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SENATE BILL NO. 336  
AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the House Committee on Transportation  
on \_\_\_\_\_)  
(Patron Prior to Substitute--Senator Roem)

A BILL to amend and reenact §§ 33.2-373, 46.2-208, and 46.2-882.1 of the Code of Virginia, relating to photo speed monitoring devices; high-risk intersection segments.

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 33.2-373, 46.2-208, and 46.2-882.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 33.2-373. Virginia Highway Safety Improvement Program.**

A. The Board shall establish the Virginia Highway Safety Improvement Program (the Program) to reduce motorized and nonmotorized fatalities and severe injuries on highways in the Commonwealth, whether such highways are state or locally maintained. The Board shall use funds set aside pursuant to § 33.2-358 and any funds deposited pursuant to § 46.2-882.1 for the Program.

B. Beginning in fiscal year 2024, the Board shall, after program administration costs, allocate the funds in accordance with its adopted investment strategy pursuant to subsection C as follows:

- 1. At least 54 percent for infrastructure projects that address a hazardous road location or feature and address an identified highway safety problem;
- 2. At least 29 percent for strategies and activities to address behavioral causes of crashes that result in fatalities and severe injuries; and
- 3. The remaining amount for eligible purposes under this section pursuant to the investment strategy adopted pursuant to subsection C.

C. The Board shall adopt an investment strategy to guide the investments of the Program. The strategy shall cover a period of at least five years and seek to achieve a significant reduction in the anticipated number of fatalities and severe injuries over the covered period and shall give priority to

27 projects, strategies, and activities based on the expected reduction in fatalities and severe injuries relative  
28 to cost, including improvements that are widely implemented based on a high-risk roadway feature that is  
29 correlated with a particular crash type, rather than crash frequency.

30 **§ 46.2-208. Records of Department; when open for inspection; release of privileged**  
31 **information.**

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

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

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

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

44 2, 3. [Repealed.]

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

54 the subject of the information, the Commissioner shall verify and, if necessary, correct the personal  
55 information provided and furnish driver, special identification card, or vehicle information. If the requester  
56 is requesting such information in the scope of his official business as counsel from a public defender's  
57 office or as counsel appointed by a court, such records shall be provided free of charge.

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

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

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

79 8. Upon the written request of any motor vehicle rental or leasing company or its authorized agent,  
80 the Commissioner shall (i) compare personal information supplied by the requester with that contained in

81 the Department's records and, when the information supplied by the requester is different from that  
82 contained in the Department's records, provide the requester with correct information as contained in the  
83 Department's records and (ii) provide the requester with driver information of any person subject to the  
84 provisions of this title. Such information shall include any record of any conviction of a violation of any  
85 provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any  
86 injury or damage in which the subject of the information was involved and a report of which was filed  
87 pursuant to § 46.2-373. No such information shall include any record of any conviction or crash more than  
88 60 months after the date of such conviction or crash unless the Commissioner or court used the conviction  
89 or crash as a reason for the suspension or revocation of a driver's license or driving privilege, in which  
90 case the revocation or suspension and any conviction or crash pertaining thereto shall cease to be included  
91 in such information after 60 months from the date on which the driver's license or driving privilege was  
92 reinstated. The response of the Commissioner under this subdivision shall not be admissible in evidence  
93 in any court proceedings.

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

108 name and other sufficient identifying information contained on such individual's record. The information  
109 in this subdivision shall be provided free of charge.

110 The Department shall release to a requester information that is required for a requester to carry out  
111 the requester's official functions in accordance with this subdivision. If the requester has entered into an  
112 agreement with the Department, such agreement shall be in a manner prescribed by the Department, and  
113 such agreement shall contain the legal authority that authorizes the performance of the requester's official  
114 functions and a description of how such information will be used to carry out such official functions. If  
115 the Commissioner determines that sufficient authority has not been provided by the requester to show that  
116 the purpose for which the information shall be used is one of the requester's official functions, the  
117 Commissioner shall refuse to enter into any agreement. If the requester submits a request for information  
118 in accordance with this subdivision without an existing agreement to receive the information, the request  
119 shall be in a manner prescribed by the Department, and such request shall contain the legal authority that  
120 authorizes the performance of the requester's official functions and a description of how such information  
121 will be used to carry out such official functions. If the Commissioner determines that sufficient authority  
122 has not been provided by the requester to show that the purpose for which such information shall be used  
123 is one of the requester's official functions, the Commissioner shall deny such request.

