

2026 SESSION

INTRODUCED

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1 **HOUSE BILL NO. 1220**

2 Offered January 14, 2026

3 Prefiled January 14, 2026

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

6 Patrons—Delaney; Senators: Aird and Peake

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 "*Operating costs*" means the costs attributable to a locality's photo speed monitoring device program,
23 including costs for (i) devices and associated equipment, including the installation and operation of such
24 devices and equipment; (ii) signs and speed display signs indicating the use of a photo speed monitoring
25 device; (iii) contracts with private vendors; and (iv) personnel costs.

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

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

32 "Speed display sign" means a self-contained system that uses radar or LIDAR-based speed detection to
33 measure the real-time speed of an approaching vehicle and displays that speed to the driver.

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

36 "*Workers are present*" means two or more individuals are physically present and providing highway
37 maintenance or construction services pursuant to a contract with the Department of Transportation or a
38 political subdivision of the Commonwealth.

39 B. A state or local law-enforcement agency may place and operate a photo speed monitoring device in
40 school crossing zones for the purposes of recording violations of § 46.2-873 and, when workers are present,
41 in highway work zones for the purposes of recording violations of § 46.2-878.1.

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

46 C. The operator of a vehicle shall be liable for a monetary civil penalty imposed pursuant to this section if
47 such vehicle is found, as evidenced by information obtained from a photo speed monitoring device, to be
48 traveling at speeds of at least 10 miles per hour above the posted speed limit in the zone monitored by the
49 photo speed monitoring device, provided that if such zone is a highway work zone, workers are present. Such
50 civil penalty shall not exceed \$100, and any prosecution shall be instituted and conducted in the same manner
51 as prosecution for traffic infractions. Civil penalties collected under this section resulting from a summons
52 issued by a local law-enforcement officer or retired sworn law-enforcement officer employed by a locality
53 shall be paid to the locality in which such violation occurred to be used for its photo speed monitoring device
54 program. Any funds in excess of those allocated for such purposes shall be deposited in a local fund used
55 solely for planning, design, and construction projects for traffic safety; speed management; bicycle and
56 pedestrian safety; and local systemic safety initiatives otherwise eligible for funding through the Virginia
57 Highway Safety Improvement Program established pursuant to § 33.2-373. Any such excess funds shall first
58 be used for such purposes in highway work zones, high-risk intersection segments, or school crossing zones

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59 *prior to being used for such purposes in any other area.* Civil penalties collected under this section resulting
60 from a summons issued by a law-enforcement officer or retired sworn law-enforcement officer employed by
61 the Department of State Police shall be paid into the Literary Fund. However, all civil penalties collected
62 under this section resulting from a summons issued based on evidence obtained from a photo speed
63 monitoring device placed and operated at a high-risk intersection segment shall be paid to the Commonwealth
64 Transportation Board to be used for the Virginia Highway Safety Improvement Program established pursuant
65 to § 33.2-373.

66 D. If a photo speed monitoring device is used, proof of a vehicle speed violation shall be evidenced by
67 information obtained from such device. A certificate, or a facsimile thereof, sworn to or affirmed by a
68 law-enforcement officer or a retired sworn law-enforcement officer, based upon inspection of photographs,
69 microphotographs, videotapes, or other recorded images produced by a photo speed monitoring device, shall
70 be *prima facie* evidence of the facts contained therein. However, for any photo speed monitoring device
71 placed in a school crossing zone, such sworn certificate or facsimile thereof shall not be *prima facie* evidence
72 of the facts contained therein unless such photographs, microphotographs, videotapes, or other recorded
73 images, or documentation, depict or confirm a portable sign or tilt-over sign that is in position or blinking
74 sign that is activated, indicating the school crossing zone pursuant to § 46.2-873, at the time of such vehicle
75 speed violation. *However, for any photo speed monitoring device placed in a highway work zone, such sworn*
76 *certificate or facsimile thereof shall not be *prima facie* evidence of the facts contained therein unless such*
77 *photographs, microphotographs, videotapes, or other recorded images or documentation depict or confirm,*
78 *or the operator of the photo speed monitoring device provides a sworn certification verifying, that workers*
79 *were present and visible in any direction from the location of such device at the time of such violation.* Any
80 photographs, microphotographs, videotapes, or other recorded images evidencing such a violation shall be
81 available for inspection in any proceeding to adjudicate the liability for such vehicle speed violation.

