuted, the number of successful prosecutions, *the operating costs of the use of such speed safety camera*, and the total amount of monetary civil penalties collected. The Department of State Police shall aggregate such information and report it to the General Assembly by February 15 of each year.

L. Any locality or state or local law-enforcement agency that places and operates a speed safety camera pursuant to the provisions of this section shall develop an emergency action plan for addressing issues with such speed safety cameras, including system malfunctions. Such locality or law-enforcement agency shall follow current guidance published by the U.S. Department of Transportation regarding the use of speed safety cameras. Such locality or law-enforcement agency shall annually review its use of speed safety cameras to ensure effective distribution of such cameras to properly address safety needs and address racial, economic, and other equity issues and public concerns.

M. Any locality or state or local law-enforcement agency that places and operates a speed safety camera pursuant to the provisions of this section shall, on its website and social media accounts, (i) provide information regarding procedures for contesting an alleged vehicle speed violation and the process for paying the civil penalty for an alleged vehicle speed violation, (ii) establish a method for answering questions related to such speed safety cameras, and (iii) publicize any changes to the use of speed safety cameras, including the locations of new speed safety cameras. Such requirement shall be satisfied if the locality or state or local law-enforcement agency provides a link on its website and social media accounts to the website of the private vendor with which it has entered into an agreement pursuant to subsection H, provided that such website satisfies the requirements of clauses (i), (ii), and (iii) of this subsection.

N. Any locality in which speed safety cameras are placed and operated shall create an advisory group, consisting of stakeholders it deems necessary, to identify issues and public concerns regarding such speed safety cameras. Any locality or local law-enforcement agency that places and operates a speed safety camera pursuant to the provisions of this section in such locality shall, prior to such placement and operation, consult with or consider input from such advisory group regarding any issues it has identified with such placement and operation of a speed safety camera. The Department of State Police shall consult with the Department of Transportation regarding the use of speed safety cameras on highways in the primary state highway system and the Interstate System prior to the placement and operation of such speed safety cameras in highway work zones.

524 *O. For any new speed safety camera placed and operated after July 1, 2025, for the first 30 days of its*
525 *operation, the locality or law-enforcement agency shall issue a warning by mail instead of a summons for an*
526 *alleged vehicle speed violation and assess no civil penalty for such alleged vehicle speed violation. Nothing*
527 *in this subsection shall be construed to prevent a law-enforcement officer who uses a speed safety camera to*
528 *record a vehicle speed violation from personally issuing a summons at the time of the violation.*

529 *P. Any private vendor that has entered into an agreement with a locality or law-enforcement agency*
530 *pursuant to subsection H shall comply with the provisions of this section. Any private vendor that violates the*
531 *provisions of this section is subject to a civil penalty of \$1,000. All civil penalties received pursuant to this*
532 *subsection shall be paid to the Commonwealth Transportation Board to be used for the Virginia Highway*
533 *Safety Improvement Program established pursuant to § 33.2-373.*