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SENATE BILL NO. 150

Offered January 14, 2026

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A BILL to amend and reenact § 46.2-844 of the Code of Virginia, relating to school bus video-monitoring systems; enforcement; sworn or affirmed certificates.

Patron—Craig

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-844 of the Code of Virginia is amended and reenacted as follows:****§ 46.2-844. Passing stopped school buses; prima facie evidence; penalty.**

A. The driver of a motor vehicle approaching from any direction a clearly marked school bus that is stopped on any highway, private road, or school driveway for the purpose of taking on or discharging children, elderly individuals, or individuals with mental or physical disabilities, who, in violation of § 46.2-859, fails to stop and remain stopped until all such individuals are clear of the highway, private road, or school driveway and the bus is put in motion is subject to a civil penalty of \$250, and any prosecution shall be instituted and conducted in the same manner as prosecutions for traffic infractions.

A prosecution or proceeding under § 46.2-859 is a bar to a prosecution or proceeding under this section for the same act, and a prosecution or proceeding under this section is a bar to a prosecution or proceeding under § 46.2-859 for the same act.

In any prosecution for which a summons charging a violation of this section was issued within 30 business days of the alleged violation, proof that the motor vehicle described in the summons was operated in violation of this section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.) shall give rise to a rebuttable presumption that the registered owner of the vehicle was the person who operated the vehicle at the place where, and for the time during which, the violation occurred. Such presumption shall be rebutted if (i) the owner of the vehicle 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, (ii) the owner testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation, or (iii) 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 violation of this section is presented prior to the return date established on the summons issued pursuant to this section to the court adjudicating the alleged violation. Nothing herein shall limit the admission of otherwise admissible evidence.

The testimony of the school bus driver, the supervisor of school buses, or a law-enforcement officer that the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning devices as prescribed in § 46.2-1090 is prima facie evidence that the vehicle is a school bus.

If a video-monitoring system is used, proof of a violation of this section shall be evidenced by information obtained from such device. A certificate, or a facsimile thereof, sworn to or affirmed by a law-enforcement officer or a retired sworn law-enforcement officer, based upon inspection of photographs, microphotographs, videotapes, or other recorded images produced by a video-monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotapes, or other recorded images evidencing a violation of this section shall be available for inspection in any proceeding to adjudicate the liability for such violation.

Recorded images from a video-monitoring system that show the bus was stopped with at least one warning device prescribed in § 46.2-1090 activated shall be considered prima facie evidence that the bus was stopped for the purpose of taking on or discharging children, elderly individuals, or individuals with mental or physical disabilities.

B. 1. For purposes of this section, "~~video-monitoring~~:"

"Retired sworn law-enforcement officer" means any officer of the United States, or of a state or political subdivision thereof, who was empowered by law to conduct investigations and make arrests and any attorney authorized by law to prosecute or participate in the prosecution of such offenses, who at the time of retirement kept an up-to-date certification and retired honorably in good standing. A retired sworn law-enforcement officer shall not be required to keep an up-to-date certification after the date of his retirement.

"Video-monitoring system" means a system with one or more camera sensors and computers installed and operated on a school bus that produces live digital and recorded video of motor vehicles being operated in violation of § 46.2-859. All such systems installed shall, at a minimum, produce a recorded image of the license plate and shall record the activation status of at least one warning device as prescribed in § 46.2-1090

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59 and the time, date, and location of the vehicle when the image is recorded.

60 2. A locality may, by ordinance, authorize the school division of the locality to install and operate a
61 video-monitoring system in or on the school buses operated by the division or to contract with a private
62 vendor to do so on behalf of the school division for the purpose of recording violations of subsection A. Such
63 ordinance may direct that any civil penalty levied for a violation of subsection A shall be payable to the local
64 school division. In any locality that has adopted such an ordinance, a summons for a violation of subsection
65 A may be executed as provided in § 19.2-76.2 and, notwithstanding the provisions of § 19.2-76, the summons
66 may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle
67 contained in the records of the Department. Every such mailing shall include, in addition to the summons, a
68 notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at
69 the time of the alleged violation through the filing of an affidavit as provided in subsection A and (ii)
70 instructions for filing such an affidavit, including the address to which the affidavit is to be sent. If the
71 summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section,
72 the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of
73 a person summoned by mailing shall be instituted for failure to appear on the return date of the summons.
74 Any summons executed for violation of this section shall provide to the person summoned at least 30
75 business days from the mailing of the summons to inspect information collected by a video-monitoring
76 system in connection with the violation.

77 3. Any private vendor contracting with a school division pursuant to this subsection may impose and
78 collect an administrative fee in addition to the civil penalty imposed for a violation of subsection A and
79 payable pursuant to this subsection, so as to recover the expenses of collecting any unpaid civil penalty when
80 such penalty remains due more than 30 days after the date of the mailing of the summons and notice. The
81 administrative fee shall be reasonably related to the actual cost of collecting the civil penalty and shall not
82 exceed \$100 per violation. The operator of the vehicle shall pay the unpaid civil penalty and any
83 administrative fee detailed in a notice or citation issued by the private vendor. If paid no later than 60 days
84 after the date of the mailing of the summons and notice, the administrative fee shall not exceed \$25. No
85 contract entered into pursuant to this subsection shall require a minimum quota of violations captured or
86 citations issued in order for the video-monitoring system to be deployed.

87 4. Any private vendor contracting with a school division pursuant to this subsection may enter into an
88 agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 30 of
89 § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that improperly
90 pass stopped school buses. *However, only a law-enforcement officer or retired sworn law-enforcement officer*
91 *may swear to or affirm the certificate required by this section.* Information provided to such private vendor
92 shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system
93 and used only for enforcement against individuals who violate the provisions of this section. The school
94 division shall annually certify compliance with this subdivision and make all records pertaining to such
95 system available for inspection and audit by the Commissioner of Highways or the Commissioner of the
96 Department of Motor Vehicles or their designee. Any person who discloses personal information in violation
97 of the provisions of this subdivision shall be subject to a civil penalty of \$1,000 per disclosure. Any
98 unauthorized use or disclosure of such personal information shall be grounds for termination of the agreement
99 between the Department of Motor Vehicles and the private vendor.