

SENATE BILL NO. 861

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation

on January 26, 2023)

(Patron Prior to Substitute--Senator Locke)

A BILL to amend and reenact §§ 15.2-968.1 and 46.2-208 of the Code of Virginia, relating to traffic control device violation monitoring systems.

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-968.1 and 46.2-208 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-968.1. Use of violation monitoring systems to enforce traffic light signals and certain traffic control devices.

A. For purposes of this section:

"Owner" means the registered owner on record with the Department of Motor Vehicles.

"Traffic control device" has the same meaning as set forth in § 46.2-100.

"Traffic control device violation monitoring system" means equipment that uses radar or LIDAR-based speed detection and produces one or more photographs, microphotographs, video, or other recorded images of vehicles used or operated in violation of signs or markings placed in accordance with § 46.2-830. Traffic control device violation monitoring systems shall not be used to enforce violations of traffic light signals.

"Traffic light signal violation monitoring system" means a vehicle sensor installed to work in conjunction with a traffic light that automatically produces two or more photographs, two or more microphotographs, video, or other recorded images of each vehicle at the time it is used or operated in violation of § 46.2-833, 46.2-835, or 46.2-836. For each such vehicle, at least one recorded image shall be of the vehicle before it has illegally entered the intersection, and at least one recorded image shall be of the same vehicle after it has illegally entered the intersection.

26 B. 1. The governing body of any county, city, or town may provide by ordinance for the
27 establishment of a traffic signal enforcement program imposing monetary liability on the operator of a
28 motor vehicle for failure to comply with traffic light signals in such locality in accordance with the
29 provisions of this section. Each such locality may install and operate traffic light signal ~~photo-monitoring~~
30 violation monitoring systems at no more than one intersection for every 10,000 residents within each
31 county, city, or town at any one time, provided, however, that within planning District 8, each such locality
32 may install and operate traffic light signal ~~photo-monitoring~~ violation monitoring systems at no more than
33 10 intersections, or at no more than one intersection for every 10,000 residents within each county, city,
34 or town, whichever is greater, at any one time.

35 2. In addition to the authority provided in subdivision B 1, the governing body of any locality in
36 Planning District 23 may provide by ordinance for the establishment of a traffic control device violation
37 monitoring system imposing monetary liability on the operator of a motor vehicle for failure to comply
38 with traffic control devices in such locality. Such governing body may install and operate a traffic control
39 device violation monitoring system at any intersection deemed by the governing body to be negatively
40 impacted by traffic due to the Hampton Roads Bridge-Tunnel Express Lanes Hampton Segment (4C)
41 Project (HREL-P).

42 ~~B.-C.~~ The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this
43 section if such vehicle is found, (i) as evidenced by information obtained from a traffic light signal
44 violation monitoring system, to have failed to comply with a traffic light signal within such locality or (ii)
45 as evidenced by information obtained from a traffic control device violation monitoring system, to have
46 failed to comply with a traffic control device within such locality. No operator shall be liable for a penalty
47 pursuant to clause (i) and a penalty pursuant to clause (ii) arising out of the same act.

48 ~~C.-D.~~ Proof of a violation of this section shall be evidenced by information obtained from a traffic
49 light signal violation monitoring system or traffic control device violation monitoring system authorized
50 pursuant to this section. A certificate, sworn to or affirmed by a law-enforcement officer employed by a
51 locality authorized to impose penalties pursuant to this section, or a facsimile thereof, based upon
52 inspection of photographs, microphotographs, videotape, or other recorded images produced by a traffic

53 light signal violation monitoring system or traffic control device violation monitoring system, shall be
54 prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or
55 other recorded images evidencing such a violation shall be available for inspection in any proceeding to
56 adjudicate the liability for such violation pursuant to an ordinance adopted pursuant to this section.

