

2026 SESSION

INTRODUCED

26103249D

1 **SENATE BILL NO. 219**

2 Offered January 14, 2026

3 Prefiled January 9, 2026

4 *A BILL to amend and reenact § 46.2-882.1 of the Code of Virginia, relating to photo speed monitoring*
5 *devices; civil penalties; summons; reports.*

6 Patron—Jones, M.

7
8 Referred to Committee on Transportation
9

10 **Be it enacted by the General Assembly of Virginia:**

11 **1. That § 46.2-882.1 of the Code of Virginia is amended and reenacted as follows:**

12 **§ 46.2-882.1. Use of photo speed monitoring devices in highway work zones, school crossing zones,**
13 **and high-risk intersection segments; civil penalty.**

14 A. For the purposes of this section:

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

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

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

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

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

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

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

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

37 C. The operator of a vehicle shall be liable for a monetary civil penalty imposed pursuant to this section if
38 such vehicle is found, as evidenced by information obtained from a photo speed monitoring device, to be
39 traveling at speeds of at least 10 miles per hour above the posted speed limit in the zone monitored by the
40 photo speed monitoring device. Such civil penalty shall not exceed \$100, and any prosecution shall be
41 instituted and conducted in the same manner as prosecution for traffic infractions. Civil penalties collected
42 under this section resulting from a summons issued by a local law-enforcement officer or retired sworn
43 law-enforcement officer employed by a locality shall be paid to the locality in which such violation occurred.
44 Civil penalties collected under this section resulting from a summons issued by a law-enforcement officer or
45 retired sworn law-enforcement officer employed by the Department of State Police shall be paid into the
46 *Literary Fund to the locality in which such violation occurred to be used for the sole purpose of improving*
47 *pedestrian safety infrastructure, including installing traffic calming devices, narrowing roads, installing*
48 *crosswalks and sidewalks, improving lighting and safety lights, and installing curb bump-outs.* However, all
49 civil penalties collected under this section resulting from a summons issued based on evidence obtained from
50 a photo speed monitoring device placed and operated at a high-risk intersection segment shall be paid to the
51 Commonwealth Transportation Board to be used for the Virginia Highway Safety Improvement Program
52 established pursuant to § 33.2-373.

53 D. If a photo speed monitoring device is used, proof of a vehicle speed violation shall be evidenced by
54 information obtained from such device. A certificate, or a facsimile thereof, sworn to or affirmed by a
55 law-enforcement officer or a retired sworn law-enforcement officer, based upon inspection of photographs,
56 microphotographs, videotapes, or other recorded images produced by a photo speed monitoring device, shall
57 be prima facie evidence of the facts contained therein. However, for any photo speed monitoring device
58 placed in a school crossing zone, such sworn certificate or facsimile thereof shall not be prima facie evidence

INTRODUCED

SB219

59 of the facts contained therein unless such photographs, microphotographs, videotapes, or other recorded
60 images, or documentation, depict or confirm a portable sign or tilt-over sign that is in position or blinking
61 sign that is activated, indicating the school crossing zone pursuant to § 46.2-873, at the time of such vehicle
62 speed violation. Any photographs, microphotographs, videotapes, or other recorded images evidencing such a
63 violation shall be available for inspection in any proceeding to adjudicate the liability for such vehicle speed
64 violation.

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

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

86 G. A summons for a vehicle speed violation issued by mail pursuant to this section may be executed
87 pursuant to § 19.2-76.2. Notwithstanding the provisions of § 19.2-76, a summons issued by mail pursuant to
88 this section may be executed by mailing by first-class mail a copy thereof to the owner, lessee, or renter of
89 the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of
90 or accessible to the Department. In the case of a vehicle lessee or renter, the copy shall be mailed to the
91 address contained in the records of the lessor or renter. Every such mailing shall include, in addition to the
92 summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of
93 the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection E
94 and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the
95 summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section,
96 ~~the summons shall be executed in the manner set out in notwithstanding the provisions of § 19.2-76.3, a~~
97 ~~second summons shall be mailed pursuant to this section. If such person fails to appear on the date of return~~
98 ~~set out in the second summons mailed pursuant to this section, the court shall notify the Commissioner who~~
99 ~~shall refuse to issue or renew the vehicle registration certificate or the license plate issued for such vehicle in~~
100 ~~the manner described in § 46.2-819.10, mutatis mutandis, until the civil penalties imposed pursuant to~~
101 ~~subsection C and any administrative fees have been paid. The date of return set out in the second summons~~
102 ~~mailed pursuant to this section shall be 30 days from the mailing of such second summons.~~ No proceedings
103 for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return
104 date of the summons. If the ~~summons is~~ *summons* are issued to an owner, lessee, or renter of a vehicle with
105 a registration outside the Commonwealth and such person fails to appear on the date of return set out in the
106 *second* summons mailed pursuant to this section, the summons will be eligible for all legal collections
107 activities. Any summons executed for a vehicle speed violation issued pursuant to this section shall provide to
108 the person summoned at least 30 days from the mailing of the summons to inspect information collected by a
109 photo speed monitoring device in connection with the violation. If the law-enforcement agency that was
110 operating the photo speed monitoring device does not execute a summons for a vehicle speed violation issued
111 pursuant to this section within 30 days from the date of the violation, all information collected pertaining to
112 that suspected violation shall be purged within 60 days from the date of the violation.

113 H. A private vendor may enter into an agreement with a law-enforcement agency to be compensated for
114 providing a photo speed monitoring device and all related support services, including consulting, operations,
115 and administration. However, only a law-enforcement officer or retired sworn law-enforcement officer may
116 swear to or affirm the certificate required by this section. Any such agreement for compensation shall be
117 based on the value of the goods and services provided, not on the number of violations paid or monetary
118 penalties imposed. Any private vendor contracting with a law-enforcement agency pursuant to this section
119 may enter into an agreement with the Department, in accordance with the provisions of subdivision B 31 of
120 § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that committed a

121 vehicle speed violation. Any such information provided to such private vendor shall be protected in a
122 database.

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

141 J. A conspicuous sign shall be placed within 1,000 feet of any school crossing zone, highway work zone,
142 or high-risk intersection segment at which a photo speed monitoring device is used, indicating the use of the
143 device. There shall be a rebuttable presumption that such sign was in place at the time of the commission of
144 the speed limit violation.

145 K. Any state or local law-enforcement agency that places and operates a photo speed monitoring device
146 pursuant to the provisions of this section shall report to the Department of State Police, in a format to be
147 determined by the Department of State Police, by *January 15 the fifteenth day of each year* month on, *for the*
148 *previous month*, the number of traffic violations prosecuted, the number of successful prosecutions, and the
149 total amount of monetary civil penalties collected. The Department of State Police shall aggregate such
150 information and report it to the General Assembly by February 15 of each year. *The Department of State*
151 *Police shall also maintain on its website a public database of such information reported for each locality and*
152 *update such information monthly no later than the last day of each month.*