

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 46.2-208 and 46.2-882.1 of the Code of Virginia, relating to photo speed*  
 3 *monitoring devices, pedestrian crossing violation monitoring systems and stop sign violation monitoring*  
 4 *systems; placement and operation.*

5 [S 84]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That §§ 46.2-208 and 46.2-882.1 of the Code of Virginia are amended and reenacted as follows:**9 **§ 46.2-208. Records of Department; when open for inspection; release of privileged information.**10 A. The following information shall be considered privileged and unless otherwise provided for in this title  
 11 shall not be released except as provided in subsection B:

12 1. Personal information as defined in § 2.2-3801;

13 2. Driver information, defined as all data that relates to driver's license status and driver activity;

14 3. Special identification card information, defined as all data that relates to identification card status; and

15 4. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle activity  
 16 data, but excluding crash data.

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

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

21 2, 3. [Repealed.]

22 4. Upon the request of (i) the subject of the information, (ii) the parent of a minor who is the subject of the  
 23 information, (iii) the guardian of the subject of the information, (iv) the authorized agent or representative of  
 24 the subject of the information, or (v) the owner of the vehicle that is the subject of the information, the  
 25 Commissioner shall provide him with the requested information and a complete explanation of it. Requests  
 26 for such information need not be made in writing or in person and may be made orally or by telephone,  
 27 provided that the Department is satisfied that there is adequate verification of the requester's identity. When  
 28 so requested in writing by (a) the subject of the information, (b) the parent of a minor who is the subject of  
 29 the information, (c) the guardian of the subject of the information, (d) the authorized agent or representative  
 30 of the subject of the information, or (e) the owner of the vehicle that is the subject of the information, the  
 31 Commissioner shall verify and, if necessary, correct the personal information provided and furnish driver,  
 32 special identification card, or vehicle information. If the requester is requesting such information in the scope  
 33 of his official business as counsel from a public defender's office or as counsel appointed by a court, such  
 34 records shall be provided free of charge.35 5. Upon the written request of any insurance carrier or surety, or authorized agent of either, the  
 36 Commissioner shall furnish to such requester information in the record of any person subject to the  
 37 provisions of this title. The transcript shall include any record of any conviction of a violation of any  
 38 provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any  
 39 injury or damage in which he was involved and a report filed pursuant to § 46.2-373. No such report of any  
 40 conviction or crash shall be made after 60 months from the date of the conviction or crash unless the  
 41 Commissioner or court used the conviction or crash as a reason for the suspension or revocation of a driver's  
 42 license or driving privilege, in which case the revocation or suspension and any conviction or crash pertaining  
 43 thereto shall not be reported after 60 months from the date that the driver's license or driving privilege has  
 44 been reinstated. The response of the Commissioner under this subdivision shall not be admissible in evidence  
 45 in any court proceedings.46 6. Upon the written request of any business organization or its authorized agent, in the conduct of its  
 47 business, the Commissioner shall compare personal information supplied by the requester with that contained  
 48 in the Department's records and, when the information supplied by the requester is different from that  
 49 contained in the Department's records, provide the requester with correct information as contained in the  
 50 Department's records. Personal information provided under this subdivision shall be used solely for the  
 51 purpose of pursuing remedies that require locating an individual.52 7. Upon the written request of any business organization or its authorized agent, the Commissioner shall  
 53 provide vehicle information to the requester. Disclosures made under this subdivision shall not include any  
 54 personal information, driver information, or special identification card information and shall not be subject to  
 55 the limitations contained in subdivision 6.

56 8. Upon the written request of any motor vehicle rental or leasing company or its authorized agent, the

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

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

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

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

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

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

116 11. a. For the purpose of obtaining information regarding noncommercial driver's license holders, upon  
117 the written request of any employer, prospective employer, or authorized agent of either, and with the written  
118 consent of the individual concerned, the Commissioner shall (i) compare personal information supplied by

119 the requester with that contained in the Department's records and, when the information supplied by the  
 120 requester is different from that contained in the Department's records, provide the requester with correct  
 121 information as contained in the Department's records and (ii) provide the requester with driver information in  
 122 the form of a transcript of an individual's record, including all convictions, all crashes, any type of driver's  
 123 license that the individual currently possesses, and all driver's license suspensions, revocations, cancellations,  
 124 or forfeiture, provided that such individual's position or the position that the individual is being considered for  
 125 involves the operation of a motor vehicle.