57 ~~D. E.~~ In the prosecution for a any violation of ~~any local ordinance adopted as provided in~~ this
58 section, prima facie evidence that the vehicle described in the summons issued pursuant to this section
59 was operated in violation of ~~such ordinance~~ subsection B, together with proof that the defendant was at
60 the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a
61 rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the
62 violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an
63 affidavit by regular mail with the clerk of the general district court that he was not the operator of the
64 vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he was not the
65 operator of the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a
66 certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior
67 to the time of the alleged violation of this section, is presented, prior to the return date established on the
68 summons issued pursuant to this section, to the court adjudicating the alleged violation.

69 ~~E. For purposes of this section, "owner" means the registered owner of such vehicle on record with~~
70 ~~the Department of Motor Vehicles. For purposes of this section, "traffic light signal violation monitoring~~
71 ~~system" means a vehicle sensor installed to work in conjunction with a traffic light that automatically~~
72 ~~produces two or more photographs, two or more microphotographs, video, or other recorded images of~~
73 ~~each vehicle at the time it is used or operated in violation of § 46.2-833, 46.2-835, or 46.2-836. For each~~
74 ~~such vehicle, at least one recorded image shall be of the vehicle before it has illegally entered the~~
75 ~~intersection, and at least one recorded image shall be of the same vehicle after it has illegally entered that~~
76 ~~intersection.~~

77 F. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator
78 and shall not be made part of the operating record of the person upon whom such liability is imposed, nor
79 shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. No monetary

80 penalty imposed under this section shall exceed \$50, nor shall it include court costs. Any finding in a
81 district court that an operator has violated ~~an ordinance adopted as provided in this section~~ subsection B
82 shall be appealable to the circuit court in a civil proceeding.

83 G. A summons for a violation of this section may be executed pursuant to § 19.2-76.2.
84 Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed
85 by mailing by first class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a
86 vehicle owner, the copy shall be mailed to the address contained in the records of the Department of Motor
87 Vehicles; in the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the
88 records of the lessor or renter. Every such mailing shall include, in addition to the summons, a notice of
89 (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the
90 time of the alleged violation through the filing of an affidavit as provided in subsection ~~D~~ E and (ii)
91 instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the
92 summoned person fails to appear on the date of return set out in the summons mailed pursuant to this
93 section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt
94 or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of
95 the summons. Any summons executed for a violation of enforced pursuant to this section shall provide to
96 the person summoned at least 30 business days from the mailing of the summons to inspect information
97 collected by a traffic light signal violation monitoring system or traffic control device violation monitoring
98 system in connection with the violation.

99 H. Information collected by a traffic light signal violation monitoring system or traffic control
100 device monitoring system installed and operated pursuant to subsection ~~A~~ B shall be limited exclusively
101 to that information that is necessary for the enforcement of traffic light or traffic control device violations.
102 On behalf of a locality, a private entity that operates a traffic light signal violation monitoring system or
103 traffic control device monitoring system may enter into an agreement with the Department of Motor
104 Vehicles, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner
105 information regarding the registered owners of vehicles that fail to comply with a traffic light signal or
106 traffic control device. Information provided to the operator of a traffic light signal violation monitoring

107 system or traffic control device violation monitoring system shall be protected in a database with security
108 comparable to that of the Department of Motor Vehicles' system, and used only for enforcement against
109 individuals who violate the provisions of this section. Notwithstanding any other provision of law, all
110 photographs, microphotographs, electronic images, or other personal information collected by a traffic
111 light signal violation monitoring system or traffic control device violation monitoring system shall be used
112 exclusively for enforcing traffic light or traffic control device violations and shall not (i) be open to the
113 public; (ii) be sold or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any other
114 entity except as may be necessary for the enforcement of a traffic light or traffic control device violation
115 or to a vehicle owner or operator as part of a challenge to the violation; or (iv) be used in a court in a
116 pending action or proceeding unless the action or proceeding relates to a violation of § 46.2-830, 46.2-
117 833, 46.2-835, or 46.2-836 or requested upon order from a court of competent jurisdiction. Information
118 collected under this section pertaining to a specific violation shall be purged and not retained later than 60
119 days after the collection of any civil penalties. If a locality does not execute a summons for a violation of
120 this section within 10 business days, all information collected pertaining to that suspected violation shall
121 be purged within two business days. Any locality operating a traffic light signal violation monitoring
122 system or traffic control device violation monitoring system shall annually certify compliance with this
123 section and make all records pertaining to such system available for inspection and audit by the
124 Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or his designee.
125 Any person who discloses personal information in violation of the provisions of this subsection shall be
126 subject to a civil penalty of \$1,000 per disclosure. Any unauthorized use or disclosure of such personal
127 information shall be grounds for termination of the agreement between the Department of Motor Vehicles
128 and the private entity.

