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1 **HOUSE BILL NO. 818**

2 Offered January 14, 2026

3 Prefiled January 13, 2026

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

6 Patron—Carr

7 Committee Referral Pending

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That § 46.2-882.1 of the Code of Virginia is amended and reenacted as follows:**10 **§ 46.2-882.1. Use of photo speed monitoring devices in highway work zones, school crossing zones,**
11 **high-risk intersection segments, and reduced-speed segments; civil penalty.**

12 A. For the purposes of this section:

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

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

18 "Photo speed monitoring device" means equipment that uses radar or LIDAR-based speed detection and
19 produces one or more photographs, microphotographs, videotapes, or other recorded images of vehicles.20 "Reduced-speed segment" means any highway or portion thereof for which a locality has by ordinance
21 reduced its speed limit pursuant to § 46.2-1300.22 "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 A locality without its own law-enforcement agency may by ordinance place and operate a photo speed
38 monitoring device at a reduced-speed segment located within the locality for the purpose of recording vehicle
39 speed violations. Any such locality without its own law-enforcement agency that places and operates such a
40 photo speed monitoring device shall by ordinance authorize officers of the law-enforcement agency with
41 jurisdiction within such locality or retired sworn law-enforcement officers employed by the locality to issue a
42 summons pursuant to subsection C and swear to or affirm a certificate or facsimile thereof pursuant to
43 subsection D.44 C. The operator of a vehicle shall be liable for a monetary civil penalty imposed pursuant to this section if
45 such vehicle is found, as evidenced by information obtained from a photo speed monitoring device, to be
46 traveling at speeds of at least 10 miles per hour above the posted speed limit in the zone monitored by the
47 photo speed monitoring device. Such civil penalty shall not exceed \$100, and any prosecution shall be
48 instituted and conducted in the same manner as prosecution for traffic infractions. Civil penalties collected
49 under this section resulting from a summons issued by a local law-enforcement officer, law-enforcement
50 officer duly authorized by a locality without its own law-enforcement agency, or retired sworn
51 law-enforcement officer employed by a locality shall be paid to the locality in which such violation occurred.
52 Civil penalties collected under this section resulting from a summons issued by a law-enforcement officer or
53 retired sworn law-enforcement officer employed by the Department of State Police shall be paid into the
54 Literary Fund. However, all civil penalties collected under this section resulting from a summons issued
55 based on evidence obtained from a photo speed monitoring device placed and operated at a high-risk
56 intersection segment shall be paid to the Commonwealth Transportation Board to be used for the Virginia
57 58

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59 Highway Safety Improvement Program established pursuant to § 33.2-373.

60 D. If a photo speed monitoring device is used, proof of a vehicle speed violation shall be evidenced by
61 information obtained from such device. A certificate, or a facsimile thereof, sworn to or affirmed by a
62 law-enforcement officer or a retired sworn law-enforcement officer, based upon inspection of photographs,
63 microphotographs, videotapes, or other recorded images produced by a photo speed monitoring device, shall
64 be *prima facie* evidence of the facts contained therein. However, for any photo speed monitoring device
65 placed in a school crossing zone, such sworn certificate or facsimile thereof shall not be *prima facie* evidence
66 of the facts contained therein unless such photographs, microphotographs, videotapes, or other recorded
67 images, or documentation, depict or confirm a portable sign or tilt-over sign that is in position or blinking
68 sign that is activated, indicating the school crossing zone pursuant to § 46.2-873, at the time of such vehicle
69 speed violation. Any photographs, microphotographs, videotapes, or other recorded images evidencing such a
70 violation shall be available for inspection in any proceeding to adjudicate the liability for such vehicle speed
71 violation.