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

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

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

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

169 15, 16. [Repealed.]

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

173 18. Upon the request, in the course of business, of any authorized agent of an insurance company or of  
 174 any not-for-profit entity organized to prevent and detect insurance fraud, or perform rating and underwriting  
 175 activities, the Commissioner shall provide (i) all vehicle information, the owner's name and address,  
 176 descriptive data and title, registration, and vehicle activity data, as requested, or (ii) the driver name, license  
 177 number and classification, date of birth, and address information for each driver under the age of 22 licensed  
 178 in the Commonwealth, provided that such request includes the driver's license number or address information  
 179 of such driver. Use of such information shall be limited to use in connection with insurance claims

180 investigation activities, antifraud activities, rating, or underwriting.

181 19. [Repealed.]

182 20. Upon the written request of the compliance agent of a private security services business, as defined in  
183 § 9.1-138, which is licensed by the Virginia Department of Criminal Justice Services, the Commissioner shall  
184 provide the name and address of the owner of the vehicle under procedures determined by the Commissioner.

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

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

208 22-26. [Repealed.]

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

213 28. [Repealed.]

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

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

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

227 31. Upon the request of the operator of a photo speed monitoring device, *pedestrian crossing violation*  
228 *monitoring system, or stop sign violation monitoring system as those terms are* defined in § 46.2-882.1 acting  
229 on behalf of a government entity, the Commissioner shall provide vehicle owner data pursuant to subsection  
230 H of § 46.2-882.1. Information released pursuant to this subdivision shall be limited to the name and address  
231 of the owner of the vehicle having committed a vehicle speed violation, *pedestrian crossing violation, or stop*  
232 *sign violation, respectively, as those terms are* defined in § 46.2-882.1, and the vehicle information, including  
233 all descriptive vehicle data and title and registration data, for such vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

304 governed by the provisions of subdivision B 9.

305 **§ 46.2-882.1. Use of photo speed monitoring devices, pedestrian crossing violation monitoring**  
306 **systems, and stop sign violation monitoring systems in highway work zones, school crossing zones, and**  
307 **high-risk intersection segments; civil penalty.**

308 A. For the purposes of this section:

309 "High-risk intersection segment" means any highway or portion thereof located not more than 1,000 feet  
310 from the limits of the property of a school that is part of or adjacent to an intersection containing a marked  
311 crosswalk that is identified in the manner provided in this section as one in which a traffic fatality has  
312 occurred since January 1, 2014.

313 "Highway work zone" has the same meaning ascribed to it in § 46.2-878.1.

314 "Photo speed monitoring device" means equipment that uses radar or LIDAR-based speed detection and  
315 produces one or more photographs, microphotographs, videotapes, or other recorded images of vehicles.

316 "Operating costs" means the costs attributable to a locality's photo speed monitoring device program,  
317 including costs for (i) devices and associated equipment, including the installation and operation of such  
318 devices and equipment; (ii) signs and speed display signs indicating the use of a photo speed monitoring  
319 device; (iii) contracts with private vendors; and (iv) personnel costs.

320 "Pedestrian crossing violation" means a violation of this title resulting from the operation of a vehicle in  
321 violation of § 46.2-924.

322 "Pedestrian crossing violation monitoring system" means equipment that produces one or more  
323 photographs, micrographs, videotapes, or other recorded images of pedestrian crossing violations.

324 "Retired sworn law-enforcement officer" means any officer of the United States, or of a state or political  
325 subdivision thereof, who was empowered by law to conduct investigations and make arrests and any attorney  
326 authorized by law to prosecute or participate in the prosecution of such offenses, who at the time of  
327 retirement kept an up-to-date certification and retired honorably in good standing. A retired sworn law-  
328 enforcement officer shall not be required to keep an up-to-date certification after the date of his retirement.

329 "School crossing zone" has the same meaning ascribed to it in § 46.2-873.

330 "Speed display sign" means a self-contained system that uses radar or LIDAR-based speed detection to  
331 measure the real-time speed of an approaching vehicle and displays that speed to the driver.

