

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Article 1 of Chapter 8 of Title 46.2 a section numbered*
 3 *46.2-818.3, relating to live streaming while driving; prohibited; penalty.*

4 [H 320]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding in Article 1 of Chapter 8 of Title 46.2 a section**
 8 **numbered 46.2-818.3 as follows:**9 **§ 46.2-818.3. *Live streaming while driving prohibited; penalty.***10 *A. For purposes of this section:*11 *"Content" means audiovisual content shared on a social media platform.*12 *"Live stream" means real-time audio or video transmission to any social media platform.*13 *"Social media platform" means the same as that term is defined in § 59.1-575. "Social media platform"*
 14 *does not include any application, service, or website with the primary function of providing audio or video*
 15 *conferencing or calling services.*16 *B. It is unlawful for any person, while driving a moving motor vehicle on the highways in the*
 17 *Commonwealth, to initiate, participate in, or interact with any live stream.*18 *C. Notwithstanding any provision of § 46.2-818.2 to the contrary, it is unlawful for any person, while*
 19 *driving a motor vehicle on the highways in the Commonwealth, to manipulate any electronic device to enable*
 20 *or maintain the functions of a live stream on or with such electronic device.*21 *D. Upon the conviction of a violation of this section that is a first offense, the court shall impose a fine of*
 22 *not more than \$500, in addition to any other penalties provided by law. Upon the conviction of a violation of*
 23 *this section that is a second offense, the court shall suspend the driver's license of the person convicted for a*
 24 *period of 30 days, in addition to any other penalties provided by law, and shall order the surrender of his*
 25 *license to the court to be disposed of in accordance with § 46.2-398. Upon the conviction of a violation of*
 26 *this section that is a third or subsequent offense, the court shall suspend the driver's license of the person*
 27 *convicted for a period of 90 days, in addition to any other penalties provided by law, and shall order the*
 28 *surrender of his license to the court to be disposed of in accordance with § 46.2-398. However, in those cases*
 29 *where the court determines it is appropriate, the court may provide that any individual whose license is*
 30 *suspended pursuant to this section be issued a restricted license to operate a motor vehicle for any of the*
 31 *purposes set forth in subsection E of § 18.2-271.1 during the term of suspension. If the convicted driver does*
 32 *not have a driver's license or is a nonresident, the court may order the driver not to drive any motor vehicle*
 33 *in the Commonwealth for a period of time corresponding to the respective period of license suspension for*
 34 *such offense.*35 *If a person violates the provisions of this section and is involved in an accident while committing such*
 36 *violation, the court may impose, in addition to any other penalties provided by law, a fine of not more than*
 37 *\$500.*38 *E. The provisions of this section shall not apply to the use of live streaming to report an emergency or the*
 39 *commission of a crime.*40 *F. Nothing in this section shall be construed to (i) authorize the warrantless search of electronic devices,*
 41 *(ii) prohibit the use of any dashboard camera that is not used for purposes of live streaming, or (iii) prohibit*
 42 *the use of any manufacturer or fleet safety systems that record video but do not transmit real-time content.*43 *G. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence*
 44 *discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or*
 45 *obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.*