

HOUSE BILL NO. 2041

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation

on February 13, 2025)

(Patron Prior to Substitute—Delegate Seibold)

A BILL to amend and reenact §§ 46.2-208 and 46.2-882.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-102.1, relating to pedestrian crossing violation monitoring systems and stop sign violation monitoring systems; violation enforcement; civil penalty.

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 and that the Code of Virginia is amended by adding a section numbered 46.2-102.1 as follows:

§ 46.2-102.1. Enforcement of federal traffic violations by state and local law-enforcement officers; Planning District 8.

A. Any person operating a motor vehicle on any highway within Planning District 8 who is guilty of any traffic infraction or traffic violation that although not made punishable by any provisions of this title, or any regulation adopted pursuant to this title, or any local ordinances adopted pursuant to the authority granted in this title would be punishable by the federal laws and regulations thereof in force at the time of such infraction or violation if committed on any highway within Planning District 8, including any highway located on property where the Commonwealth has transferred such property to the federal government subject to concurrent jurisdiction pursuant to Chapter 4 (§ 1-400 et seq.) of Title 1 or Chapter 494 of the Acts of Assembly of 1926, is guilty of a like offense and subject to a like punishment.

B. Any state or local law-enforcement officer authorized to enforce the provisions of this title pursuant to § 46.2-102 may enforce the provisions of this section on any highway within Planning District 8.

C. A violation of this section may be charged on the uniform traffic summons form and any action under this section shall be brought in the general district court of the city or county in which the violation occurred. The procedure for appeal and trial of any violation of this section shall be the same as provided by law for misdemeanors; if requested by either party on appeal to the circuit court, trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2, and the Commonwealth shall be required to prove its case beyond a reasonable doubt.

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

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

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

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

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

42 2, 3. [Repealed.]

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

- 56 5. Upon the written request of any insurance carrier or surety, or authorized agent of either, the
57 Commissioner shall furnish to such requester information in the record of any person subject to the
58 provisions of this title. The transcript shall include any record of any conviction of a violation of any
59 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 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 of any person subject to the provisions of this title. Such information 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 the subject of the information was involved and a report of which was filed pursuant to § 46.2-373. No such information shall include any record of any conviction or crash more than 60 months after the date of such 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 cease to be included in such information after 60 months

from the date on which the driver's license or driving privilege was reinstated. The response of the Commissioner under this subdivision shall not be admissible in evidence in any court proceedings.

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

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

118 carry out such official functions. If the Commissioner determines that sufficient authority has not been
119 provided by the requester to show that the purpose for which such information shall be used is one of the
120 requester's official functions, the Commissioner shall deny such request.

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

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

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

137 11. a. For the purpose of obtaining information regarding noncommercial driver's license holders, upon
138 the written request of any employer, prospective employer, or authorized agent of either, and with the written
139 consent of the individual concerned, the Commissioner shall (i) compare personal information supplied by
140 the requester with that contained in the Department's records and, when the information supplied by the
141 requester is different from that contained in the Department's records, provide the requester with correct
142 information as contained in the Department's records and (ii) provide the requester with driver information in
143 the form of a transcript of an individual's record, including all convictions, all crashes, any type of driver's
144 license that the individual currently possesses, and all driver's license suspensions, revocations, cancellations,
145 or forfeiture, provided that such individual's position or the position that the individual is being considered for
146 involves the operation of a motor vehicle.

147 b. For the purpose of obtaining information regarding commercial driver's license holders, upon the
148 written request of any employer, prospective employer, or authorized agent of either, the Commissioner shall
149 (i) compare personal information supplied by the requester with that contained in the Department's records
150 and, when the information supplied by the requester is different from that contained in the Department's
151 records, provide the requester with correct information as contained in the Department's records and (ii)
152 provide the requester with driver information in the form of a transcript of such individual's record, including
153 all convictions, all crashes, any type of driver's license that the individual currently possesses, and all driver's
154 license suspensions, revocations, cancellations, forfeitures, or disqualifications, provided that such
155 individual's position or the position that the individual is being considered for involves the operation of a
156 commercial motor vehicle.