332 "Stop sign violation" means a violation of this title resulting from the operation of a vehicle in violation of  
333 a stop sign placed in accordance with § 46.2-830, including a violation of § 46.2-821 or 46.2-833.1. "Stop  
334 sign violation" does not include violations of traffic light signals, traffic control devices other than stop signs,  
335 or speed limits.

336 "Stop sign violation monitoring system" means equipment that produces one or more photographs,  
337 micrographs, videotapes, or other recorded images of stop sign violations.

338 "Vehicle speed violation" means a violation of this title resulting from the operation of a vehicle in excess  
339 of the speed limit, including a violation of § 46.2-873 or 46.2-878.1.

340 "Workers are present" means one or more individuals are physically present and providing highway  
341 maintenance or construction services pursuant to a contract with the Department of Transportation or a  
342 political subdivision of the Commonwealth.

343 B. A state or local law-enforcement agency may place and operate a photo speed monitoring device in  
344 school crossing zones for the purposes of recording violations of § 46.2-873 and, *when workers are present*,  
345 in highway work zones for the purposes of recording violations of § 46.2-878.1.

346 A state or local law-enforcement agency may place and operate a photo speed monitoring device at a  
347 high-risk intersection segment located within the locality for the purpose of recording vehicle speed  
348 violations, provided that such law-enforcement agency certifies that a traffic fatality has occurred since  
349 January 1, 2014, in such segment.

350 A state or local law-enforcement agency may place and operate in school crossing zones or highway work  
351 zones (i) a pedestrian crossing violation monitoring system for purposes of recording pedestrian crossing  
352 violations and (ii) a stop sign violation monitoring system for purposes of recording stop sign violations.

353 C. The operator of a vehicle shall be liable for a monetary civil penalty imposed pursuant to this section if  
354 such vehicle is found, (i) as evidenced by information obtained from a photo speed monitoring device, to be  
355 traveling at speeds of at least 10 miles per hour above the posted speed limit in the zone monitored by the  
356 photo speed monitoring device; (ii) as evidenced by information obtained from a pedestrian crossing  
357 violation monitoring system, to have committed a pedestrian crossing violation; or (iii) as evidenced by  
358 information obtained from a stop sign violation monitoring system, to have committed a stop sign violation.  
359 However, no person shall be liable for a monetary civil penalty pursuant to this subsection for any violation  
360 in a highway work zone unless workers are present at the time of such violation. Such civil penalty shall not  
361 exceed \$100, and any prosecution shall be instituted and conducted in the same manner as prosecution for  
362 traffic infractions. Civil penalties collected under this section resulting from a summons issued by a local  
363 law-enforcement officer or retired sworn law-enforcement officer employed by a locality shall be paid to the  
364 locality in which such violation occurred to be used for its photo speed monitoring device program,  
365 pedestrian crossing violation monitoring system program, or a stop sign violation monitoring system

366 program. Any funds in excess of those allocated for such purposes shall be deposited in a local fund used  
 367 solely for planning, design and construction, implementation, administration, and operation of initiatives,  
 368 projects, or programs that improve traffic safety, speed management, bicycle and pedestrian safety, public  
 369 transit, and local systemic safety initiatives otherwise eligible for funding through the Virginia Highway  
 370 Safety Improvement Program established pursuant to § 33.2-373. Any such excess funds shall first be used  
 371 for such purposes in highway work zones, high-risk intersection segments, or school crossing zones prior to  
 372 being used for such purposes in any other area. Civil penalties collected under this section resulting from a  
 373 summons issued after July 1, 2026, by a law-enforcement officer or retired sworn law-enforcement officer  
 374 employed by the Department of State Police shall be paid ~~into the Literary Fund~~ to the Department of State  
 375 Police to be deposited in a fund used solely for the payment of the agreed-upon compensation and actual  
 376 program costs incurred by the Department of State Police in placing and operating such photo speed  
 377 monitoring devices, pedestrian crossing violation monitoring systems, or stop sign violation monitoring  
 378 systems, except that any excess moneys in such fund shall be paid to the Commonwealth Transportation  
 379 Board to be used for the Virginia Highway Safety Improvement Program established pursuant to § 33.2-373.  
 380 However, all civil penalties collected under this section resulting from a summons issued based on evidence  
 381 obtained from a photo speed monitoring device, pedestrian crossing violation monitoring system, or stop sign  
 382 violation monitoring system placed and operated at a high-risk intersection segment shall be paid to the  
 383 Commonwealth Transportation Board to be used for the Virginia Highway Safety Improvement Program  
 384 established pursuant to § 33.2-373.