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

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

103 G. 1. *The Supreme Court of Virginia shall develop a summons for purposes of this section. Every*
104 *summons issued pursuant to this section shall be such a summons.*

105 2. A summons for a vehicle speed violation issued by mail pursuant to this section may be executed
106 pursuant to § 19.2-76.2. Notwithstanding the provisions of § 19.2-76, a summons issued by mail pursuant to
107 this section may be executed by mailing by first-class mail a copy thereof to the owner, lessee, or renter of
108 the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of
109 or accessible to the Department. In the case of a vehicle lessee or renter, the copy shall be mailed to the
110 address contained in the records of the lessor or renter. Every such mailing shall include, in addition to the
111 summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of
112 the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection E
113 and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. *Every*
114 *such mailing shall also include an explanation of and any information necessary for the process of contesting*
115 *such an alleged violation and payment of a civil penalty.* If the summoned person fails to appear on the date
116 of return set out in the summons mailed pursuant to this section, the summons shall be executed in the
117 manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall
118 be instituted for failure to appear on the return date of the summons. If the summons is issued to an owner,
119 lessee, or renter of a vehicle with a registration outside the Commonwealth and such person fails to appear on
120 the date of return set out in the summons mailed pursuant to this section, the summons will be eligible for all

121 legal collections activities. Any summons executed for a vehicle speed violation issued pursuant to this
 122 section shall provide to the person summoned at least 30 days from the mailing of the summons to inspect
 123 information collected by a photo speed monitoring device in connection with the violation, *including proof of*
 124 *calibration of the photo speed monitoring device used to record the alleged vehicle speed violation*. If the
 125 law-enforcement agency that was operating the photo speed monitoring device does not execute a summons
 126 for a vehicle speed violation issued pursuant to this section within 30 days from the date of the violation, all
 127 information collected pertaining to that suspected violation shall be purged within 60 days from the date of
 128 the violation.

129 H. A private vendor may enter into an agreement with a law-enforcement agency to be compensated for
 130 providing a photo speed monitoring device and all related support services, including consulting, operations,
 131 and administration. However, only a law-enforcement officer or retired sworn law-enforcement officer may
 132 swear to or affirm the certificate required by this section. Any such agreement for compensation shall be
 133 based on the value of the goods and services provided, not on the number of violations paid or monetary
 134 penalties imposed. *Any such agreement for compensation shall provide that if such private vendor is*
 135 *responsible for mailing a summons pursuant to this section, such private vendor shall not impose or collect*
 136 *any additional fee, including any administrative fee, and shall only collect a civil penalty as authorized*
 137 *pursuant to this section, except that a reasonable postage and convenience fee for electronic payment of the*
 138 *civil penalty, not to exceed five percent of the civil penalty, may be imposed and collected.* Any private
 139 vendor contracting with a law-enforcement agency pursuant to this section may enter into an agreement with
 140 the Department, in accordance with the provisions of subdivision B 31 of § 46.2-208, to obtain vehicle owner
 141 information regarding the registered owners of vehicles that committed a vehicle speed violation. Any such
 142 information provided to such private vendor shall be protected in a database. *Any such private vendor*
 143 *providing a photo speed monitoring device that is also compensated for the calibration of such device shall*
 144 *calibrate such device in the same manner and to the same specifications as all other devices determining*
 145 *speed, to the extent that such devices utilize the same method of speed detection as such photo speed*
 146 *monitoring device, that are used by the law-enforcement agency with which such vendor has entered into an*
 147 *agreement. Upon request of any person receiving a summons by mail for a vehicle speed violation recorded*
 148 *by a photo speed monitoring device provided by such a private vendor, such private vendor shall deliver to*
 149 *such person proof of calibration of such photo speed monitoring device for the time period in which the*
 150 *alleged violation was recorded. If such proof of calibration is delivered by mail, it shall be postmarked within*
 151 *10 days of such request for such proof of calibration, and if such proof of calibration is electronically*
 152 *delivered, it shall be electronically delivered within 10 days of such request for such proof of calibration.*

153 *Such summons shall include notice of such person's right to request such proof of calibration. Any private*
 154 *vendor that fails to provide such proof of calibration within the time specified shall be subject to a civil*
 155 *penalty of \$1,000. All civil penalties received pursuant to this subsection shall be paid to the Commonwealth*
 156 *Transportation Board to be used for the Virginia Highway Safety Improvement Program established*
 157 *pursuant to § 33.2-373.*

158 I. Information collected by a photo speed monitoring device operated pursuant to this section shall be
 159 limited exclusively to that information that is necessary for the enforcement of vehicle speed violations.
 160 Information provided to the operator of a photo speed monitoring device shall be protected in a database and
 161 used only for enforcement of vehicle speed violations and enforcement against individuals who violate the
 162 provisions of this section. Notwithstanding any other provision of law, all photographs, microphotographs,
 163 videotapes, or other recorded images collected by a photo speed monitoring device shall be used exclusively
 164 for enforcing vehicle speed violations and shall not be (i) open to the public; (ii) sold or used for sales,
 165 solicitation, or marketing purposes; (iii) disclosed to any other entity except as may be necessary for the
 166 enforcement of a vehicle speed violation or to a vehicle owner or operator as part of a challenge to the
 167 violation; or (iv) used in a court in a pending action or proceeding unless the action or proceeding relates to a
 168 vehicle speed violation or a violation of this section, or such information is requested upon order from a court
 169 of competent jurisdiction. Information collected under this section pertaining to a specific violation shall be
 170 purged and not retained *later than 60 days after 21 days after the date of its capture in such a manner that*
 171 *such data is destroyed and not recoverable by either a private vendor or the law-enforcement agency, except*
 172 *that when a summons is issued for a violation, such information may be retained until the collection of any*
 173 *civil penalties or the final disposition of any civil matter related to the information. A law-enforcement*
 174 *agency or private vendor using such a database shall maintain records sufficient to facilitate reporting as*
 175 *required by this section.* Any law-enforcement agency using photo speed monitoring devices shall annually
 176 certify compliance with this section and make all records pertaining to such system available for inspection
 177 and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or
 178 his designee. Any person who discloses personal information in violation of the provisions of this subsection
 179 shall be subject to a civil penalty of \$1,000 per disclosure.