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

133 The Department shall not enter into any agreement pursuant to subsection E with a requester  
134 pursuant to this subdivision unless the requester certifies that the information obtained will not be used

135 for civil immigration purposes or knowingly disseminated to any third party for any purpose related to  
136 civil immigration enforcement.

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

140 11. a. For the purpose of obtaining information regarding noncommercial driver's license holders,  
141 upon the written request of any employer, prospective employer, or authorized agent of either, and with  
142 the written consent of the individual concerned, the Commissioner shall (i) compare personal information  
143 supplied by the requester with that contained in the Department's records and, when the information  
144 supplied by the requester is different from that contained in the Department's records, provide the requester  
145 with correct information as contained in the Department's records and (ii) provide the requester with driver  
146 information in the form of a transcript of an individual's record, including all convictions, all crashes, any  
147 type of driver's license that the individual currently possesses, and all driver's license suspensions,  
148 revocations, cancellations, or forfeiture, provided that such individual's position or the position that the  
149 individual is being considered for involves the operation of a motor vehicle.

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

160 12. Upon the written request of any member of a volunteer fire company or volunteer emergency  
161 medical services agency and with written consent of the individual concerned, or upon the request of an

162 applicant for membership in a volunteer fire company or to serve as volunteer emergency medical services  
163 personnel, the Commissioner shall (i) compare personal information supplied by the requester with that  
164 contained in the Department's records and, when the information supplied by the requester is different  
165 from that contained in the Department's records, provide the requester with correct information as  
166 contained in the Department's records and (ii) provide driver information in the form of a transcript of the  
167 individual's record, including all convictions, all crashes, any type of driver's license that the individual  
168 currently possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such transcript  
169 shall be provided free of charge if the request is accompanied by appropriate written evidence that the  
170 person is a member of or applicant for membership in a volunteer fire company or a volunteer emergency  
171 medical services agency and the transcript is needed by the requester to establish the qualifications of the  
172 member, volunteer, or applicant to operate equipment owned by the volunteer fire company or volunteer  
173 emergency medical services agency.

174 13. Upon the written request of a Virginia affiliate of Big Brothers Big Sisters of America, a  
175 Virginia affiliate of Compeer, or the Virginia Council of the Girl Scouts of the USA, and with the consent  
176 of the individual who is the subject of the information and has applied to be a volunteer with the requester,  
177 or on the written request of a Virginia chapter of the American Red Cross, a Virginia chapter of the Civil  
178 Air Patrol, or Faith in Action, and with the consent of the individual who is the subject of the information  
179 and applied to be a volunteer vehicle operator with the requester, the Commissioner shall (i) compare  
180 personal information supplied by the requester with that contained in the Department's records and, when  
181 the information supplied by the requester is different from that contained in the Department's records,  
182 provide the requester with correct information as contained in the Department's records and (ii) provide  
183 driver information in the form of a transcript of the applicant's record, including all convictions, all  
184 crashes, any type of driver's license that the individual currently possesses, and all license suspensions,  
185 revocations, cancellations, or forfeitures. Such transcript shall be provided at a fee that is one-half the  
186 normal charge if the request is accompanied by appropriate written evidence that the person has applied  
187 to be a volunteer or volunteer vehicle operator with the requester as provided in this subdivision.

188           14. On the written request of any person who has applied to be a volunteer with a court-appointed  
189 special advocate program pursuant to § 9.1-153, the Commissioner shall provide a transcript of the  
190 applicant's record, including all convictions, all crashes, any type of driver's license that the individual  
191 currently possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such transcript  
192 shall be provided free of charge if the request is accompanied by appropriate written evidence that the  
193 person has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-  
194 153.

195           15, 16. [Repealed.]

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

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

207           19. [Repealed.]

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

212           21. (For contingent expiration date, see Acts 2023, c. 738, cl. 2) Upon the request of the operator  
213 of a toll facility, a traffic light signal violation monitoring system acting on behalf of a government entity,  
214 a traffic control device violation monitoring system acting on behalf of a government entity, or the Dulles



215 Access Highway, or an authorized agent or employee of a toll facility operator, a traffic light signal  
216 violation monitoring system operator acting on behalf of a government entity, a traffic control device  
217 violation monitoring system operator acting on behalf of a government entity, or the Dulles Access  
218 Highway, for the purpose of obtaining vehicle owner data under subsection H of § 15.2-968.1, subsection  
219 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-  
220 819.5. Information released pursuant to this subdivision shall be limited to (i) the name, physical address,  
221 and, if available, email or other electronic address of the owner of the vehicle having failed to pay a toll,  
222 comply with a traffic light signal, or comply with a traffic control device or having improperly used the  
223 Dulles Access Highway and (ii) the vehicle information, including all descriptive vehicle data and title  
224 and registration data of the same vehicle.