385 D. If a photo speed monitoring device, pedestrian crossing violation monitoring system, or stop sign  
 386 violation monitoring system is used, proof of a vehicle speed violation, pedestrian crossing violation, or stop  
 387 sign violation, respectively, shall be evidenced by information obtained from such device. A certificate, or a  
 388 facsimile thereof, sworn to or affirmed by a law-enforcement officer or a retired sworn law-enforcement  
 389 officer, based upon inspection of photographs, microphotographs, videotapes, or other recorded images  
 390 produced by a photo speed monitoring device, pedestrian crossing violation monitoring system, or stop sign  
 391 violation monitoring system, shall be prima facie evidence of the facts contained therein. However, for any  
 392 photo speed monitoring device placed in a school crossing zone, such sworn certificate or facsimile thereof  
 393 shall not be prima facie evidence of the facts contained therein unless such photographs, microphotographs,  
 394 videotapes, or other recorded images, or documentation, depict or confirm a portable sign or tilt-over sign  
 395 that is in position or blinking sign that is activated, indicating the school crossing zone pursuant to  
 396 § 46.2-873, at the time of such vehicle speed violation. However, for any photo speed monitoring device,  
 397 pedestrian crossing violation monitoring system, or stop sign violation monitoring system placed in a  
 398 highway work zone, such sworn certificate or facsimile thereof shall not be prima facie evidence of the facts  
 399 contained therein unless the operator of the photo speed monitoring device, pedestrian crossing violation  
 400 monitoring system, or stop sign violation monitoring system, respectively, provides a sworn certification  
 401 verifying that workers were present at the time of such violation. Any photographs, microphotographs,  
 402 videotapes, or other recorded images evidencing such a violation shall be available for inspection in any  
 403 proceeding to adjudicate the liability for such vehicle speed violation, pedestrian crossing violation, or stop  
 404 sign violation.

405 E. In the prosecution for a vehicle speed violation, pedestrian crossing violation, or stop sign violation in  
 406 which a summons was issued by mail, prima facie evidence that the vehicle described in the summons issued  
 407 pursuant to this section was operated in a manner constituting a vehicle speed violation, pedestrian crossing  
 408 violation, or stop sign violation, together with proof that the defendant was at the time of such violation the  
 409 owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner,  
 410 lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be  
 411 rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the  
 412 general district court that he was not the operator of the vehicle at the time of the alleged violation and  
 413 provides the name and address of the person who was operating the vehicle at the time of the alleged  
 414 violation or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of the  
 415 alleged violation and provides the name and address of the person who was operating the vehicle at the time  
 416 of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report,  
 417 showing that the vehicle had been reported to the police as stolen prior to the time of the alleged vehicle  
 418 speed violation, pedestrian crossing violation, or stop sign violation, is presented, prior to the return date  
 419 established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

420 F. Imposition of a penalty pursuant to this section by mailing a summons shall not be deemed a conviction  
 421 as an operator and shall not be made part of the operating record of the person upon whom such liability is  
 422 imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.  
 423 However, if a law-enforcement officer uses a photo speed monitoring device to record a vehicle speed  
 424 violation and personally issues a summons at the time of the violation, the conviction that results shall be  
 425 made a part of such driver's driving record and used for insurance purposes in the provision of motor vehicle  
 426 insurance coverage.