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

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

93 G. A summons for a vehicle speed violation issued by mail pursuant to this section may be executed
94 pursuant to § 19.2-76.2. Notwithstanding the provisions of § 19.2-76, a summons issued by mail pursuant to
95 this section may be executed by mailing by first-class mail a copy thereof to the owner, lessee, or renter of
96 the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of
97 or accessible to the Department. In the case of a vehicle lessee or renter, the copy shall be mailed to the
98 address contained in the records of the lessor or renter. Every such mailing shall include, in addition to the
99 summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of
100 the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection E
101 and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the
102 summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section,
103 the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of
104 a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. If
105 the summons is issued to an owner, lessee, or renter of a vehicle with a registration outside the
106 Commonwealth and such person fails to appear on the date of return set out in the summons mailed pursuant
107 to this section, the summons will be eligible for all legal collections activities. Any summons executed for a
108 vehicle speed violation issued pursuant to this section shall provide to the person summoned at least 30 days
109 from the mailing of the summons to inspect information collected by a photo speed monitoring device in
110 connection with the violation. If the law-enforcement agency that was operating the photo speed monitoring
111 device *or the law-enforcement officer or retired sworn law-enforcement officer duly authorized by the*
112 *locality without its own law-enforcement agency operating the photo speed monitoring device pursuant to*
113 *this section* does not execute a summons for a vehicle speed violation issued pursuant to this section within
114 30 days from the date of the violation, all information collected pertaining to that suspected violation shall be
115 purged within 60 days from the date of the violation.

116 H. A private vendor may enter into an agreement with a law-enforcement agency *or a locality without its*
117 *own law-enforcement agency* to be compensated for providing a photo speed monitoring device and all
118 related support services, including consulting, operations, and administration. However, only a
119 law-enforcement officer or retired sworn law-enforcement officer may swear to or affirm the certificate
120 required by this section. Any such agreement for compensation shall be based on the value of the goods and

121 services provided, not on the number of violations paid or monetary penalties imposed. Any private vendor
122 contracting with a law-enforcement agency *or a locality without its own law-enforcement agency* pursuant to
123 this section may enter into an agreement with the Department, in accordance with the provisions of
124 subdivision B 31 of § 46.2-208, to obtain vehicle owner information regarding the registered owners of
125 vehicles that committed a vehicle speed violation. Any such information provided to such private vendor
126 shall be protected in a database.

127 I. Information collected by a photo speed monitoring device operated pursuant to this section shall be
128 limited exclusively to that information that is necessary for the enforcement of vehicle speed violations.
129 Information provided to the operator of a photo speed monitoring device shall be protected in a database and
130 used only for enforcement of vehicle speed violations and enforcement against individuals who violate the
131 provisions of this section. Notwithstanding any other provision of law, all photographs, microphotographs,
132 videotapes, or other recorded images collected by a photo speed monitoring device shall be used exclusively
133 for enforcing vehicle speed violations and shall not be (i) open to the public; (ii) sold or used for sales,
134 solicitation, or marketing purposes; (iii) disclosed to any other entity except as may be necessary for the
135 enforcement of a vehicle speed violation or to a vehicle owner or operator as part of a challenge to the
136 violation; or (iv) used in a court in a pending action or proceeding unless the action or proceeding relates to a
137 vehicle speed violation or a violation of this section, or such information is requested upon order from a court
138 of competent jurisdiction. Information collected under this section pertaining to a specific violation shall be
139 purged and not retained later than 60 days after the collection of any civil penalties. Any *locality without its*
140 *own law-enforcement agency or law-enforcement agency* using photo speed monitoring devices shall
141 annually certify compliance with this section and make all records pertaining to such system available for
142 inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor
143 Vehicles or his designee. Any person who discloses personal information in violation of the provisions of this
144 subsection shall be subject to a civil penalty of \$1,000 per disclosure.

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

149 K. Any *locality without its own law-enforcement agency or state or local law-enforcement agency* that
150 places and operates a photo speed monitoring device pursuant to the provisions of this section shall report to
151 the Department of State Police, in a format to be determined by the Department of State Police, by January 15
152 of each year on the number of traffic violations prosecuted, the number of successful prosecutions, and the
153 total amount of monetary civil penalties collected. The Department of State Police shall aggregate such
154 information and report it to the General Assembly by February 15 of each year.