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SENATE BILL NO. 306  
FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by Senator Peake  
on February 2, 2026)  
(Patron Prior to Substitute—Senator Peake)

A BILL to amend and reenact § 15.2-968.1, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to traffic light signal and traffic control device monitoring systems; fees; report.

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-968.1, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 15.2-968.1. (For contingent expiration date, see Acts 2023, c. 738, cl. 2) Use of violation monitoring systems to enforce traffic light signals and certain traffic control devices; report.

A. For purposes of this section:

"Owner" means the registered owner on record with the Department of Motor Vehicles.

"Traffic control device" has the same meaning as set forth in § 46.2-100.

"Traffic control device violation monitoring system" means equipment that produces one or more photographs, microphotographs, video, or other recorded images of vehicles used or operated in violation of signs or markings placed in accordance with § 46.2-830. Traffic control device violation monitoring systems shall not be used to enforce violations of traffic light signals or speed limits.

"Traffic light signal violation monitoring system" means a vehicle sensor installed to work in conjunction with a traffic light that automatically produces two or more photographs, two or more microphotographs, video, or other recorded images of each vehicle at the time it is used or operated in violation of § 46.2-833, 46.2-835, or 46.2-836. For each such vehicle, at least one recorded image shall be of the vehicle before it has illegally entered the intersection, and at least one recorded image shall be of the same vehicle after it has illegally entered the intersection.

B. 1. The governing body of any county, city, or town may provide by ordinance for the establishment of a traffic signal enforcement program imposing monetary liability on the operator of a motor vehicle for failure to comply with traffic light signals in such locality in accordance with the provisions of this section. Each such locality may install and operate traffic light signal violation monitoring systems at no more than one intersection for every 10,000 residents within each county, city, or town at any one time, provided, however, that within planning District 8, each such locality may install and operate traffic light signal violation monitoring systems at no more than 10 intersections, or at no more than one intersection for every 10,000 residents within each county, city, or town, whichever is greater, at any one time.

2. In addition to the authority provided in subdivision 1, the governing body of any locality in Planning District 23 may provide by ordinance for the establishment of a traffic control device violation monitoring system imposing monetary liability on the operator of a motor vehicle for failure to comply with traffic control devices in such locality in accordance with the provisions of this section. Such governing body may install and operate a traffic control device violation monitoring system at any intersection deemed by the governing body to be negatively impacted by traffic due to the Hampton Roads Bridge-Tunnel Express Lanes Hampton Segment (4C) Project (HREL-P).

C. The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this section if such vehicle is found, (i) as evidenced by information obtained from a traffic light signal violation monitoring system, to have failed to comply with a traffic light signal within such locality or (ii) as evidenced by information obtained from a traffic control device violation monitoring system, to have failed to comply with a traffic control device within such locality. No operator shall be liable for a penalty pursuant to clause (i) and a penalty pursuant to clause (ii) arising out of the same act. No monetary penalty shall be imposed pursuant to this section for a first offense of failing to comply with a traffic control device, as evidenced by information obtained from a traffic control device violation monitoring system, and such operator shall be issued a written warning.

D. Proof of a violation of this section shall be evidenced by information obtained from a traffic light signal violation monitoring system or traffic control device violation monitoring system authorized pursuant to this section. A certificate, sworn to or affirmed by a law-enforcement officer employed by a locality authorized to impose penalties pursuant to this section, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a traffic light signal violation monitoring system or traffic control device violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to an ordinance adopted pursuant to this section.

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60 E. In the prosecution for a violation of any local ordinance adopted as provided in this section, prima facie  
61 evidence that the vehicle described in the summons issued pursuant to this section was operated in violation  
62 of such ordinance, together with proof that the defendant was at the time of such violation the owner, lessee,  
63 or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or  
64 renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the  
65 owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district  
66 court that he was not the operator of the vehicle at the time of the alleged violation or (ii) testifies in open  
67 court under oath that he was not the operator of the vehicle at the time of the alleged violation. Such  
68 presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been  
69 reported to the police as stolen prior to the time of the alleged violation of this section, is presented, prior to  
70 the return date established on the summons issued pursuant to this section, to the court adjudicating the  
71 alleged violation.

72 F. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and  
73 shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it  
74 be used for insurance purposes in the provision of motor vehicle insurance coverage. No monetary penalty  
75 imposed under this section shall exceed \$50, nor shall it include court costs. Any finding in a district court  
76 that an operator has violated an ordinance adopted as provided in this section shall be appealable to the circuit  
77 court in a civil proceeding.