427 G. 1. The Supreme Court of Virginia shall develop a summons for purposes of this section. Every

428 *summons issued pursuant to this section shall be such a summons.*

429 2. A summons for a vehicle speed violation, *pedestrian crossing violation, or stop sign violation* issued by  
430 mail pursuant to this section may be executed pursuant to § 19.2-76.2. Notwithstanding the provisions of  
431 § 19.2-76, a summons issued by mail pursuant to this section may be executed by mailing by first-class mail a  
432 copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be  
433 mailed to the address contained in the records of or accessible to the Department. In the case of a vehicle  
434 lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter. Every  
435 such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut  
436 the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing  
437 of an affidavit as provided in subsection E and (ii) instructions for filing such affidavit, including the address  
438 to which the affidavit is to be sent. *Every such mailing shall also include an explanation of and any*  
439 *information necessary for the process of contesting such an alleged violation and payment of a civil penalty.*  
440 If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this  
441 section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or  
442 arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the  
443 summons. If the summons is issued to an owner, lessee, or renter of a vehicle with a registration outside the  
444 Commonwealth and such person fails to appear on the date of return set out in the summons mailed pursuant  
445 to this section, the summons will be eligible for all legal collections activities. Any summons executed for a  
446 vehicle speed violation, *pedestrian crossing violation, or stop sign violation* issued pursuant to this section  
447 shall provide to the person summoned at least 30 days from the mailing of the summons to inspect  
448 information collected by a photo speed monitoring device, *pedestrian crossing violation, or stop sign*  
449 *violation, respectively, in connection with the violation, including proof of calibration of the photo speed*  
450 *monitoring device used to record the alleged vehicle speed violation if the citation is contested.* If the  
451 law-enforcement agency that was operating the photo speed monitoring device, *pedestrian crossing violation*  
452 *monitoring system, or stop sign violation monitoring system* does not execute a summons for a vehicle speed  
453 violation, *pedestrian crossing violation, or stop sign violation, respectively, issued pursuant to this section*  
454 *within 30 days from the date of the violation, all information collected pertaining to that suspected violation*  
455 *shall be purged within 60 days from the date of the violation.*

456 H. A private vendor may enter into an agreement with a law-enforcement agency to be compensated for  
457 providing a photo speed monitoring device, *pedestrian crossing violation monitoring system, or stop sign*  
458 *violation monitoring system* and all related support services, including consulting, operations, and  
459 administration. However, only a law-enforcement officer or retired sworn law-enforcement officer may swear  
460 to or affirm the certificate required by this section. Any such agreement for compensation shall be based on  
461 the value of the goods and services provided, not on the number of violations paid or monetary penalties  
462 imposed. *Any such agreement for compensation shall provide that if such private vendor is responsible for*  
463 *mailing a summons pursuant to this section, such private vendor shall not impose or collect any additional*  
464 *fee, including any administrative fee, and shall only collect a civil penalty as authorized pursuant to this*  
465 *section, except that a reasonable postage and convenience fee for electronic payment of the civil penalty, not*  
466 *to exceed five percent of the civil penalty, may be imposed and collected.* Any private vendor contracting with  
467 a law-enforcement agency pursuant to this section may enter into an agreement with the Department, in  
468 accordance with the provisions of subdivision B 31 of § 46.2-208, to obtain vehicle owner information  
469 regarding the registered owners of vehicles that committed a vehicle speed violation, *pedestrian crossing*  
470 *violation, or stop sign violation.* Any such information provided to such private vendor shall be protected in a  
471 database. *Any such private vendor providing a photo speed monitoring device that is also compensated for*  
472 *the calibration of such device shall calibrate such device in the same manner and to the same specifications*  
473 *as all other devices determining speed, to the extent that such devices utilize the same method of speed*  
474 *detection as such photo speed monitoring device, that are used by the law-enforcement agency with which*  
475 *such vendor has entered into an agreement. Upon request of any person who received a summons by mail for*  
476 *a vehicle speed violation recorded by a photo speed monitoring device provided by such a private vendor and*  
477 *who contests such citation, such private vendor shall deliver proof of calibration of such photo speed*  
478 *monitoring device for the time period in which the alleged violation was recorded to such person and to the*  
479 *court in which such citation is to be contested. If such proof of calibration is delivered by mail, it shall be*  
480 *postmarked within 10 days of such request for such proof of calibration, and if such proof of calibration is*  
481 *electronically delivered, it shall be electronically delivered within 10 days of such request for such proof of*  
482 *calibration. Such summons shall include notice of such person's right to request such proof of calibration.*  
483 *Any private vendor that fails to provide such proof of calibration within the time specified shall be subject to*  
484 *a civil penalty of \$1,000. All civil penalties received pursuant to this subsection shall be paid to the*  
485 *Commonwealth Transportation Board to be used for the Virginia Highway Safety Improvement Program*  
486 *established pursuant to § 33.2-373.*

487 I. Information collected by a photo speed monitoring device, *pedestrian crossing violation monitoring*  
488 *system, or stop sign violation monitoring system* operated pursuant to this section shall be limited exclusively  
489 to that information that is necessary for the enforcement of vehicle speed violations, *pedestrian crossing*

