

HOUSE BILL NO. 1330

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation

on _____)

(Patron Prior to Substitute—Delegate Seibold)

A BILL to amend and reenact §§ 46.2-208 and 46.2-882.1 of the Code of Virginia, relating to photo speed monitoring devices, pedestrian crossing violation monitoring systems and stop sign violation monitoring systems; placement and operation.

Be it enacted by the General Assembly of Virginia:**1. That §§ 46.2-208 and 46.2-882.1 of the Code of Virginia are amended and reenacted as follows:****§ 46.2-208. Records of Department; when open for inspection; release of privileged information.**

A. The following information shall be considered privileged and unless otherwise provided for in this title shall not be released except as provided in subsection B:

1. Personal information as defined in § 2.2-3801;
2. Driver information, defined as all data that relates to driver's license status and driver activity;
3. Special identification card information, defined as all data that relates to identification card status; and
4. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle activity data, but excluding crash data.

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

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

2, 3. [Repealed.]

4. Upon the request of (i) the subject of the information, (ii) the parent of a minor who is the subject of the information, (iii) the guardian of the subject of the information, (iv) the authorized agent or representative of the subject of the information, or (v) the owner of the vehicle that is the subject of the information, the Commissioner shall provide him with the requested information and a complete explanation of it. Requests for such information need not be made in writing or in person and may be made orally or by telephone, provided that the Department is satisfied that there is adequate verification of the requester's identity. When so requested in writing by (a) the subject of the information, (b) the parent of a minor who is the subject of

the information, (c) the guardian of the subject of the information, (d) the authorized agent or representative of the subject of the information, or (e) the owner of the vehicle that is the subject of the information, the Commissioner shall verify and, if necessary, correct the personal information provided and furnish driver, special identification card, or vehicle information. If the requester is requesting such information in the scope of his official business as counsel from a public defender's office or as counsel appointed by a court, such records shall be provided free of charge.

5. Upon the written request of any insurance carrier or surety, or authorized agent of either, the Commissioner shall furnish to such requester information in the record of any person subject to the provisions of this title. The transcript shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which he was involved and a report filed pursuant to § 46.2-373. No such report of any conviction or crash shall be made after 60 months from the date of the conviction or crash unless the Commissioner or court used the conviction or crash as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or crash pertaining thereto shall not be reported after 60 months from the date that the driver's license or driving privilege has been reinstated. The response of the Commissioner under this subdivision shall not be admissible in evidence in any court proceedings.

6. Upon the written request of any business organization or its authorized agent, in the conduct of its business, the Commissioner shall compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records. Personal information provided under this subdivision shall be used solely for the purpose of pursuing remedies that require locating an individual.

7. Upon the written request of any business organization or its authorized agent, the Commissioner shall provide vehicle information to the requester. Disclosures made under this subdivision shall not include any personal information, driver information, or special identification card information and shall not be subject to the limitations contained in subdivision 6.

8. Upon the written request of any motor vehicle rental or leasing company or its authorized agent, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in

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

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

The Department shall release to a requester information that is required for a requester to carry out the requester's official functions in accordance with this subdivision. If the requester has entered into an agreement with the Department, such agreement shall be in a manner prescribed by the Department, and such

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

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

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

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

118 11. a. For the purpose of obtaining information regarding noncommercial driver's license holders, upon
119 the written request of any employer, prospective employer, or authorized agent of either, and with the written

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

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

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

149 is needed by the requester to establish the qualifications of the member, volunteer, or applicant to operate
150 equipment owned by the volunteer fire company or volunteer emergency medical services agency.

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

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

171 15, 16. [Repealed.]

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

175 18. Upon the request, in the course of business, of any authorized agent of an insurance company or of
176 any not-for-profit entity organized to prevent and detect insurance fraud, or perform rating and underwriting
177 activities, the Commissioner shall provide (i) all vehicle information, the owner's name and address,

descriptive data and title, registration, and vehicle activity data, as requested, or (ii) the driver name, license number and classification, date of birth, and address information for each driver under the age of 22 licensed in the Commonwealth, provided that such request includes the driver's license number or address information of such driver. Use of such information shall be limited to use in connection with insurance claims investigation activities, antifraud activities, rating, or underwriting.

19. [Repealed.]

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

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

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

209 including all descriptive vehicle data and title registration data of the same vehicle.

210 22-26. [Repealed.]

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

215 28. [Repealed.]

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

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

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

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

236 32. Notwithstanding the provisions of this section other than subdivision 33, the Department shall not
237 release, except upon request by the subject of the information, the guardian of the subject of the information,
238 the parent of a minor who is the subject of the information, or the authorized agent of the subject of the

information, or pursuant to a court order, (i) proof documents submitted for the purpose of obtaining a driving credential or a special identification card, (ii) the information in the Department's records indicating the type of proof documentation that was provided, or (iii) applications relating to the issuance of a driving credential or a special identification card. As used in this subdivision, "proof document" means any document not originally created by the Department that is submitted to the Department for the issuance of any driving credential or special identification card. "Proof document" does not include any information contained on a driving credential or special identification card.