225 21. (For contingent effective date, see Acts 2023, c. 738, cl. 2) Upon the request of the operator of  
226 a toll facility, a traffic light photo monitoring system acting on behalf of a government entity, or the Dulles  
227 Access Highway, or an authorized agent or employee of a toll facility operator or traffic light photo  
228 monitoring system operator acting on behalf of a government entity or the Dulles Access Highway, for  
229 the purpose of obtaining vehicle owner data under subsection H of § 15.2-968.1, subsection A of § 33.2-  
230 504, subsection M of § 46.2-819.1, subsection P of § 46.2-819.3:1, or subsection N of § 46.2-819.5.  
231 Information released pursuant to this subdivision shall be limited to the name, physical address, and, if  
232 available, email or other electronic address of the owner of the vehicle having failed to pay a toll or having  
233 failed to comply with a traffic light signal or having improperly used the Dulles Access Highway and the  
234 vehicle information, including all descriptive vehicle data and title registration data of the same vehicle.

235 22-26. [Repealed.]

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

240 28. [Repealed.]

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

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

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

254 31. Upon the request of the operator of a photo speed monitoring device as defined in § 46.2-882.1  
255 acting on behalf of a government entity, the Commissioner shall provide vehicle owner data pursuant to  
256 subsection ~~B~~H of § 46.2-882.1. Information released pursuant to this subdivision shall be limited to the  
257 name and address of the owner of the vehicle having committed a vehicle speed violation ~~of § 46.2-873~~  
258 ~~or 46.2-878.1, as defined in § 46.2-882.1,~~ and the vehicle information, including all descriptive vehicle  
259 data and title and registration data, for such vehicle.

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

268 Department for the issuance of any driving credential or special identification card. "Proof document"  
269 does not include any information contained on a driving credential or special identification card.

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

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

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

278 E. The Department shall not release any privileged information pursuant to this title unless the  
279 Department has entered into a written agreement authorizing such release. The Department shall require  
280 the requesting entity to specify the purpose authorized pursuant to this title that forms the basis for the  
281 request and provide the permissible purpose as defined under 18 U.S.C. § 2721(b). Privileged information  
282 requested by an entity that has been altered or aggregated may be used only for the original purposes  
283 specified in the written agreement consistent with this title. The requesting entity shall disseminate  
284 privileged information only to third parties subject to the original purpose specified in the written  
285 agreement consistent with this title. Any agreement that does not allow third-party distribution shall  
286 include a statement that such distribution is prohibited. Such agreement may limit the scope of any  
287 authorized distribution consistent with this title. Privileged information distributed to any third party shall  
288 only be further distributed by such third party subject to the original purpose specified and consistent with  
289 this title, or unless such third party is the subject of the information, the parent of a minor who is the  
290 subject of the information, the guardian of the subject of the information, the authorized agent or  
291 representative of the subject of the information, or the owner of the vehicle that is the subject of the  
292 information.

293 Any agreement entered into pursuant to this subsection between the Department and the  
294 Department of State Police shall specify (i) that privileged information shall be distributed only to

295 authorized personnel of an entity meeting the definition of a criminal justice agency as defined in § 9.1-  
296 101 and other comparable local, state, and federal criminal justice agencies and entities issued a Virginia  
297 S-Originating Agency Identification (S-ORI) status; (ii) that privileged information shall be accessed,  
298 used, and disseminated only for the administration of criminal justice as defined in § 9.1-101; and (iii)  
299 that no local, state, or federal government entity, through the Virginia Criminal Information Network  
300 (VCIN) or any other method of dissemination controlled by the Department of State Police, has access to  
301 information stored by the Department in violation of the protections contained in this section. The  
302 Department of State Police shall notify the Department prior to when a new entity is to be granted S-ORI  
303 status and provide a copy of the S-ORI application to the Department. The Department of State Police  
304 shall not allow any entity to access Department data through VCIN if the Department objects in writing  
305 to the entity obtaining such data.

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

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

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

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

328 **§ 46.2-882.1. Use of photo speed monitoring devices in highway work zones, school crossing**  
329 **zones, and high-risk intersection segments; civil penalty.**

330 A. For the purposes of this section:

331 "High-risk intersection segment" means any highway or portion thereof located not more than  
332 1,000 feet from the limits of the property of a school that is part of or adjacent to an intersection identified  
333 in the manner provided in this section as one in which a traffic fatality has occurred since January 1, 2014.

