

SENATE BILL NO. 861

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation

on February 16, 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 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 or speed limits.

"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.

B. 1. The governing body of any county, city, or town may provide by ordinance for the establishment of a traffic signal enforcement program imposing monetary liability on the operator of a

27 motor vehicle for failure to comply with traffic light signals in such locality in accordance with the
28 provisions of this section. Each such locality may install and operate traffic light signal ~~photo-monitoring~~
29 violation monitoring systems at no more than one intersection for every 10,000 residents within each
30 county, city, or town at any one time, provided, however, that within planning District 8, each such locality
31 may install and operate traffic light signal ~~photo-monitoring~~ violation monitoring systems at no more than
32 10 intersections, or at no more than one intersection for every 10,000 residents within each county, city,
33 or town, whichever is greater, at any one time.

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

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

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

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

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

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

79 F. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator
80 and shall not be made part of the operating record of the person upon whom such liability is imposed, nor

81 shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. No monetary
82 penalty imposed under this section shall exceed \$50, nor shall it include court costs. Any finding in a
83 district court that an operator has violated an ordinance adopted as provided in this section shall be
84 appealable to the circuit court in a civil proceeding.

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

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

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

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

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

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

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

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

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

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

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

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

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

173 **§ 46.2-208. Records of Department; when open for inspection; release of privileged**
174 **information.**

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

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

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

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

187 2, 3. [Repealed.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

331 14. On the written request of any person who has applied to be a volunteer with a court-appointed
332 special advocate program pursuant to § 9.1-153, the Commissioner shall provide a transcript of the
333 applicant's record, including all convictions, all crashes, any type of driver's license that the individual
334 currently possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such transcript
335 shall be provided free of charge if the request is accompanied by appropriate written evidence that the
336 person has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-
337 153.

338 15, 16. [Repealed.]

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

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

350 19. [Repealed.]

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

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

367 22-26. [Repealed.]

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

372 28. [Repealed.]

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

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

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

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

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

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

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

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

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

425 Any agreement entered into pursuant to this subsection between the Department and the
426 Department of State Police shall specify (i) that privileged information shall be distributed only to
427 authorized personnel of an entity meeting the definition of a criminal justice agency as defined in § 9.1-
428 101 and other comparable local, state, and federal criminal justice agencies and entities issued a Virginia

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

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

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

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

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

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

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

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