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HOUSE BILL NO. 320
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Transportation
on _____)

(Patron Prior to Substitute—Delegate Cole, J.G.)

A *BILL* to amend the Code of Virginia by adding in Article 1 of Chapter 8 of Title 46.2 a section numbered 46.2-818.3, relating to live streaming while driving; prohibited; penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 8 of Title 46.2 a section numbered 46.2-818.3 as follows:

§ 46.2-818.3. Live streaming while driving prohibited; penalty.

A. For purposes of this section:

"Content" means audiovisual content shared on a social media platform.

"Live stream" means real-time audio or video transmission to any social media platform.

"Social media platform" means the same as that term is defined in § 59.1-575.

B. It is unlawful for any person, while driving a moving motor vehicle on the highways in the Commonwealth, to initiate, participate in, view, or interact with any live stream.

C. Notwithstanding any provision of § 46.2-818.2 to the contrary, it is unlawful for any person, while driving a motor vehicle on the highways in the Commonwealth, to manipulate any electronic device to enable or maintain the functions of a live stream on or with such electronic device.

D. Upon the conviction of a violation of this section that is a first offense, the court shall impose a fine of not more than \$500, in addition to any other penalties provided by law. Upon the conviction of a violation of this section that is a second offense, the court shall suspend the driver's license of the person convicted for a period of 30 days, in addition to any other penalties provided by law, and shall order the surrender of his license to the court to be disposed of in accordance with § 46.2-398. Upon the conviction of a violation of this section that is a third or subsequent offense, the court shall suspend the driver's license of the person convicted for a period of 90 days, in addition to any other penalties provided by law, and shall order the surrender of his license to the court to be disposed of in accordance with § 46.2-398. However, in those cases where the court determines it is appropriate, the court may provide that any individual whose license is suspended pursuant to this section be issued a restricted license to operate a motor vehicle for any of the purposes set forth in subsection E of § 18.2-271.1 during the term of suspension. If the convicted driver does not have a driver's license or is a nonresident, the court may order the driver not to drive any motor vehicle in the Commonwealth for a period of time corresponding to the respective period of license suspension for such offense.

If a person violates the provisions of this section and is involved in an accident while committing such violation, the court may impose, in addition to any other penalties provided by law, a fine of not more than \$500.

E. The provisions of this section shall not apply to the use of live streaming to report an emergency or the commission of a crime.

F. Nothing in this section shall be construed to (i) authorize the warrantless search of electronic devices, (ii) prohibit the use of any dashboard camera that is not used for purposes of live streaming, or (iii) prohibit the use of any manufacturer or fleet safety systems that record video but do not transmit real-time content.

G. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

HOUSE SUBSTITUTE

HB320HC2