157 12. Upon the written request of any member of a volunteer fire company or volunteer emergency medical
158 services agency and with written consent of the individual concerned, or upon the request of an applicant for
159 membership in a volunteer fire company or to serve as volunteer emergency medical services personnel, the
160 Commissioner shall (i) compare personal information supplied by the requester with that contained in the
161 Department's records and, when the information supplied by the requester is different from that contained in
162 the Department's records, provide the requester with correct information as contained in the Department's
163 records and (ii) provide driver information in the form of a transcript of the individual's record, including all
164 convictions, all crashes, any type of driver's license that the individual currently possesses, and all license
165 suspensions, revocations, cancellations, or forfeitures. Such transcript shall be provided free of charge if the
166 request is accompanied by appropriate written evidence that the person is a member of or applicant for
167 membership in a volunteer fire company or a volunteer emergency medical services agency and the transcript
168 is needed by the requester to establish the qualifications of the member, volunteer, or applicant to operate
169 equipment owned by the volunteer fire company or volunteer emergency medical services agency.

170 13. Upon the written request of a Virginia affiliate of Big Brothers Big Sisters of America, a Virginia
171 affiliate of Compeer, or the Virginia Council of the Girl Scouts of the USA, and with the consent of the
172 individual who is the subject of the information and has applied to be a volunteer with the requester, or on the
173 written request of a Virginia chapter of the American Red Cross, a Virginia chapter of the Civil Air Patrol, or
174 Faith in Action, and with the consent of the individual who is the subject of the information and applied to be
175 a volunteer vehicle operator with the requester, the Commissioner shall (i) compare personal information

176 supplied by the requester with that contained in the Department's records and, when the information supplied
177 by the requester is different from that contained in the Department's records, provide the requester with
178 correct information as contained in the Department's records and (ii) provide driver information in the form
179 of a transcript of the applicant's record, including all convictions, all crashes, any type of driver's license that
180 the individual currently possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such
181 transcript shall be provided at a fee that is one-half the normal charge if the request is accompanied by
182 appropriate written evidence that the person has applied to be a volunteer or volunteer vehicle operator with
183 the requester as provided in this subdivision.

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

190 15, 16. [Repealed.]

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

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

202 19. [Repealed.]

203 20. Upon the written request of the compliance agent of a private security services business, as defined in
204 § 9.1-138, which is licensed by the Virginia Department of Criminal Justice Services, the Commissioner shall

205 provide the name and address of the owner of the vehicle under procedures determined by the Commissioner.

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

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

229 22-26. [Repealed.]

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

28. [Repealed.]

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

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

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

31. Upon the request of the operator of a photo speed monitoring device, *pedestrian crossing violation monitoring system, or stop sign violation monitoring system*, as *those terms* are defined in § 46.2-882.1, acting on behalf of a government entity, the Commissioner shall provide vehicle owner data pursuant to subsection H of § 46.2-882.1. Information released pursuant to this subdivision shall be limited to the name and address of the owner of the vehicle having committed a vehicle speed violation, *pedestrian crossing violation, or stop sign violation, respectively*, as *those terms* are defined in § 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

263 credential or special identification card. "Proof document" does not include any information contained on a
264 driving credential or special identification card.

