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SENATE BILL NO. 306

Offered January 14, 2026

Prefiled January 13, 2026

A BILL to amend and reenact § 46.2-208 of the Code of Virginia and to repeal § 15.2-968.1 of the Code of Virginia, relating to use of violation monitoring systems to enforce traffic light signals and certain traffic control devices; repeal.

Patron—Peake

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-208 of the Code of Virginia is amended and reenacted as follows:

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

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

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

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

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

2, 3. [Repealed.]

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

5. Upon the written request of any insurance carrier or surety, or authorized agent of either, the Commissioner shall furnish to such requester information in the record of any person subject to the provisions of this title. The transcript 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 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

59 the limitations contained in subdivision 6.

60 8. Upon the written request of any motor vehicle rental or leasing company or its authorized agent, the  
61 Commissioner shall (i) compare personal information supplied by the requester with that contained in the  
62 Department's records and, when the information supplied by the requester is different from that contained in  
63 the Department's records, provide the requester with correct information as contained in the Department's  
64 records and (ii) provide the requester with driver information of any person subject to the provisions of this  
65 title. Such information shall include any record of any conviction of a violation of any provision of any  
66 statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in  
67 which the subject of the information was involved and a report of which was filed pursuant to § 46.2-373. No  
68 such information shall include any record of any conviction or crash more than 60 months after the date of  
69 such conviction or crash unless the Commissioner or court used the conviction or crash as a reason for the  
70 suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension  
71 and any conviction or crash pertaining thereto shall cease to be included in such information after 60 months  
72 from the date on which the driver's license or driving privilege was reinstated. The response of the  
73 Commissioner under this subdivision shall not be admissible in evidence in any court proceedings.

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

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

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

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

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

120 11. a. For the purpose of obtaining information regarding noncommercial driver's license holders, upon

121 the written request of any employer, prospective employer, or authorized agent of either, and with the written  
 122 consent of the individual concerned, the Commissioner shall (i) compare personal information supplied by  
 123 the requester with that contained in the Department's records and, when the information supplied by the  
 124 requester is different from that contained in the Department's records, provide the requester with correct  
 125 information as contained in the Department's records and (ii) provide the requester with driver information in  
 126 the form of a transcript of an individual's record, including all convictions, all crashes, any type of driver's  
 127 license that the individual currently possesses, and all driver's license suspensions, revocations, cancellations,  
 128 or forfeiture, provided that such individual's position or the position that the individual is being considered for  
 129 involves the operation of a motor vehicle.

130 b. For the purpose of obtaining information regarding commercial driver's license holders, upon the  
 131 written request of any employer, prospective employer, or authorized agent of either, the Commissioner shall  
 132 (i) compare personal information supplied by the requester with that contained in the Department's records  
 133 and, when the information supplied by the requester is different from that contained in the Department's  
 134 records, provide the requester with correct information as contained in the Department's records and (ii)  
 135 provide the requester with driver information in the form of a transcript of such individual's record, including  
 136 all convictions, all crashes, any type of driver's license that the individual currently possesses, and all driver's  
 137 license suspensions, revocations, cancellations, forfeitures, or disqualifications, provided that such  
 138 individual's position or the position that the individual is being considered for involves the operation of a  
 139 commercial motor vehicle.

140 12. Upon the written request of any member of a volunteer fire company or volunteer emergency medical  
 141 services agency and with written consent of the individual concerned, or upon the request of an applicant for  
 142 membership in a volunteer fire company or to serve as volunteer emergency medical services personnel, the  
 143 Commissioner shall (i) compare personal information supplied by the requester with that contained in the  
 144 Department's records and, when the information supplied by the requester is different from that contained in  
 145 the Department's records, provide the requester with correct information as contained in the Department's  
 146 records and (ii) provide driver information in the form of a transcript of the individual's record, including all  
 147 convictions, all crashes, any type of driver's license that the individual currently possesses, and all license  
 148 suspensions, revocations, cancellations, or forfeitures. Such transcript shall be provided free of charge if the  
 149 request is accompanied by appropriate written evidence that the person is a member of or applicant for  
 150 membership in a volunteer fire company or a volunteer emergency medical services agency and the transcript  
 151 is needed by the requester to establish the qualifications of the member, volunteer, or applicant to operate  
 152 equipment owned by the volunteer fire company or volunteer emergency medical services agency.