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

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

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

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

341 B. A state or local law-enforcement agency may place and operate a photo speed monitoring device  
342 in school crossing zones for the purposes of recording violations of § 46.2-873 and in highway work zones  
343 for the purposes of recording violations of § 46.2-878.1.

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

348 ~~1-C.~~ The operator of a vehicle shall be liable for a monetary civil penalty imposed pursuant to this  
349 section if such vehicle is found, as evidenced by information obtained from a photo speed monitoring  
350 device, to be traveling at speeds of at least 10 miles per hour above the posted ~~school crossing zone or~~  
351 ~~highway work zone~~ speed limit ~~within such school crossing zone or highway work zone~~ in the zone  
352 monitored by the photo speed monitoring device. Such civil penalty shall not exceed \$100, and any  
353 prosecution shall be instituted and conducted in the same manner as prosecution for traffic infractions.  
354 Civil penalties collected under this section resulting from a summons issued by a local law-enforcement  
355 officer shall be paid to the locality in which such violation occurred. Civil penalties collected under this  
356 section resulting from a summons issued by a law-enforcement officer employed by the Department of  
357 State Police shall be paid into the Literary Fund. However, all civil penalties collected under this section  
358 resulting from a summons issued based on evidence obtained from a photo speed monitoring device placed  
359 and operated at a high-risk intersection segment shall be paid to the Commonwealth Transportation Board  
360 to be used for the Virginia Highway Safety Improvement Program established pursuant to § 33.2-373.

361 ~~2-D.~~ If a photo speed monitoring device is used, proof of a ~~violation of § 46.2-873 or 46.2-878.1~~  
362 vehicle speed violation shall be evidenced by information obtained from such device. A certificate, or a  
363 facsimile thereof, sworn to or affirmed by a law-enforcement officer, based upon inspection of  
364 photographs, microphotographs, videotapes, or other recorded images produced by a photo speed  
365 monitoring device, shall be prima facie evidence of the facts contained therein. Any photographs,  
366 microphotographs, videotapes, or other recorded images evidencing such a violation shall be available for  
367 inspection in any proceeding to adjudicate the liability for such ~~violation of § 46.2-873 or 46.2-878.1~~  
368 vehicle speed violation.

369 ~~3-E.~~ In the prosecution for a ~~violation of § 46.2-873 or 46.2-878.1~~ vehicle speed violation in which  
370 a summons was issued by mail, prima facie evidence that the vehicle described in the summons issued  
371 pursuant to this section was operated in ~~violation of § 46.2-873 or 46.2-878.1~~ a manner constituting a  
372 vehicle speed violation, together with proof that the defendant was at the time of such violation the owner,  
373 lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner,  
374 lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be

375 rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of  
376 the general district court that he was not the operator of the vehicle at the time of the alleged violation and  
377 provides the name and address of the person who was operating the vehicle at the time of the alleged  
378 violation or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of  
379 the alleged violation and provides the name and address of the person who was operating the vehicle at  
380 the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police  
381 report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged  
382 ~~violation of § 46.2-873 or 46.2-878.1~~ vehicle speed violation, is presented, prior to the return date  
383 established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

384 ~~4-F.~~ Imposition of a penalty pursuant to this section by mailing a summons shall not be deemed a  
385 conviction as an operator and shall not be made part of the operating record of the person upon whom  
386 such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle  
387 insurance coverage. However, if a law-enforcement officer uses a photo speed monitoring device to record  
388 ~~a violation of § 46.2-873 or 46.2-878.1~~ vehicle speed violation and personally issues a summons at the  
389 time of the violation, the conviction that results shall be made a part of such driver's driving record and  
390 used for insurance purposes in the provision of motor vehicle insurance coverage.

391 ~~5-G.~~ A summons for a ~~violation of § 46.2-873 or 46.2-878.1~~ vehicle speed violation issued by  
392 mail pursuant to this section may be executed pursuant to § 19.2-76.2. Notwithstanding the provisions of  
393 § 19.2-76, a summons issued by mail pursuant to this section may be executed by mailing by first-class  
394 mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy  
395 shall be mailed to the address contained in the records of or accessible to the Department. In the case of a  
396 vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or  
397 renter. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's  
398 ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation  
399 through the filing of an affidavit as provided in ~~subdivision 3~~ subsection E and (ii) instructions for filing  
400 such affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to  
401 appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be