180 J. *A conspicuous sign* At least two conspicuous signs shall be placed, from any direction, within 1,000 feet
 181 of any school crossing zone, highway work zone, or high-risk intersection segment at which a photo speed
 182 monitoring device is used, indicating the use of the device. *At least one of such signs shall be a speed display*

183 ~~sign. There shall be~~ is a rebuttable presumption that such sign was in place at the time of the commission of
184 the vehicle speed limit violation.

185 K. Any state or local law-enforcement agency that places and operates a photo speed monitoring device
186 pursuant to the provisions of this section shall report to the Department of State Police, in a format to be
187 determined by the Department of State Police, by ~~January~~ November 15 of each year on the number of traffic
188 violations prosecuted, the number of successful prosecutions, *the operating costs of the use of such photo*
189 *speed monitoring device*, and the total amount of monetary civil penalties collected. Any such local law-
190 enforcement agency shall also report to the Department of State Police, in a format to be determined by the
191 Department of State Police, by November 15 of each year on (i) the projects and initiatives funded by moneys
192 in the local fund created pursuant to subsection C, (ii) the change in number of summonses issued over the
193 course of the reporting period relative to the prior reporting periods, (iii) the number of unsuccessful
194 prosecutions, and (iv) the percentage of vehicles that receive a summons pursuant to this section relative to
195 the total vehicle throughput. The Department of State Police shall aggregate such information and report it to
196 the General Assembly by ~~February~~ December 15 of each year.

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

204 M. Any state or local law-enforcement agency that places and operates a photo speed monitoring device
205 pursuant to the provisions of this section shall, on its website and social media accounts, (i) provide
206 information regarding procedures for contesting an alleged vehicle speed violation and the process for
207 paying the civil penalty for such an alleged violation; (ii) establish a method for answering questions related
208 to such photo speed monitoring device; and (iii) publicize any changes to the use of photo speed monitoring
209 devices, including the locations of new photo speed monitoring devices and the highway work zones, high-
210 risk intersection segments, or school crossing zones in which they are placed. Such requirement shall be
211 satisfied if the state or local law-enforcement agency provides a link on its website and social media accounts
212 to the website of the private vendor with which it has entered into an agreement pursuant to subsection H,
213 provided that such website satisfies the requirements of clauses (i), (ii), and (iii).

214 N. For any new photo speed monitoring device placed and operated after July 1, 2026, for the first 30
215 days of its operation, the law-enforcement agency shall issue a warning by mail instead of a summons for an
216 alleged vehicle speed violation and assess no civil penalty for such violation. Nothing in this subsection shall
217 be construed to prevent a law-enforcement officer who uses a photo speed monitoring device to record a
218 vehicle speed violation from personally issuing a summons at the time of the violation.

219 O. Any private vendor that has entered into an agreement with a law-enforcement agency pursuant to
220 subsection H shall comply with the provisions of this section. Any private vendor or locality that violates the
221 provisions of this section is subject to a civil penalty of \$1,000 per violation. All civil penalties received
222 pursuant to this subsection shall be paid to the Commonwealth Transportation Board to be used for the
223 Virginia Highway Safety Improvement Program established pursuant to § 33.2-373.

224 P. Nothing in this section shall be construed to affect the funding of or investment in any project initiated
225 by a locality prior to July 1, 2026.

226 Q. In any court proceeding for the failure of a locality or a private vendor acting on its behalf pursuant to
227 subsection H to comply with the requirements of this section, such locality shall waive its sovereign immunity
228 in such proceeding.

229 R. For any summons issued pursuant to this section, failure to comply with the provisions of this section
230 shall render such summons invalid.

231 2. That the provisions of this act amending subsection J of § 46.2-882.1 of the Code of Virginia to
232 require at least two conspicuous signs for photo speed monitoring devices and to require one of such
233 signs to be a speed display sign shall become effective on July 1, 2027.

234 3. That the Supreme Court of Virginia shall develop a summons for the purposes of § 46.2-882.1 of the
235 Code of Virginia, as amended by this act, no later than October 1, 2026.

236 4. That the provisions of this act creating subdivision G 1 of § 46.2-882.1 of the Code of Virginia,
237 related to the use of a summons developed by the Supreme Court of Virginia shall become effective on
238 January 1, 2027.