78 G. A summons for a violation of this section may be executed pursuant to § 19.2-76.2. Notwithstanding  
79 the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first  
80 class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy  
81 shall be mailed to the address contained in the records of the Department of Motor Vehicles; in the case of a  
82 vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter.  
83 Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to  
84 rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the  
85 filing of an affidavit as provided in subsection E and (ii) instructions for filing such affidavit, including the  
86 address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set  
87 out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in  
88 § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for  
89 failure to appear on the return date of the summons. Any summons executed for a violation of this section  
90 shall provide to the person summoned at least 30 business days from the mailing of the summons to inspect  
91 information collected by a traffic light signal violation monitoring system or traffic control device violation  
92 monitoring system in connection with the violation.

93 H. Information collected by a traffic light signal violation monitoring system or traffic control device  
94 violation monitoring system installed and operated pursuant to subsection B shall be limited exclusively to  
95 that information that is necessary for the enforcement of traffic light or traffic control device violations. On  
96 behalf of a locality, a private entity that operates a traffic light signal violation monitoring system or traffic  
97 control device violation monitoring system may enter into an agreement with the Department of Motor  
98 Vehicles, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner  
99 information regarding the registered owners of vehicles that fail to comply with a traffic light signal or traffic  
100 control device. Information provided to the operator of a traffic light signal violation monitoring system or  
101 traffic control device violation monitoring system shall be protected in a database with security comparable to  
102 that of the Department of Motor Vehicles' system, and used only for enforcement against individuals who  
103 violate the provisions of this section. Notwithstanding any other provision of law, all photographs,  
104 microphotographs, electronic images, or other personal information collected by a traffic light signal  
105 violation monitoring system or traffic control device violation monitoring system shall be used exclusively  
106 for enforcing traffic light or traffic control device violations and shall not (i) be open to the public; (ii) be sold  
107 or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any other entity except as may be  
108 necessary for the enforcement of a traffic light or traffic control device violation or to a vehicle owner or  
109 operator as part of a challenge to the violation; or (iv) be used in a court in a pending action or proceeding  
110 unless the action or proceeding relates to a violation of § 46.2-830, 46.2-833, 46.2-835, or 46.2-836 or  
111 requested upon order from a court of competent jurisdiction. Information collected under this section  
112 pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any  
113 civil penalties. If a locality does not execute a summons for a violation of this section within 10 business  
114 days, all information collected pertaining to that suspected violation shall be purged within two business  
115 days. Any locality operating a traffic light signal violation monitoring system or traffic control device  
116 violation monitoring system shall annually certify compliance with this section and make all records  
117 pertaining to such system available for inspection and audit by the Commissioner of Highways or the  
118 Commissioner of the Department of Motor Vehicles or his designee. Any person who discloses personal  
119 information in violation of the provisions of this subsection shall be subject to a civil penalty of \$1,000 per  
120 disclosure. Any unauthorized use or disclosure of such personal information shall be grounds for termination  
121 of the agreement between the Department of Motor Vehicles and the private entity.

122 I. A private entity may enter into an agreement with a locality to be compensated for providing the traffic  
 123 light signal violation monitoring system or equipment or traffic control device violation monitoring system or  
 124 equipment, and all related support services, to include consulting, operations and administration. However,  
 125 only a law-enforcement officer employed by a locality may swear to or affirm the certificate required by  
 126 subsection D. No locality shall enter into an agreement for compensation based on the number of violations  
 127 or monetary penalties imposed. *Any such agreement for compensation shall provide that such private vendor*  
 128 *shall not impose or collect any additional fee, including any administrative fee, and shall only collect a civil*  
 129 *penalty as authorized pursuant to this section.*

130 J. When selecting potential intersections for a traffic light signal violation monitoring system, a locality  
 131 shall consider factors such as (i) the accident rate for the intersection, (ii) the rate of red light violations  
 132 occurring at the intersection (number of violations per number of vehicles), (iii) the difficulty experienced by  
 133 law-enforcement officers in patrol cars or on foot in apprehending violators, and (iv) the ability of law-  
 134 enforcement officers to apprehend violators safely within a reasonable distance from the violation. Localities  
 135 may consider the risk to pedestrians as a factor, if applicable.