402 executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person  
403 summoned by mailing shall be instituted for failure to appear on the return date of the summons. If the  
404 summons is issued to an owner, lessee, or renter of a vehicle with a registration outside the Commonwealth  
405 and such person fails to appear on the date of return set out in the summons mailed pursuant to this section,  
406 the summons will be eligible for all legal collections activities. Any summons executed for a ~~violation of~~  
407 ~~§ 46.2-873 or 46.2-878.1~~ vehicle speed violation issued pursuant to this section shall provide to the person  
408 summoned at least 30 days from the mailing of the summons to inspect information collected by a photo  
409 speed monitoring device in connection with the violation. If the law-enforcement agency that was  
410 operating the photo speed monitoring device does not execute a summons for a ~~violation of § 46.2-873 or~~  
411 ~~46.2-878.1~~ vehicle speed violation issued pursuant to this section within 30 days from the date of the  
412 violation, all information collected pertaining to that suspected violation shall be purged within 60 days  
413 from the date of the violation.

414 ~~6.~~H. A private vendor may enter into an agreement with a law-enforcement agency to be  
415 compensated for providing a photo speed monitoring device and all related support services, including  
416 consulting, operations, and administration. However, only a law-enforcement officer may swear to or  
417 affirm the certificate required by this ~~subsection~~ section. Any such agreement for compensation shall be  
418 based on the value of the goods and services provided, not on the number of violations paid or monetary  
419 penalties imposed. Any private vendor contracting with a law-enforcement agency pursuant to this section  
420 may enter into an agreement with the Department, in accordance with the provisions of subdivision B 31  
421 of § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that  
422 committed a ~~violation of § 46.2-873 or 46.2-878.1~~ vehicle speed violation. Any such information provided  
423 to such private vendor shall be protected in a database.

424 ~~7.~~I. Information collected by a photo speed monitoring device operated pursuant to this section  
425 shall be limited exclusively to that information that is necessary for the enforcement of ~~school crossing~~  
426 ~~zone and highway work zone speeding~~ vehicle speed violations. Information provided to the operator of  
427 a photo speed monitoring device shall be protected in a database and used only for enforcement of vehicle  
428 speed violations and enforcement against individuals who violate the provisions of this section ~~or § 46.2-~~



429 ~~873 or 46.2-878.1.~~ Notwithstanding any other provision of law, all photographs, microphotographs,  
430 videotapes, or other recorded images collected by a photo speed monitoring device shall be used  
431 exclusively for enforcing ~~school crossing zone and highway work zone speed limits~~ vehicle speed  
432 violations and shall not be (i) open to the public; (ii) sold or used for sales, solicitation, or marketing  
433 purposes; (iii) disclosed to any other entity except as may be necessary for the enforcement of ~~school~~  
434 ~~crossing zone and highway work zone speed limits~~ a vehicle speed violation or to a vehicle owner or  
435 operator as part of a challenge to the violation; or (iv) used in a court in a pending action or proceeding  
436 unless the action or proceeding relates to a vehicle speed violation or a violation of this section ~~or § 46.2-~~  
437 ~~873 or 46.2-878.1~~, or such information is requested upon order from a court of competent jurisdiction.  
438 Information collected under this section pertaining to a specific violation shall be purged and not retained  
439 later than 60 days after the collection of any civil penalties. Any law-enforcement agency using photo  
440 speed monitoring devices shall annually certify compliance with this section and make all records  
441 pertaining to such system available for inspection and audit by the Commissioner of Highways or the  
442 Commissioner of the Department of Motor Vehicles or his designee. Any person who discloses personal  
443 information in violation of the provisions of this ~~subdivision~~ subsection shall be subject to a civil penalty  
444 of \$1,000 per disclosure.

445 ~~8-J.~~ A conspicuous sign shall be placed within 1,000 feet of any school crossing zone ~~or~~, highway  
446 work zone, or high-risk intersection segment at which a photo speed monitoring device is used, indicating  
447 the use of the device. There shall be a rebuttable presumption that such sign was in place at the time of  
448 the commission of the speed limit violation.

449 ~~9-K.~~ Any state or local law-enforcement agency that places and operates a photo speed monitoring  
450 device pursuant to the provisions of this section shall report to the Department of State Police, in a format  
451 to be determined by the Department of State Police, by January 15 of each year on the number of traffic  
452 violations prosecuted, the number of successful prosecutions, and the total amount of monetary civil  
453 penalties collected. The Department of State Police shall aggregate such information and report it to the  
454 General Assembly by February 15 of each year.

455 #