490 *violations, or stop sign violations, respectively.* Information provided to the operator of a photo speed  
 491 monitoring device, *pedestrian crossing violation monitoring system, or stop sign violation monitoring system*  
 492 shall be protected in a database and used only for enforcement of vehicle speed violations, *pedestrian*  
 493 *crossing violations, or stop sign violations* and enforcement against individuals who violate the provisions of  
 494 this section. Notwithstanding any other provision of law, all photographs, microphotographs, videotapes, or  
 495 other recorded images collected by a photo speed monitoring device, *pedestrian crossing violation*  
 496 *monitoring system, or stop sign violation monitoring system* shall be used exclusively for enforcing vehicle  
 497 speed violations, *pedestrian crossing violations, or stop sign violations, respectively,* and shall not be (i) open  
 498 to the public; (ii) sold or used for sales, solicitation, or marketing purposes; (iii) disclosed to any other entity  
 499 except as may be necessary for the enforcement of a vehicle speed violation, *pedestrian crossing violation, or*  
 500 *stop sign violation, respectively,* or to a vehicle owner or operator as part of a challenge to the violation; or  
 501 (iv) used in a court in a pending action or proceeding unless the action or proceeding relates to a vehicle  
 502 speed violation, *pedestrian crossing violation, or stop sign violation, respectively,* or a violation of this  
 503 section, or such information is requested upon order from a court of competent jurisdiction. Information  
 504 collected under this section pertaining to a specific violation shall be purged and not retained ~~later than 60~~  
 505 ~~days after~~ *21 days after the date of its capture in such a manner that such data is destroyed and not*  
 506 *recoverable by either a private vendor or the law-enforcement agency, except that when a summons is issued*  
 507 *for a violation, such information may be retained until the collection of any civil penalties or the final*  
 508 *disposition of any civil matter related to the information. A law-enforcement agency or private vendor using*  
 509 *such a database shall maintain records sufficient to facilitate reporting as required by this section.* Any  
 510 law-enforcement agency using a photo speed monitoring ~~devices~~ *device, pedestrian crossing violation*  
 511 *monitoring system, or stop sign violation monitoring system* shall annually certify compliance with this  
 512 section and make all records pertaining to such system available for inspection and audit by the  
 513 Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or his designee. Any  
 514 person who discloses personal information in violation of the provisions of this subsection shall be subject to  
 515 a civil penalty of \$1,000 per disclosure.

516 J. ~~A conspicuous sign~~ *At least two conspicuous signs* shall be placed *from any direction* within 1,000 feet  
 517 of any school crossing zone, highway work zone, or high-risk intersection segment at which a photo speed  
 518 monitoring device is used, indicating the use of the device. *At least one of such signs shall be a speed display*  
 519 *sign. At least two conspicuous signs shall be placed within 1,000 feet of any school crossing zone, highway*  
 520 *work zone, or high-risk intersection segment at which a pedestrian crossing violation monitoring system or*  
 521 *stop sign violation monitoring system is used, indicating the use of the system.* There ~~shall be~~ *is* a rebuttable  
 522 presumption that such sign was in place at the time of the commission of the *vehicle speed limit* violation,  
 523 *pedestrian crossing violation, or stop sign violation, respectively.*

524 K. Any state or local law-enforcement agency that places and operates a photo speed monitoring device,  
 525 *pedestrian crossing violation monitoring system, or stop sign violation monitoring system* pursuant to the  
 526 provisions of this section shall report to the Department of State Police, in a format to be determined by the  
 527 Department of State Police, by ~~January~~ *November 15* of each year on the number of traffic violations  
 528 prosecuted; the number of successful prosecutions; *the operating costs of the use of such photo speed*  
 529 *monitoring device, pedestrian crossing violation monitoring system, or stop sign violation monitoring system;*  
 530 and the total amount of monetary civil penalties collected. *Any such local law-enforcement agency shall also*  
 531 *report to the Department of State Police, in a format to be determined by the Department of State Police, by*  
 532 *November 15 of each year on (i) the projects and initiatives funded by moneys in the local fund created*  
 533 *pursuant to subsection C, (ii) the change in number of summonses issued over the course of the reporting*  
 534 *period relative to the prior reporting periods, (iii) the number of unsuccessful prosecutions and dismissed*  
 535 *summons, and (iv) the percentage of vehicles that receive a summons pursuant to this section relative to the*  
 536 *total vehicle throughput.* The Department of State Police shall aggregate such information and report it to the  
 537 General Assembly by ~~February~~ *December 15* of each year *and make such information publicly available on*  
 538 *its website.*