129 I. A private entity may enter into an agreement with a locality to be compensated for providing the
130 traffic light signal violation monitoring system or equipment or traffic control device violation monitoring
131 system or equipment, and all related support services, to include consulting, operations and administration.
132 However, only a law-enforcement officer employed by a locality may swear to or affirm the certificate

133 required by subsection ~~C~~ D. No locality shall enter into an agreement for compensation based on the
134 number of violations or monetary penalties imposed.

135 J. When selecting potential intersections for a traffic light signal violation monitoring system, a
136 locality shall consider factors such as (i) the accident rate for the intersection, (ii) the rate of red light
137 violations occurring at the intersection (number of violations per number of vehicles), (iii) the difficulty
138 experienced by law-enforcement officers in patrol cars or on foot in apprehending violators, and (iv) the
139 ability of law-enforcement officers to apprehend violators safely within a reasonable distance from the
140 violation. Localities may consider the risk to pedestrians as a factor, if applicable.

141 K. 1. Before the implementation of a traffic light signal violation monitoring system at an
142 intersection, the locality shall complete an engineering safety analysis that addresses signal timing and
143 other location-specific safety features. The length of the yellow phase shall be established based on the
144 recommended methodology of the Institute of Transportation Engineers. No traffic light signal violation
145 monitoring system shall be implemented or utilized for a traffic signal having a yellow signal phase length
146 of less than three seconds. All traffic light signal violation monitoring systems shall provide a minimum
147 0.5-second grace period between the time the signal turns red and the time the first violation is recorded.
148 If recommended by the engineering safety analysis, the locality shall make reasonable location-specific
149 safety improvements, including signs and pavement markings.

150 2. Before the implementation of a traffic control device violation monitoring system at an
151 intersection, the governing body of the implementing locality shall complete an engineering safety
152 analysis that addresses the impact of the HREL-P on congestion, accident rates, and driver disregard for
153 traffic control devices. If recommended by the engineering safety analysis, the locality shall make
154 reasonable location-specific safety improvements, including signs and pavement markings.

155 L. Any locality that uses a traffic light signal violation monitoring system or traffic control device
156 violation monitoring system shall evaluate the system on a monthly basis to ensure all cameras and traffic
157 signals are functioning properly. Evaluation results shall be made available to the public.

158 M. Any locality that uses a traffic light signal violation monitoring system to enforce traffic light
159 signals shall place conspicuous signs within 500 feet of the intersection approach at which a traffic light

160 signal violation monitoring system is used. There shall be a rebuttable presumption that such signs were
161 in place at the time of the commission of the traffic light signal violation.

162 N. Prior to or coincident with the implementation or expansion of a traffic light signal violation
163 monitoring system or traffic control device violation monitoring system, a locality shall conduct a public
164 awareness program, advising the public that the locality is implementing or expanding a traffic light signal
165 violation monitoring system or traffic control device violation monitoring system.

166 O. Notwithstanding any other provision of this section, if a vehicle depicted in images recorded
167 by a traffic light signal ~~photo-monitoring system~~ violation monitoring system or traffic control device
168 violation monitoring system is owned, leased, or rented by a county, city, or town, then the county, city,
169 or town may access and use the recorded images and associated information for employee disciplinary
170 purposes.

171 **§ 46.2-208. Records of Department; when open for inspection; release of privileged**
172 **information.**

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

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

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

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

185 2, 3. [Repealed.]