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

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

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

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

E. The Department shall not release any privileged information pursuant to this title unless the Department has entered into a written agreement authorizing such release. The Department shall require the requesting entity to specify the purpose authorized pursuant to this title that forms the basis for the request and provide the permissible purpose as defined under 18 U.S.C. § 2721(b). Privileged information requested by an entity that has been altered or aggregated may be used only for the original purposes specified in the written agreement consistent with this title. The requesting entity shall disseminate privileged information only to third parties subject to the original purpose specified in the written agreement consistent with this title. Any agreement that does not allow third-party distribution shall include a statement that such

268 distribution is prohibited. Such agreement may limit the scope of any authorized distribution consistent with
269 this title. Privileged information distributed to any third party shall only be further distributed by such third
270 party subject to the original purpose specified and consistent with this title, or unless such third party is the
271 subject of the information, the parent of a minor who is the subject of the information, the guardian of the
272 subject of the information, the authorized agent or representative of the subject of the information, or the
273 owner of the vehicle that is the subject of the information.

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

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

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

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

H. Any request for privileged information by an authorized agent of a governmental entity shall be governed by the provisions of subdivision B 9.

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

A. For the purposes of this section:

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

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

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

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

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

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

"Retired sworn law-enforcement officer" means any officer of the United States, or of a state or political subdivision thereof, who was empowered by law to conduct investigations and make arrests and any attorney

328 authorized by law to prosecute or participate in the prosecution of such offenses, who at the time of
329 retirement kept an up-to-date certification and retired honorably in good standing. A retired sworn law-
330 enforcement officer shall not be required to keep an up-to-date certification after the date of his retirement.

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

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

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

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

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

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

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

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

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

355 C. The operator of a vehicle shall be liable for a monetary civil penalty imposed pursuant to this section if
356 such vehicle is found, (i) as evidenced by information obtained from a photo speed monitoring device, to be
357 traveling at speeds of at least 10 miles per hour above the posted speed limit in the zone monitored by the
358 photo speed monitoring device; (ii) as evidenced by information obtained from a pedestrian crossing

violation monitoring system, to have committed a pedestrian crossing violation; or (iii) as evidenced by information obtained from a stop sign violation monitoring system, to have committed a stop sign violation. However, no person shall be liable for a monetary civil penalty pursuant to this subsection for any violation in a highway work zone unless workers are present at the time of such violation. Such civil penalty shall not exceed \$100, and any prosecution shall be instituted and conducted in the same manner as prosecution for traffic infractions. Civil penalties collected under this section resulting from a summons issued by a local law-enforcement officer or retired sworn law-enforcement officer employed by a locality shall be paid to the locality in which such violation occurred to be used for its photo speed monitoring device program, pedestrian crossing violation monitoring system program, or a stop sign violation monitoring system program. Any funds in excess of those allocated for such purposes shall be deposited in a local fund used solely for planning, design and construction, implementation, administration, and operation of initiatives, projects, or programs that improve traffic safety, speed management, bicycle and pedestrian safety, public transit, and local systemic safety initiatives otherwise eligible for funding through the Virginia Highway Safety Improvement Program established pursuant to § 33.2-373. Any such excess funds shall first be used for such purposes in highway work zones, high-risk intersection segments, or school crossing zones prior to being used for such purposes in any other area. Civil penalties collected under this section resulting from a summons issued after July 1, 2026, by a law-enforcement officer or retired sworn law-enforcement officer employed by the Department of State Police shall be paid ~~into the Literary Fund~~ to the Department of State Police to be deposited in a fund used solely for the payment of the agreed-upon compensation and actual program costs incurred by the Department of State Police in placing and operating such photo speed monitoring devices, pedestrian crossing violation monitoring systems, or stop sign violation monitoring systems, except that any excess moneys in such fund shall be paid to the Commonwealth Transportation Board to be used for the Virginia Highway Safety Improvement Program established pursuant to § 33.2-373. However, all civil penalties collected under this section resulting from a summons issued based on evidence obtained from a photo speed monitoring device, pedestrian crossing violation monitoring system, or stop sign violation monitoring system placed and operated at a high-risk intersection segment shall be paid to the Commonwealth Transportation Board to be used for the Virginia Highway Safety Improvement Program established pursuant to § 33.2-373.

