

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 46.2-1220.1, relating to parking,*
 3 *stopping, and standing enforcement; bus obstruction monitoring systems; civil penalties.*

4 [S 583]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 46.2-1220.1 as follows:**8 **§ 46.2-1220.1. Public transit agencies authorized to utilize bus obstruction monitoring systems to**
 9 **enforce certain parking, stopping, or standing regulations; civil penalties.**10 *A. For purposes of this section:*11 *"Authorizing locality" means any locality that has authorized a public transit agency operating in the*
 12 *locality to utilize bus obstruction monitoring systems pursuant to this section.*13 *"Bus obstruction monitoring system" means a system mounted on a transit bus that produces one or more*
 14 *photographs, microphotographs, videotapes, or other recorded images of parked vehicles.*15 *"Transit bus" means a rubber-tired automotive vehicle used for the provision of public transportation*
 16 *service that is funded in whole or in part by federal, state, or local funding.*17 *B. A locality may authorize the use of bus obstruction monitoring systems by a public transit agency*
 18 *operating within the locality for the purpose of enforcing local ordinances adopted pursuant to § 46.2-1220*
 19 *related to parking, stopping, or standing in bus stop zones or in lanes reserved for transit buses during*
 20 *posted times. An authorizing locality shall enter into an agreement with the public transit agency utilizing a*
 21 *bus obstruction monitoring system for the transmission of photographs, microphotographs, videotapes, or*
 22 *other recorded images that are produced by such bus obstruction monitoring system to the appropriate*
 23 *official or agency of the authorizing locality. The authorizing locality may use such images to prosecute a*
 24 *violation of an ordinance adopted pursuant to § 46.2-1220 related to parking, stopping, or standing in bus*
 25 *stop zones or in lanes reserved for transit buses when such images contain evidence of a violation of such*
 26 *ordinance and the appropriate official or agency of the authorizing locality deems a violation has occurred.*27 *C. In any locality that has adopted an ordinance pursuant to this section, a summons for a violation of an*
 28 *ordinance adopted pursuant to § 46.2-1220 may be executed as provided in § 19.2-76.2. If the summoned*
 29 *person fails to appear on the date of return set out in the summons mailed pursuant to this section, the*
 30 *summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt by or arrest of*
 31 *a person summoned by mailing shall be instituted for failure to appear on the return date of the summons.*
 32 *Any summons executed pursuant to an ordinance adopted pursuant to this section shall provide to the person*
 33 *summoned at least 30 business days from the mailing of the summons to inspect information collected by the*
 34 *bus obstruction monitoring system in connection with the violation.*35 *D. A private vendor may enter into an agreement with an authorizing locality or public transit agency to*
 36 *be compensated for providing bus obstruction monitoring systems and all related support services, including*
 37 *consulting, operations, and administration. Any such agreement for compensation shall be based on the value*
 38 *of the goods and services provided, not on the number of violations paid or monetary penalties imposed.*39 *E. Bus obstruction monitoring systems authorized for use pursuant to this section shall perform the initial*
 40 *image capture and automated analysis, if any, on computer equipment physically located on the bus. Such*
 41 *systems shall be configured so that the only photographs, microphotographs, videotapes, or other recorded*
 42 *images transmitted for further review and determination of whether a violation has occurred are those*
 43 *preliminarily identified by the on-board system as potential violations.*44 *F. Photographs, microphotographs, videotapes, or other recorded images produced by a bus obstruction*
 45 *monitoring system that contain evidence of a violation of such an ordinance may be retained for up to six*
 46 *months or for 60 days after the final disposition of the citation, whichever is later, and shall be purged at the*
 47 *end of such retention period.*48 *Photographs, microphotographs, videotapes, or other recorded images produced by a bus obstruction*
 49 *monitoring system shall not be used for other law-enforcement purposes, but may be used by the authorizing*
 50 *locality or public transit agency to inspect the condition of bus stops, shelters, signage, and other associated*
 51 *public facilities for the purpose of ensuring the safety and efficacy of such locality's transit system.*52 *G. Bus obstruction monitoring systems authorized for use pursuant to this section shall not utilize or*
 53 *incorporate any biometric identification techniques, including facial recognition technology.*54 *H. During the first 60 days of the implementation of a bus obstruction monitoring system pursuant to this*
 55 *section, the authorizing locality shall only issue warnings to registered owners of vehicles without a*
 56 *monetary fine assessed.*

57 *Authorizing localities shall include notice in any complaint, summons, parking ticket citation, or warrant*
58 *for violations of ordinances described in subsection B that evidence of such violation was obtained by means*
59 *of a bus obstruction monitoring system authorized by the locality pursuant to this section.*