186 4. Upon the request of (i) the subject of the information, (ii) the parent of a minor who is the subject
187 of the information, (iii) the guardian of the subject of the information, (iv) the authorized agent or
188 representative of the subject of the information, or (v) the owner of the vehicle that is the subject of the
189 information, the Commissioner shall provide him with the requested information and a complete
190 explanation of it. Requests for such information need not be made in writing or in person and may be
191 made orally or by telephone, provided that the Department is satisfied that there is adequate verification
192 of the requester's identity. When so requested in writing by (a) the subject of the information, (b) the parent
193 of a minor who is the subject of the information, (c) the guardian of the subject of the information, (d) the
194 authorized agent or representative of the subject of the information, or (e) the owner of the vehicle that is
195 the subject of the information, the Commissioner shall verify and, if necessary, correct the personal
196 information provided and furnish driver, special identification card, or vehicle information. If the requester
197 is requesting such information in the scope of his official business as counsel from a public defender's
198 office or as counsel appointed by a court, such records shall be provided free of charge.

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

210 6. Upon the written request of any business organization or its authorized agent, in the conduct of
211 its business, the Commissioner shall compare personal information supplied by the requester with that
212 contained in the Department's records and, when the information supplied by the requester is different

213 from that contained in the Department's records, provide the requester with correct information as
214 contained in the Department's records. Personal information provided under this subdivision shall be used
215 solely for the purpose of pursuing remedies that require locating an individual.

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

220 8. Upon the written request of any motor vehicle rental or leasing company or its authorized agent,
221 the Commissioner shall (i) compare personal information supplied by the requester with that contained in
222 the Department's records and, when the information supplied by the requester is different from that
223 contained in the Department's records, provide the requester with correct information as contained in the
224 Department's records and (ii) provide the requester with driver information of any person subject to the
225 provisions of this title. Such information shall include any record of any conviction of a violation of any
226 provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any
227 injury or damage in which the subject of the information was involved and a report of which was filed
228 pursuant to § 46.2-373. No such information shall include any record of any conviction or crash more than
229 60 months after the date of such conviction or crash unless the Commissioner or court used the conviction
230 or crash as a reason for the suspension or revocation of a driver's license or driving privilege, in which
231 case the revocation or suspension and any conviction or crash pertaining thereto shall cease to be included
232 in such information after 60 months from the date on which the driver's license or driving privilege was
233 reinstated. The response of the Commissioner under this subdivision shall not be admissible in evidence
234 in any court proceedings.

235 9. Upon the request of any federal, state, or local governmental entity, local government group
236 self-insurance pool, law-enforcement officer, attorney for the Commonwealth, or court, or the authorized
237 agent of any of the foregoing, the Commissioner shall compare personal information supplied by the
238 requester with that contained in the Department's records and, when the information supplied by the
239 requester is different from that contained in the Department's records, provide the requester with correct

240 information as contained in the Department's records. The Commissioner shall also provide driver, special
241 identification card, and vehicle information as requested pursuant to this subdivision. The Commissioner
242 may release other appropriate information to the governmental entity upon request. Upon request in
243 accordance with this subdivision, the Commissioner shall furnish a certificate, under seal of the
244 Department, setting forth a distinguishing number or license plate of a motor vehicle, trailer, or semitrailer,
245 together with the name and address of its owner. The certificate shall be prima facie evidence in any court
246 in the Commonwealth of the ownership of the vehicle, trailer, or semitrailer to which the distinguishing
247 number or license plate has been assigned by the Department. However, the Commissioner shall not
248 release any photographs pursuant to this subdivision unless the requester provides the depicted individual's
249 name and other sufficient identifying information contained on such individual's record. The information
250 in this subdivision shall be provided free of charge.

251 The Department shall release to a requester information that is required for a requester to carry out
252 the requester's official functions in accordance with this subdivision. If the requester has entered into an
253 agreement with the Department, such agreement shall be in a manner prescribed by the Department, and
254 such agreement shall contain the legal authority that authorizes the performance of the requester's official
255 functions and a description of how such information will be used to carry out such official functions. If
256 the Commissioner determines that sufficient authority has not been provided by the requester to show that
257 the purpose for which the information shall be used is one of the requester's official functions, the
258 Commissioner shall refuse to enter into any agreement. If the requester submits a request for information
259 in accordance with this subdivision without an existing agreement to receive the information, the request
260 shall be in a manner prescribed by the Department, and such request shall contain the legal authority that
261 authorizes the performance of the requester's official functions and a description of how such information
262 will be used to carry out such official functions. If the Commissioner determines that sufficient authority
263 has not been provided by the requester to show that the purpose for which such information shall be used
264 is one of the requester's official functions, the Commissioner shall deny such request.

