

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 46.2-1077.1, relating to mobile*  
3 *infrared transmitters.*

4  
5 Approved

[H 87]

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

7 **1. That the Code of Virginia is amended by adding a section numbered 46.2-1077.1 as follows:**

8 *§ 46.2-1077.1. Mobile infrared transmitters; demerit points not to be awarded.*

9 *A. It shall be unlawful for any person to operate a motor vehicle on the highways of the*  
10 *Commonwealth when such vehicle is equipped with a mobile infrared transmitter or any other device or*  
11 *mechanism, passive or active, used to preempt or change the signal given by a traffic light so as to give*  
12 *the right-of-way to the vehicle equipped with such device. It shall be unlawful to use any such device or*  
13 *mechanism on any such motor vehicle on the highways. It shall be unlawful to sell any such device or*  
14 *mechanism in the Commonwealth, except for uses permitted under this section. In addition, the*  
15 *provisions of this section shall not apply to any law-enforcement, fire-fighting, life-saving, or rescue*  
16 *vehicle or ambulance responding to an emergency call or operating in an emergency situation or any*  
17 *vehicle providing public transportation service in a corridor approved for public transportation priority*  
18 *by the Virginia Department of Transportation or the governing body of any county, city, or town having*  
19 *control of the highways within its boundaries.*

20 *This section shall not be construed to authorize the forfeiture to the Commonwealth of any such*  
21 *device or mechanism. Any such device or mechanism may be taken by the arresting officer if needed as*  
22 *evidence, and, when no longer needed, shall be returned to the person charged with a violation of this*  
23 *section, or at that person's request and his expense, mailed to an address specified by him. Any*  
24 *unclaimed devices may be destroyed on court order after six months have elapsed from the final date*  
25 *for filing an appeal.*

26 *Except as provided in subsection B of this section, the presence of any such prohibited device or*  
27 *mechanism in or on a motor vehicle on the highways of the Commonwealth shall constitute prima facie*  
28 *evidence of the violation of this section. The Commonwealth need not prove that the device or*  
29 *mechanism in question was in an operative condition or being operated.*

30 *B. A person shall not be guilty of a violation of this section when the device or mechanism in*  
31 *question, at the time of the alleged offense, had no power source and was not readily accessible for use*  
32 *by the driver or any passenger in the vehicle.*

33 *C. No demerit points shall be awarded by the Commissioner for violations of this section.*

ENROLLED

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