153 13. Upon the written request of a Virginia affiliate of Big Brothers Big Sisters of America, a Virginia  
 154 affiliate of Compeer, or the Virginia Council of the Girl Scouts of the USA, and with the consent of the  
 155 individual who is the subject of the information and has applied to be a volunteer with the requester, or on the  
 156 written request of a Virginia chapter of the American Red Cross, a Virginia chapter of the Civil Air Patrol, or  
 157 Faith in Action, and with the consent of the individual who is the subject of the information and applied to be  
 158 a volunteer vehicle operator with the requester, the Commissioner shall (i) compare personal information  
 159 supplied by the requester with that contained in the Department's records and, when the information supplied  
 160 by the requester is different from that contained in the Department's records, provide the requester with  
 161 correct information as contained in the Department's records and (ii) provide driver information in the form  
 162 of a transcript of the applicant's record, including all convictions, all crashes, any type of driver's license that  
 163 the individual currently possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such  
 164 transcript shall be provided at a fee that is one-half the normal charge if the request is accompanied by  
 165 appropriate written evidence that the person has applied to be a volunteer or volunteer vehicle operator with  
 166 the requester as provided in this subdivision.

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

173 15, 16. [Repealed.]

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

177 18. Upon the request, in the course of business, of any authorized agent of an insurance company or of  
 178 any not-for-profit entity organized to prevent and detect insurance fraud, or perform rating and underwriting  
 179 activities, the Commissioner shall provide (i) all vehicle information, the owner's name and address,  
 180 descriptive data and title, registration, and vehicle activity data, as requested, or (ii) the driver name, license  
 181 number and classification, date of birth, and address information for each driver under the age of 22 licensed

182 in the Commonwealth, provided that such request includes the driver's license number or address information  
183 of such driver. Use of such information shall be limited to use in connection with insurance claims  
184 investigation activities, antifraud activities, rating, or underwriting.

185 19. [Repealed.]

186 20. Upon the written request of the compliance agent of a private security services business, as defined in  
187 § 9.1-138, which is licensed by the Virginia Department of Criminal Justice Services, the Commissioner shall  
188 provide the name and address of the owner of the vehicle under procedures determined by the Commissioner.

189 21. (For contingent expiration date, see Acts 2023, c. 738, cl. 2) Upon the request of the operator of a toll  
190 facility; ~~a traffic light signal violation monitoring system acting on behalf of a government entity; a traffic~~  
191 ~~control device violation monitoring system acting on behalf of a government entity; or the Dulles Access~~  
192 ~~Highway, or an authorized agent or employee of a toll facility operator; a traffic light signal violation~~  
193 ~~monitoring system operator acting on behalf of a government entity; a traffic control device violation~~  
194 ~~monitoring system operator acting on behalf of a government entity; or the Dulles Access Highway, for the~~  
195 ~~purpose of obtaining vehicle owner data under subsection H of § 15.2-968.1, subsection A of § 33.2-504,~~  
196 ~~subsection M of § 46.2-819.1, subsection P of § 46.2-819.3:1, or subsection N of § 46.2-819.5. Information~~  
197 ~~released pursuant to this subdivision shall be limited to (i) the name, physical address, and, if available, email~~  
198 ~~or other electronic address of the owner of the vehicle having failed to pay a toll; ~~comply with a traffic light~~~~  
199 ~~signal; or ~~comply with a traffic control device~~ or having improperly used the Dulles Access Highway and (ii)~~  
200 ~~the vehicle information, including all descriptive vehicle data and title and registration data of the same~~  
201 ~~vehicle.~~

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

212 22-26. [Repealed.]