265 Notwithstanding the provisions of this subdivision, the Department shall not disseminate to any
266 federal, state, or local government entity, law-enforcement officer, or law-enforcement agency any

267 privileged information for any purposes related to civil immigration enforcement unless (i) the subject of
268 the information provides consent or (ii) the requesting agency presents a lawful judicial order, judicial
269 subpoena, or judicial warrant. When responding to a lawful judicial order, judicial subpoena, or judicial
270 warrant, the Department shall disclose only those records or information specifically requested. Within
271 three business days of receiving a request for information for the purpose of civil immigration
272 enforcement, the Commissioner shall send a notification to the individual about whom such information
273 was requested that such a request was made and the identity of the entity that made such request.

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

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

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

291 b. For the purpose of obtaining information regarding commercial driver's license holders, upon
292 the written request of any employer, prospective employer, or authorized agent of either, the
293 Commissioner shall (i) compare personal information supplied by the requester with that contained in the

294 Department's records and, when the information supplied by the requester is different from that contained
295 in the Department's records, provide the requester with correct information as contained in the
296 Department's records and (ii) provide the requester with driver information in the form of a transcript of
297 such individual's record, including all convictions, all crashes, any type of driver's license that the
298 individual currently possesses, and all driver's license suspensions, revocations, cancellations, forfeitures,
299 or disqualifications, provided that such individual's position or the position that the individual is being
300 considered for involves the operation of a commercial motor vehicle.

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

315 13. Upon the written request of a Virginia affiliate of Big Brothers Big Sisters of America, a
316 Virginia affiliate of Compeer, or the Virginia Council of the Girl Scouts of the USA, and with the consent
317 of the individual who is the subject of the information and has applied to be a volunteer with the requester,
318 or on the written request of a Virginia chapter of the American Red Cross, a Virginia chapter of the Civil
319 Air Patrol, or Faith in Action, and with the consent of the individual who is the subject of the information
320 and applied to be a volunteer vehicle operator with the requester, the Commissioner shall (i) compare

321 personal information supplied by the requester with that contained in the Department's records and, when
322 the information supplied by the requester is different from that contained in the Department's records,
323 provide the requester with correct information as contained in the Department's records and (ii) provide
324 driver information in the form of a transcript of the applicant's record, including all convictions, all
325 crashes, any type of driver's license that the individual currently possesses, and all license suspensions,
326 revocations, cancellations, or forfeitures. Such transcript shall be provided at a fee that is one-half the
327 normal charge if the request is accompanied by appropriate written evidence that the person has applied
328 to be a volunteer or volunteer vehicle operator with the requester as provided in this subdivision.

329 14. On the written request of any person who has applied to be a volunteer with a court-appointed
330 special advocate program pursuant to § 9.1-153, the Commissioner shall provide a transcript of the
331 applicant's record, including all convictions, all crashes, any type of driver's license that the individual
332 currently possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such transcript
333 shall be provided free of charge if the request is accompanied by appropriate written evidence that the
334 person has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-
335 153.

336 15, 16. [Repealed.]

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

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

348 19. [Repealed.]