136 K. 1. Before the implementation of a traffic light signal violation monitoring system at an intersection, the  
 137 locality shall complete an engineering safety analysis that addresses signal timing and other location-specific  
 138 safety features. The length of the yellow phase shall be established based on the recommended methodology  
 139 of the Institute of Transportation Engineers. No traffic light signal violation monitoring system shall be  
 140 implemented or utilized for a traffic signal having a yellow signal phase length of less than three seconds. All  
 141 traffic light signal violation monitoring systems shall provide a minimum 0.5-second grace period between  
 142 the time the signal turns red and the time the first violation is recorded. If recommended by the engineering  
 143 safety analysis, the locality shall make reasonable location-specific safety improvements, including signs and  
 144 pavement markings.

145 2. Before the implementation of a traffic control device violation monitoring system at an intersection, the  
 146 governing body of the implementing locality shall complete an engineering safety analysis that addresses the  
 147 impact of the HREL-P on congestion, accident rates, and driver disregard for traffic control devices. If  
 148 recommended by the engineering safety analysis, the locality shall make reasonable location-specific safety  
 149 improvements, including signs and pavement markings.

150 L. Any locality that uses a traffic light signal violation monitoring system or traffic control device  
 151 violation monitoring system shall evaluate the system on a monthly basis to ensure all cameras and traffic  
 152 signals are functioning properly. Evaluation results shall be made available to the public.

153 M. Any locality that uses a traffic light signal violation monitoring system to enforce traffic light signals  
 154 shall place conspicuous signs within 500 feet of the intersection approach at which a traffic light signal  
 155 violation monitoring system is used. There shall be a rebuttable presumption that such signs were in place at  
 156 the time of the commission of the traffic light signal violation.

157 N. Prior to or coincident with the implementation or expansion of a traffic light signal violation  
 158 monitoring system or traffic control device violation monitoring system, a locality shall conduct a public  
 159 awareness program, advising the public that the locality is implementing or expanding a traffic light signal  
 160 violation monitoring system or traffic control device violation monitoring system.

161 O. Notwithstanding any other provision of this section, if a vehicle depicted in images recorded by a  
 162 traffic light signal violation monitoring system or traffic control device violation monitoring system is owned,  
 163 leased, or rented by a county, city, or town, then the county, city, or town may access and use the recorded  
 164 images and associated information for employee disciplinary purposes.

165 *P. Any locality that places and operates a traffic light signal violation monitoring system or traffic control*  
 166 *device violation monitoring system device pursuant to the provisions of this section shall report to the*  
 167 *Department of State Police, in a format to be determined by the Department of State Police, by January 15 of*  
 168 *each year on (i) the number of summonses issued pursuant to this section; (ii) the number of traffic violations*  
 169 *prosecuted; (iii) the number of successful prosecutions; (iv) the total amount of monetary civil penalties*  
 170 *collected, and from that total, the amount retained by the locality; (v) how the locality used the funds*  
 171 *generated by the traffic light signal violation monitoring system or traffic control device violation monitoring*  
 172 *system; (vi) the total amount paid to the private vendor operating the traffic light signal violation monitoring*  
 173 *system or traffic control device violation monitoring system; and (vii) the cost of collection activities related*  
 174 *to summonses issued pursuant to this section. The Department of State Police shall aggregate such*  
 175 *information and report it to the General Assembly and the Virginia State Crime Commission by February 15*  
 176 *of each year.*

177 **§ 15.2-968.1. (For contingent effective date, see Acts 2023, c. 738, cl. 2) Use of violation monitoring**  
 178 **systems to enforce traffic light signals; report.**

179 A. The governing body of any county, city, or town may provide by ordinance for the establishment of a  
 180 traffic signal enforcement program imposing monetary liability on the operator of a motor vehicle for failure  
 181 to comply with traffic light signals in such locality in accordance with the provisions of this section. Each  
 182 such locality may install and operate traffic light signal ~~photo-monitoring~~ violation monitoring systems at no  
 183 more than one intersection for every 10,000 residents within each county, city, or town at any one time,

184 provided, however, that within planning District 8, each such locality may install and operate traffic light  
185 signal ~~photo-monitoring~~ *violation monitoring* systems at no more than 10 intersections, or at no more than  
186 one intersection for every 10,000 residents within each county, city, or town, whichever is greater, at any one  
187 time.

188 B. The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this section if such  
189 vehicle is found, as evidenced by information obtained from a traffic light signal violation monitoring system,  
190 to have failed to comply with a traffic light signal within such locality.