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

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

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

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

279 E. The Department shall not release any privileged information pursuant to this title unless the
280 Department has entered into a written agreement authorizing such release. The Department shall require the
281 requesting entity to specify the purpose authorized pursuant to this title that forms the basis for the request
282 and provide the permissible purpose as defined under 18 U.S.C. § 2721(b). Privileged information requested
283 by an entity that has been altered or aggregated may be used only for the original purposes specified in the
284 written agreement consistent with this title. The requesting entity shall disseminate privileged information
285 only to third parties subject to the original purpose specified in the written agreement consistent with this
286 title. Any agreement that does not allow third-party distribution shall include a statement that such
287 distribution is prohibited. Such agreement may limit the scope of any authorized distribution consistent with
288 this title. Privileged information distributed to any third party shall only be further distributed by such third
289 party subject to the original purpose specified and consistent with this title, or unless such third party is the
290 subject of the information, the parent of a minor who is the subject of the information, the guardian of the
291 subject of the information, the authorized agent or representative of the subject of the information, or the

owner of the vehicle that is the subject of the information.

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

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

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

A. For the purposes of this section:

"High-risk intersection segment" 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.

"National Park highway" means any highway within Planning District 8 that is located on property where the Commonwealth has transferred such property to the federal government subject to concurrent jurisdiction pursuant to Chapter 4 (§ 1-400 et seq.) of Title 1 or Chapter 494 of the Acts of Assembly of 1926 and such highway is maintained by the National Park Service.

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

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

"Photo speed monitoring device" 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.

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

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

352 "Vehicle speed violation" means a violation of this title resulting from the operation of a vehicle in excess
353 of the speed limit, including a violation of § 46.2-102.1, 46.2-873 or 46.2-878.1.

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

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

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

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

369 *A state or local law-enforcement agency may place and operate a photo speed monitoring device on a*
370 *National Park highway for the purposes of recording vehicle speed violations, pursuant to § 46.2-102.1,*
371 *provided that such law-enforcement agency has been authorized by the federal government or the National*
372 *Park Service to place such photo speed monitoring device on such National Park highway.*

373 C. The operator of a vehicle shall be liable for a monetary civil penalty imposed pursuant to this section if
374 such vehicle is found; (i) as evidenced by information obtained from a photo speed monitoring device, to be
375 traveling at speeds of at least 10 miles per hour above the posted speed limit in the zone monitored by the
376 photo speed monitoring device; (ii) as evidenced by information obtained from a pedestrian crossing
377 violation monitoring system, to have committed a pedestrian crossing violation; or (iii) as evidenced by
378 information obtained from a stop sign violation monitoring system, to have committed a stop sign violation.

Such civil penalty shall not exceed \$100, and any prosecution shall be instituted and conducted in the same manner as prosecution for traffic infractions. Civil penalties collected under this section resulting from a summons issued by a local law-enforcement officer shall be paid to the locality in which such violation occurred. Civil penalties collected under this section resulting from a summons issued by a law-enforcement officer employed by the Department of State Police shall be paid into the Literary Fund. However, all civil penalties collected under this section resulting from a summons issued based on evidence obtained from a photo speed monitoring device placed and operated at a high-risk intersection segment shall be paid to the Commonwealth Transportation Board to be used for the Virginia Highway Safety Improvement Program established pursuant to § 33.2-373.

D. If a photo speed monitoring device, *pedestrian crossing violation monitoring system, or stop sign violation monitoring system* is used, proof of a vehicle speed violation, *pedestrian crossing violation, or stop sign violation, respectively*, shall be evidenced by information obtained from such device. A certificate, or a facsimile thereof, sworn to or affirmed by a law-enforcement officer, based upon inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo speed monitoring device, *pedestrian crossing violation monitoring system, or stop sign violation monitoring system*, 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, *pedestrian crossing violation, or stop sign violation*.

E. In the prosecution for a vehicle speed violation, *pedestrian crossing violation, or stop sign 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, *pedestrian crossing violation, or stop sign 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, *pedestrian crossing violation*, or *stop sign 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, *pedestrian crossing violation monitoring system*, or *stop sign violation monitoring system* to record a vehicle speed violation, *pedestrian crossing violation*, or *stop sign violation*, respectively, 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, *pedestrian crossing violation*, or *stop sign 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. 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, *pedestrian crossing violation*, or *stop sign violation* issued pursuant to this section shall provide to the person summoned at least 30 days from the mailing of the