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

353 21. Upon the request of the operator of a toll facility, a traffic light ~~photo-monitoring signal~~
354 violation monitoring system acting on behalf of a government entity, a traffic control device monitoring
355 system acting on behalf of a government entity, or the Dulles Access Highway, or an authorized agent or
356 employee of a toll facility operator ~~or, a traffic light photo-monitoring signal violation monitoring~~
357 operator acting on behalf of a government entity, a traffic control device monitoring system operator acting
358 on behalf of a government entity, or the Dulles Access Highway, for the purpose of obtaining vehicle
359 owner data under ~~subsection M of § 46.2-819.1 or subsection H of § 15.2-968.1, subsection M of § 46.2-~~
360 819.1, or subsection N of § 46.2-819.5. Information released pursuant to this subdivision shall be limited
361 to (i) the name and address of the owner of the vehicle having failed to pay a toll ~~or having failed to,~~
362 comply with a traffic light signal, or comply with a traffic control device or having improperly used the
363 Dulles Access Highway and (ii) the vehicle information, including all descriptive vehicle data and title
364 and registration data of the same vehicle.

365 22-26. [Repealed.]

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

370 28. [Repealed.]

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

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

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

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

390 32. Notwithstanding the provisions of this section other than subdivision 33, the Department shall
391 not release, except upon request by the subject of the information, the guardian of the subject of the
392 information, the parent of a minor who is the subject of the information, or the authorized agent of the
393 subject of the information, or pursuant to a court order, (i) proof documents submitted for the purpose of
394 obtaining a driving credential or a special identification card, (ii) the information in the Department's
395 records indicating the type of proof documentation that was provided, or (iii) applications relating to the
396 issuance of a driving credential or a special identification card. As used in this subdivision, "proof
397 document" means any document not originally created by the Department that is submitted to the
398 Department for the issuance of any driving credential or special identification card. "Proof document"
399 does not include any information contained on a driving credential or special identification card.

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

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

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

408 E. The Department shall not release any privileged information pursuant to this title unless the
409 Department has entered into a written agreement authorizing such release. The Department shall require
410 the requesting entity to specify the purpose authorized pursuant to this title that forms the basis for the
411 request and provide the permissible purpose as defined under 18 U.S.C. § 2721(b). Privileged information
412 requested by an entity that has been altered or aggregated may be used only for the original purposes
413 specified in the written agreement consistent with this title. The requesting entity shall disseminate
414 privileged information only to third parties subject to the original purpose specified in the written
415 agreement consistent with this title. Any agreement that does not allow third-party distribution shall
416 include a statement that such distribution is prohibited. Such agreement may limit the scope of any
417 authorized distribution consistent with this title. Privileged information distributed to any third party shall
418 only be further distributed by such third party subject to the original purpose specified and consistent with
419 this title, or unless such third party is the subject of the information, the parent of a minor who is the
420 subject of the information, the guardian of the subject of the information, the authorized agent or
421 representative of the subject of the information, or the owner of the vehicle that is the subject of the
422 information.

423 Any agreement entered into pursuant to this subsection between the Department and the
424 Department of State Police shall specify (i) that privileged information shall be distributed only to
425 authorized personnel of an entity meeting the definition of a criminal justice agency as defined in § 9.1-
426 101 and other comparable local, state, and federal criminal justice agencies and entities issued a Virginia

427 S-Originating Agency Identification (S-ORI) status; (ii) that privileged information shall be accessed,
428 used, and disseminated only for the administration of criminal justice as defined in § 9.1-101; and (iii)
429 that no local, state, or federal government entity, through the Virginia Criminal Information Network
430 (VCIN) or any other method of dissemination controlled by the Department of State Police, has access to
431 information stored by the Department in violation of the protections contained in this section. The
432 Department of State Police shall notify the Department prior to when a new entity is to be granted S-ORI
433 status and provide a copy of the S-ORI application to the Department. The Department of State Police
434 shall not allow any entity to access Department data through VCIN if the Department objects in writing
435 to the entity obtaining such data.

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

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

451 G. The Department shall conduct audits annually based on a risk assessment to ensure that
452 privileged information released by the Department pursuant to this title is being used as authorized by law
453 and pursuant to the agreements entered into by the Department. If the Department finds that privileged

454 information has been used in a manner contrary to law or the relevant agreement, the Department may
455 revoke access.

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

458 **2. That the provisions of this act shall expire on July 1, 2027, or upon certification by the Secretary**
459 **of Transportation that the Hampton Roads Express Lanes Hampton Segment (4C) is complete,**
460 **whichever is earlier.**

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