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

217 28. [Repealed.]

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

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

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

231 31. Upon the request of the operator of a photo speed monitoring device as defined in § 46.2-882.1 acting  
232 on behalf of a government entity, the Commissioner shall provide vehicle owner data pursuant to subsection  
233 H of § 46.2-882.1. Information released pursuant to this subdivision shall be limited to the name and address  
234 of the owner of the vehicle having committed a vehicle speed violation, as defined in § 46.2-882.1, and the  
235 vehicle information, including all descriptive vehicle data and title and registration data, for such vehicle.

236 32. Notwithstanding the provisions of this section other than subdivision 33, the Department shall not  
237 release, except upon request by the subject of the information, the guardian of the subject of the information,  
238 the parent of a minor who is the subject of the information, or the authorized agent of the subject of the  
239 information, or pursuant to a court order, (i) proof documents submitted for the purpose of obtaining a driving  
240 credential or a special identification card, (ii) the information in the Department's records indicating the type  
241 of proof documentation that was provided, or (iii) applications relating to the issuance of a driving credential  
242 or a special identification card. As used in this subdivision, "proof document" means any document not  
243 originally created by the Department that is submitted to the Department for the issuance of any driving

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

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

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

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

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

260 E. The Department shall not release any privileged information pursuant to this title unless the  
261 Department has entered into a written agreement authorizing such release. The Department shall require the  
262 requesting entity to specify the purpose authorized pursuant to this title that forms the basis for the request  
263 and provide the permissible purpose as defined under 18 U.S.C. § 2721(b). Privileged information requested  
264 by an entity that has been altered or aggregated may be used only for the original purposes specified in the  
265 written agreement consistent with this title. The requesting entity shall disseminate privileged information  
266 only to third parties subject to the original purpose specified in the written agreement consistent with this  
267 title. Any agreement that does not allow third-party distribution shall include a statement that such  
268 distribution is prohibited. Such agreement may limit the scope of any authorized distribution consistent with  
269 this title. Privileged information distributed to any third party shall only be further distributed by such third  
270 party subject to the original purpose specified and consistent with this title, or unless such third party is the  
271 subject of the information, the parent of a minor who is the subject of the information, the guardian of the  
272 subject of the information, the authorized agent or representative of the subject of the information, or the  
273 owner of the vehicle that is the subject of the information.

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

286 The provisions of this subsection shall not apply to (a) requests for information made pursuant to  
287 subdivision B 4; (b) a request made by an entity authorized to receive privileged information pursuant to  
288 subsection B, provided that such request is made on a form provided by the Department, other than a written  
289 agreement, that requires the requester to certify that such entity is entitled to receive such information  
290 pursuant to this title, state the purpose authorized pursuant to subsection B that forms the basis for the  
291 request, explain why the information requested is necessary to accomplish the stated purpose, and certify that  
292 the information will be used only for the stated purpose and the information received shall not be  
293 disseminated to third parties unless there is authorization to do so; or (c) the release of information to a law-  
294 enforcement officer or agency during an emergency situation, provided that (1) the requesting entity is  
295 authorized to receive such information pursuant to subdivision B 9, (2) the timely release of such information  
296 is in the interest of public safety, and (3) the requesting entity completes the form required pursuant to clause  
297 (b) within 48 hours of the release of such information.

298 F. Any person that receives any privileged information that such person knows or has reason to know was  
299 received in violation of this title shall not disseminate any such information and shall notify the Department  
300 of the receipt of such privileged information.

301 G. The Department shall conduct audits annually based on a risk assessment to ensure that privileged  
302 information released by the Department pursuant to this title is being used as authorized by law and pursuant  
303 to the agreements entered into by the Department. If the Department finds that privileged information has  
304 been used in a manner contrary to law or the relevant agreement, the Department may revoke access.

305 H. Any request for privileged information by an authorized agent of a governmental entity shall be

306 governed by the provisions of subdivision B 9.  
307 **2. That § 15.2-968.1 of the Code of Virginia is repealed.**