437 summons to inspect information collected by a photo speed monitoring device, *pedestrian crossing violation*
438 *monitoring system, or stop sign violation monitoring system, respectively*, in connection with the violation. If
439 the law-enforcement agency that was operating the photo speed monitoring device, *pedestrian crossing*
440 *violation monitoring system, or stop sign violation monitoring system* does not execute a summons for a
441 vehicle speed violation, *pedestrian crossing violation, or stop sign violation, respectively*, issued pursuant to
442 this section within 30 days from the date of the violation, all information collected pertaining to that
443 suspected violation shall be purged within 60 days from the date of the violation.

444 H. A private vendor may enter into an agreement with a law-enforcement agency to be compensated for
445 providing a photo speed monitoring device, *pedestrian crossing violation monitoring system, or stop sign*
446 *violation monitoring system* and all related support services, including consulting, operations, and
447 administration. However, only a law-enforcement officer may swear to or affirm the certificate required by
448 this section. Any such agreement for compensation shall be based on the value of the goods and services
449 provided, not on the number of violations paid or monetary penalties imposed. Any private vendor
450 contracting with a law-enforcement agency pursuant to this section may enter into an agreement with the
451 Department, in accordance with the provisions of subdivision B 31 of § 46.2-208, to obtain vehicle owner
452 information regarding the registered owners of vehicles that committed a vehicle speed violation, *pedestrian*
453 *crossing violation, or stop sign violation*. Any such information provided to such private vendor shall be
454 protected in a database.

455 I. Information collected by a photo speed monitoring device, *pedestrian crossing violation monitoring*
456 *system, or stop sign violation monitoring system* operated pursuant to this section shall be limited exclusively
457 to that information that is necessary for the enforcement of vehicle speed violations, *pedestrian crossing*
458 *violations, or stop sign violations, respectively*. Information provided to the operator of a photo speed
459 monitoring device, *pedestrian crossing violation monitoring system, or stop sign violation monitoring system*
460 shall be protected in a database and used only for enforcement of vehicle speed violations, *pedestrian*
461 *crossing violations, or stop sign violations, respectively*, and enforcement against individuals who violate the
462 provisions of this section. Notwithstanding any other provision of law, all photographs, microphotographs,
463 videotapes, or other recorded images collected by a photo speed monitoring device, *pedestrian crossing*
464 *violation monitoring system, or stop sign violation monitoring system* shall be used exclusively for enforcing
465 vehicle speed violations, *pedestrian crossing violations, or stop sign violations, respectively*, 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, *pedestrian crossing violation, or stop sign violation, respectively*, 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, *pedestrian crossing violation, or stop sign violation, respectively*, 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 law-enforcement agency using photo speed monitoring devices, *pedestrian crossing violation monitoring system, or stop sign violation monitoring system* 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 shall be placed within 1,000 feet of any school crossing zone, highway work zone, ~~or~~ high-risk intersection segment, , *or National Park highway* at which a photo speed monitoring device, *pedestrian crossing violation monitoring system, or stop sign violation monitoring system* is used, indicating the use of the device. There shall be a rebuttable presumption that such sign was in place at the time of the commission of the speed limit violation, *pedestrian crossing violation, or stop sign violation, respectively*.

K. Any state or local law-enforcement agency that places and operates a photo speed monitoring device, *pedestrian crossing violation monitoring system, or stop sign violation monitoring system* 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, 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. *Prior to implementing or expanding the use of a pedestrian crossing violation monitoring system or stop sign violation monitoring system in a locality, the local law-enforcement agency shall conduct a public awareness program to advise the public that such local law-enforcement agency is implementing or expanding such pedestrian crossing violation monitoring system or stop sign violation monitoring system.*

495 2. That the provisions of this act shall authorize any locality within Planning District 8 to seek
496 authorization from the federal government or the National Park Service for the purpose of such
497 locality's local law-enforcement agency placing a photo speed monitoring device on a National Park
498 highway.