191 C. Proof of a violation of this section shall be evidenced by information obtained from a traffic light  
192 signal violation monitoring system authorized pursuant to this section. A certificate, sworn to or affirmed by  
193 a law-enforcement officer employed by a locality authorized to impose penalties pursuant to this section, or a  
194 facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded  
195 images produced by a traffic light signal violation monitoring system, shall be prima facie evidence of the  
196 facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing  
197 such a violation shall be available for inspection in any proceeding to adjudicate the liability for such  
198 violation pursuant to an ordinance adopted pursuant to this section.

199 D. In the prosecution for a violation of any local ordinance adopted as provided in this section, prima facie  
200 evidence that the vehicle described in the summons issued pursuant to this section was operated in violation  
201 of such ordinance, together with proof that the defendant was at the time of such violation the owner, lessee,  
202 or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or  
203 renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the  
204 owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district  
205 court that he was not the operator of the vehicle at the time of the alleged violation or (ii) testifies in open  
206 court under oath that he was not the operator of the vehicle at the time of the alleged violation. Such  
207 presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been  
208 reported to the police as stolen prior to the time of the alleged violation of this section, is presented, prior to  
209 the return date established on the summons issued pursuant to this section, to the court adjudicating the  
210 alleged violation.

211 E. For purposes of this section, "owner" means the registered owner of such vehicle on record with the  
212 Department of Motor Vehicles. For purposes of this section, "traffic light signal violation monitoring system"  
213 means a vehicle sensor installed to work in conjunction with a traffic light that automatically produces two or  
214 more photographs, two or more microphotographs, video, or other recorded images of each vehicle at the  
215 time it is used or operated in violation of § 46.2-833, 46.2-835, or 46.2-836. For each such vehicle, at least  
216 one recorded image shall be of the vehicle before it has illegally entered the intersection, and at least one  
217 recorded image shall be of the same vehicle after it has illegally entered that intersection.

218 F. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and  
219 shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it  
220 be used for insurance purposes in the provision of motor vehicle insurance coverage. No monetary penalty  
221 imposed under this section shall exceed \$50, nor shall it include court costs. Any finding in a district court  
222 that an operator has violated an ordinance adopted as provided in this section shall be appealable to the circuit  
223 court in a civil proceeding.

224 G. A summons for a violation of this section may be executed pursuant to § 19.2-76.2. Notwithstanding  
225 the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first  
226 class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy  
227 shall be mailed to the address contained in the records of the Department of Motor Vehicles; in the case of a  
228 vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter.  
229 Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to  
230 rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the  
231 filing of an affidavit as provided in subsection D and (ii) instructions for filing such affidavit, including the  
232 address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set  
233 out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in  
234 § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for  
235 failure to appear on the return date of the summons. Any summons executed for a violation of this section  
236 shall provide to the person summoned at least 30 business days from the mailing of the summons to inspect  
237 information collected by a traffic light signal violation monitoring system in connection with the violation.

238 H. Information collected by a traffic light signal violation monitoring system installed and operated  
239 pursuant to subsection A shall be limited exclusively to that information that is necessary for the enforcement  
240 of traffic light violations. On behalf of a locality, a private entity that operates a traffic light signal violation  
241 monitoring system may enter into an agreement with the Department of Motor Vehicles, in accordance with  
242 the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the  
243 registered owners of vehicles that fail to comply with a traffic light signal. Information provided to the  
244 operator of a traffic light signal violation monitoring system shall be protected in a database with security  
245 comparable to that of the Department of Motor Vehicles' system, and used only for enforcement against

246 individuals who violate the provisions of this section. Notwithstanding any other provision of law, all  
 247 photographs, microphotographs, electronic images, or other personal information collected by a traffic light  
 248 signal violation monitoring system shall be used exclusively for enforcing traffic light violations and shall not  
 249 (i) be open to the public; (ii) be sold or used for sales, solicitation, or marketing purposes; (iii) be disclosed to  
 250 any other entity except as may be necessary for the enforcement of a traffic light violation or to a vehicle  
 251 owner or operator as part of a challenge to the violation; or (iv) be used in a court in a pending action or  
 252 proceeding unless the action or proceeding relates to a violation of § 46.2-833, 46.2-835, or 46.2-836 or  
 253 requested upon order from a court of competent jurisdiction. Information collected under this section  
 254 pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any  
 255 civil penalties. If a locality does not execute a summons for a violation of this section within 10 business  
 256 days, all information collected pertaining to that suspected violation shall be purged within two business  
 257 days. Any locality operating a traffic light signal violation monitoring system shall annually certify  
 258 compliance with this section and make all records pertaining to such system available for inspection and audit  
 259 by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or his  
 260 designee. Any person who discloses personal information in violation of the provisions of this subsection  
 261 shall be subject to a civil penalty of \$1,000 per disclosure. Any unauthorized use or disclosure of such  
 262 personal information shall be grounds for termination of the agreement between the Department of Motor  
 263 Vehicles and the private entity.