D. If a photo speed monitoring device, pedestrian crossing violation monitoring system, or stop sign violation monitoring system is used, proof of a vehicle speed violation, pedestrian crossing violation, or stop sign violation, respectively, shall be evidenced by information obtained from such device. A certificate, or a

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

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

established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

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

G. 1. *The Supreme Court of Virginia shall develop a summons for purposes of this section. Every summons issued pursuant to this section shall be such a summons.*

2. A summons for a vehicle speed violation, *pedestrian crossing violation, or stop sign violation* issued by mail pursuant to this section may be executed pursuant to § 19.2-76.2. Notwithstanding the provisions of § 19.2-76, a summons issued by mail pursuant to this section may be executed by mailing by first-class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of or accessible to the Department. In the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection E and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. *Every such mailing shall also include an explanation of and any information necessary for the process of contesting such an alleged violation and payment of a civil penalty.* If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. If the summons is issued to an owner, lessee, or renter of a vehicle with a registration outside the Commonwealth and such person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons will be eligible for all legal collections activities. Any summons executed for a vehicle speed violation, *pedestrian crossing violation, or stop sign violation* issued pursuant to this section shall provide to the person summoned at least 30 days from the mailing of the summons to inspect information collected by a photo speed monitoring device, *pedestrian crossing violation, or stop sign violation, respectively*, in connection with the violation, *including proof of calibration of the photo speed*

452 *monitoring device used to record the alleged vehicle speed violation if the citation is contested.* If the
453 law-enforcement agency that was operating the photo speed monitoring device, *pedestrian crossing violation*
454 *monitoring system, or stop sign violation monitoring system* does not execute a summons for a vehicle speed
455 violation, *pedestrian crossing violation, or stop sign violation, respectively,* issued pursuant to this section
456 within 30 days from the date of the violation, all information collected pertaining to that suspected violation
457 shall be purged within 60 days from the date of the violation.

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

electronically delivered, it shall be electronically delivered within 10 days of such request for such proof of calibration. Such summons shall include notice of such person's right to request such proof of calibration. Any private vendor that fails to provide such proof of calibration within the time specified shall be subject to a civil penalty of \$1,000. All civil penalties received pursuant to this subsection shall be paid to the Commonwealth Transportation Board to be used for the Virginia Highway Safety Improvement Program established pursuant to § 33.2-373.

I. Information collected by a photo speed monitoring device, *pedestrian crossing violation monitoring system, or stop sign violation monitoring system* operated pursuant to this section shall be limited exclusively to that information that is necessary for the enforcement of vehicle speed violations, *pedestrian crossing violations, or stop sign violations, respectively*. Information provided to the operator of a photo speed monitoring device, *pedestrian crossing violation monitoring system, or stop sign violation monitoring system* shall be protected in a database and used only for enforcement of vehicle speed violations, *pedestrian crossing violations, or stop sign violations* and enforcement against individuals who violate the provisions of this section. Notwithstanding any other provision of law, all photographs, microphotographs, videotapes, or other recorded images collected by a photo speed monitoring device, *pedestrian crossing violation monitoring system, or stop sign violation monitoring system* shall be used exclusively for enforcing vehicle speed violations, *pedestrian crossing violations, or stop sign violations, respectively*, and shall not be (i) open to the public; (ii) sold or used for sales, solicitation, or marketing purposes; (iii) disclosed to any other entity except as may be necessary for the enforcement of a vehicle speed violation, *pedestrian crossing violation, or stop sign violation, respectively*, or to a vehicle owner or operator as part of a challenge to the violation; or (iv) used in a court in a pending action or proceeding unless the action or proceeding relates to a vehicle speed violation, *pedestrian crossing violation, or stop sign violation, respectively*, or a violation of this section, or such information is requested upon order from a court of competent jurisdiction. Information collected under this section pertaining to a specific violation shall be purged and not retained ~~later than 60 days after~~ *21 days after the date of its capture in such a manner that such data is destroyed and not recoverable by either a private vendor or the law-enforcement agency, except that when a summons is issued for a violation, such information may be retained until the collection of any civil penalties or the final disposition of any civil matter related to the information. A law-enforcement agency or private vendor using such a database shall maintain records sufficient to facilitate reporting as required by this section. Any law-enforcement agency using a photo speed monitoring devices device, pedestrian crossing violation monitoring system, or stop sign violation monitoring system* shall annually certify compliance with this

514 section and make all records pertaining to such system available for inspection and audit by the
515 Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or his designee. Any
516 person who discloses personal information in violation of the provisions of this subsection shall be subject to
517 a civil penalty of \$1,000 per disclosure.

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

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

541 L. Any state or local law-enforcement agency that places and operates a photo speed monitoring device,
542 *pedestrian crossing violation monitoring system, or stop sign violation monitoring system* pursuant to the
543 provisions of this section shall develop an emergency action plan for addressing issues with such photo speed
544 *monitoring devices, pedestrian crossing violation monitoring system, or stop sign violation monitoring*

system, including system malfunctions. Such law-enforcement agency shall follow current guidance published by the U.S. Department of Transportation regarding the use of photo speed monitoring devices, pedestrian crossing violation monitoring systems, or stop sign violation monitoring systems. Such law-enforcement agency shall annually review its use of photo speed monitoring devices, pedestrian crossing violation monitoring systems, or stop sign violation monitoring systems to ensure effective distribution of such devices to properly address safety needs and address racial, economic, and other equity issues and public concerns.

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

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

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

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

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

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

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

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