539 L. Any state or local law-enforcement agency that places and operates a photo speed monitoring device,  
 540 *pedestrian crossing violation monitoring system, or stop sign violation monitoring system* pursuant to the  
 541 provisions of this section shall develop an emergency action plan for addressing issues with such photo speed  
 542 monitoring devices, *pedestrian crossing violation monitoring system, or stop sign violation monitoring*  
 543 *system, including system malfunctions. Such law-enforcement agency shall follow current guidance published*  
 544 *by the U.S. Department of Transportation regarding the use of photo speed monitoring devices, pedestrian*  
 545 *crossing violation monitoring systems, or stop sign violation monitoring systems. Such law-enforcement*  
 546 *agency shall annually review its use of photo speed monitoring devices, pedestrian crossing violation*  
 547 *monitoring systems, or stop sign violation monitoring systems to ensure effective distribution of such devices*  
 548 *to properly address safety needs and address racial, economic, and other equity issues and public concerns.*

549 M. Any state or local law-enforcement agency that places and operates a photo speed monitoring device  
 550 pursuant to the provisions of this section shall, on its website and social media accounts, (i) provide  
 551 information regarding procedures for contesting an alleged vehicle speed violation, *pedestrian crossing*

552 violation, or stop sign violation, as applicable, and the process for paying the civil penalty for such an  
553 alleged violation; (ii) establish a method for answering questions related to such photo speed monitoring  
554 device, pedestrian crossing violation monitoring system, or stop sign violation monitoring system; and (iii)  
555 publicize any changes to the use of photo speed monitoring devices, pedestrian crossing violation monitoring  
556 systems, or stop sign violation monitoring systems, including the locations of new photo speed monitoring  
557 devices, pedestrian crossing violation monitoring systems, or stop sign violation monitoring systems and the  
558 highway work zones or school crossing zones in which they are placed. Such requirement shall be satisfied if  
559 the state or local law-enforcement agency provides a link on its website and social media accounts to the  
560 website of the private vendor with which it has entered into an agreement pursuant to subsection H, provided  
561 that such website satisfies the requirements of clauses (i), (ii), and (iii).

562 N. For any new photo speed monitoring device placed and operated after July 1, 2026, for the first 30  
563 days of its operation, the law-enforcement agency shall issue a warning by mail instead of a summons for an  
564 alleged vehicle speed violation, pedestrian crossing violation, or stop sign violation, respectively, and assess  
565 no civil penalty for such violation. Nothing in this subsection shall be construed to prevent a law-enforcement  
566 officer who uses a photo speed monitoring device to record a vehicle speed violation from personally issuing  
567 a summons at the time of the violation.

568 O. Nothing in this section shall be construed to affect the funding of or investment in any project initiated  
569 by a locality prior to July 1, 2026.

570 P. Prior to implementing or expanding the use of a pedestrian crossing violation monitoring system or  
571 stop sign violation monitoring system in a locality, the local law-enforcement agency shall conduct a public  
572 awareness program to advise the public that such local law-enforcement agency is implementing or  
573 expanding such pedestrian crossing violation monitoring system or stop sign violation monitoring system.

574 Q. For any summons issued pursuant to this section, failure to comply with the provisions of this section  
575 shall render such summons invalid and the court shall dismiss such summons.

576 **2. That the provisions of this act amending subsection J of § 46.2-882.1 of the Code of Virginia to**  
577 **require at least two conspicuous signs for photo speed monitoring devices and to require one of such**  
578 **signs to be a speed display sign shall become effective on July 1, 2027.**

579 **3. That the Supreme Court of Virginia shall develop a summons for the purposes of § 46.2-882.1 of the**  
580 **Code of Virginia, as amended by this act, no later than October 1, 2026.**

581 **4. That the provisions of this act creating subdivision G 1 of § 46.2-882.1 of the Code of Virginia,**  
582 **related to the use of a summons developed by the Supreme Court of Virginia, shall become effective on**  
583 **January 1, 2027.**