264 I. A private entity may enter into an agreement with a locality to be compensated for providing the traffic  
 265 light signal violation monitoring system or equipment, and all related support services, to include consulting,  
 266 operations and administration. However, only a law-enforcement officer employed by a locality may swear to  
 267 or affirm the certificate required by subsection C. No locality shall enter into an agreement for compensation  
 268 based on the number of violations or monetary penalties imposed. *Any such agreement for compensation*  
 269 *shall provide that such private vendor shall not impose or collect any additional fee, including any*  
 270 *administrative fee, and shall only collect a civil penalty as authorized pursuant to this section.*

271 J. When selecting potential intersections for a traffic light signal violation monitoring system, a locality  
 272 shall consider factors such as (i) the accident rate for the intersection, (ii) the rate of red light violations  
 273 occurring at the intersection (number of violations per number of vehicles), (iii) the difficulty experienced by  
 274 law-enforcement officers in patrol cars or on foot in apprehending violators, and (iv) the ability of law-  
 275 enforcement officers to apprehend violators safely within a reasonable distance from the violation. Localities  
 276 may consider the risk to pedestrians as a factor, if applicable.

277 K. Before the implementation of a traffic light signal violation monitoring system at an intersection, the  
 278 locality shall complete an engineering safety analysis that addresses signal timing and other location-specific  
 279 safety features. The length of the yellow phase shall be established based on the recommended methodology  
 280 of the Institute of Transportation Engineers. No traffic light signal violation monitoring system shall be  
 281 implemented or utilized for a traffic signal having a yellow signal phase length of less than three seconds. All  
 282 traffic light signal violation monitoring systems shall provide a minimum 0.5-second grace period between  
 283 the time the signal turns red and the time the first violation is recorded. If recommended by the engineering  
 284 safety analysis, the locality shall make reasonable location-specific safety improvements, including signs and  
 285 pavement markings.

286 L. Any locality that uses a traffic light signal violation monitoring system shall evaluate the system on a  
 287 monthly basis to ensure all cameras and traffic signals are functioning properly. Evaluation results shall be  
 288 made available to the public.

289 M. Any locality that uses a traffic light signal violation monitoring system to enforce traffic light signals  
 290 shall place conspicuous signs within 500 feet of the intersection approach at which a traffic light signal  
 291 violation monitoring system is used. There shall be a rebuttable presumption that such signs were in place at  
 292 the time of the commission of the traffic light signal violation.

293 N. Prior to or coincident with the implementation or expansion of a traffic light signal violation  
 294 monitoring system, a locality shall conduct a public awareness program, advising the public that the locality  
 295 is implementing or expanding a traffic light signal violation monitoring system.

296 O. Notwithstanding any other provision of this section, if a vehicle depicted in images recorded by a  
 297 traffic light signal ~~photo-monitoring~~ violation monitoring system is owned, leased, or rented by a county,  
 298 city, or town, then the county, city, or town may access and use the recorded images and associated  
 299 information for employee disciplinary purposes.

300 P. *Any locality that places and operates a traffic light signal violation monitoring system pursuant to the*  
 301 *provisions of this section shall report to the Department of State Police, in a format to be determined by the*  
 302 *Department of State Police, by January 15 of each year on (i) the number of summonses issued pursuant to*  
 303 *this section; (ii) the number of traffic violations prosecuted; (iii) the number of successful prosecutions; (iv)*  
 304 *the total amount of monetary civil penalties collected, and from that total, the amount retained by the*  
 305 *locality; (v) how the locality used the funds generated by the traffic light signal violation monitoring system;*  
 306 *(vi) the total amount paid to the private vendor operating the traffic light signal violation monitoring system;*  
 307 *and (vii) the cost of collection activities related to summonses issued pursuant to this section. The*

**308** *Department of State Police shall aggregate such information and report it to the General Assembly and the*  
**309** *Virginia State Crime Commission by February 15 of each year.*