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**HOUSE BILL NO. 181****FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by Senator Stolle  
on February 22, 2006)

(Patron Prior to Substitute—Delegate McEachin)

*A BILL to amend and reenact § 46.2-821 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-833.02, relating to motor vehicle code violations.*

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

**1. That § 46.2-821 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-833.02 as follows:**

§ 46.2-821. Vehicles before entering certain highways shall stop or yield right-of-way.

The driver of a vehicle approaching an intersection on a highway controlled by a stop sign shall, immediately before entering such intersection, stop at a clearly marked stop line, or, in the absence of a stop line, stop before entering the crosswalk on the near side of the intersection, or, in the absence of a marked crosswalk, stop at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. Before proceeding, he shall yield the right-of-way to the driver of any vehicle approaching on such other highway from either direction.

Where a "Yield Right-of-Way" sign is posted, the driver of a vehicle approaching or entering such intersection shall slow down to a speed reasonable for the existing conditions, yield the right-of-way to the driver of another vehicle approaching or entering such intersection from another direction, and, if required for safety, shall stop at a clearly marked stop line, or, in the absence of a stop line, stop before entering the crosswalk on the near side of the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway, and shall yield the right-of-way to the driver of any vehicle approaching on such other highway from either direction.

The driver of any motor vehicle may be detained for a violation of this section if the detaining law-enforcement officer is in uniform, displays his badge of authority, and (i) has observed the violation or (ii) has received a radio message from another law-enforcement officer who observed the violation. In the case of a person being detained based on a radio message, the message shall be sent immediately after the violation is observed, and the observing officer shall furnish the license number or other positive identification of the vehicle to the detaining officer.

§ 46.2-833.02. Use of photo-monitoring systems to enforce traffic light signals; civil penalty.

A. The governing body of any county, or city or town may, after holding a public hearing, provide by ordinance for the establishment of a traffic safety program imposing civil liability on the operator of a motor vehicle for failure to comply with traffic light signals in such locality in accordance with the provisions of this section. Each such locality may install and operate traffic light signal violation-monitoring systems at no more than 25 intersections within each locality at any one time. No traffic light signal violation-monitoring system shall be used for the sole purpose of generating revenue.

B. The operator of a vehicle shall be liable for a civil penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a traffic light signal violation-monitoring system, to have failed to comply with a traffic light signal within such locality.

C. Proof of a violation of this section shall be evidenced by information obtained from a traffic light signal violation-monitoring system authorized pursuant to this section. A certificate, sworn to or affirmed by a law-enforcement officer employed by a locality authorized to impose civil penalties pursuant to this section, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a traffic light signal violation-monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to an ordinance adopted pursuant to this section.

D. Such proof of a violation described in subsection C shall be sent to the owner, lessee, or renter of the vehicle in question, together with a notice that (i) such proof indicates that the vehicle was operated in violation of this section, that (ii) if the owner, lessee, or renter of the vehicle was the operator of the vehicle at the time of the violation of this section, such owner, lessee, or renter is liable for the civil penalty set forth in subsection F of this section, and that (iii) if the owner, lessee, or renter of the vehicle was not the operator of the vehicle at the time of the violation, he may (a) file an unsworn statement by regular mail with the clerk of such general district court that he was not the operator of the vehicle at the time of the alleged violation, (b) testify in open court under oath that he was not the operator of the vehicle at the time of the alleged violation, or (c) present in open court a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior

60 to the time of the alleged violation of this section.

61 E. For purposes of this section:

62 "Owner" means the registered owner of such vehicle on record with the Department of Motor  
63 Vehicles.

64 "Traffic light signal violation-monitoring system" means a vehicle sensor installed to work in  
65 conjunction with a traffic light that automatically produces two or more photographs, two or more  
66 microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or  
67 operated in violation of § 46.2-833, 46.2-835, or 46.2-836. For each such vehicle, at least one recorded  
68 image shall be of the vehicle before it has illegally entered the intersection, and at least one recorded  
69 image shall be of the same vehicle after it has illegally entered that intersection. No traffic light signal  
70 violation-monitoring system shall record the image of any vehicle proceeding lawfully through an  
71 intersection unless the image appears incidental to the recording of an image of a vehicle entering an  
72 intersection during the red phase of a signal.

73 F. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an  
74 operator and shall not be made part of the operating record of the person upon whom such civil penalty  
75 is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance  
76 coverage. No civil penalty imposed under this section shall exceed \$50 nor shall it include court costs.

77 G. A summons for a violation of this section may be executed pursuant to § 19.2-76.2.  
78 Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed  
79 by mailing by first-class mail a copy thereof to the address of the owner, lessee, or renter of the vehicle  
80 as shown, in the case of vehicle owners, in the records of the Department of Motor Vehicles or, in the  
81 case of vehicle lessees or renters, in the records of the lessor or renter. Every such mailing shall  
82 include, in addition to the summons, (i) notice described in subsection D of this section and (ii)  
83 instructions for filing a statement as provided in subsection D of this section, including the address to  
84 which the statement is to be sent. The summoned person shall either (i) appear in court on the date of  
85 return set out in the summons mailed pursuant to this section, or (ii) pay by that date the civil penalty  
86 set forth in subsection F of this section, or (iii) file with the court by that date a statement as provided  
87 in clause (iii) (a) of subsection D. If the summoned person does not appear in court on the date of  
88 return set out in the summons, pay such civil penalty by that date, or file such a statement by that date,  
89 the summons shall be executed in the manner set out in § 19.2-76.3 and the summoned person shall be  
90 liable for the civil penalty set forth in subsection F. No proceedings for contempt or arrest of a person  
91 summoned by mailing shall be instituted for failure to appear on the return date of the summons.

92 H. In any action at law brought by any person or entity as the result of personal injury or death or  
93 damage to property, such evidence derived from a traffic light signal violation-monitoring system shall  
94 be admissible in the same method prescribed in the prosecution of an offense established under this  
95 section without the requirements of authentication as otherwise required by law.

96 I. On behalf of a locality, a private entity may not obtain records regarding the registered owners of  
97 vehicles that fail to comply with traffic light signals. A private entity may enter into an agreement with  
98 a locality to be compensated for providing the traffic light signal violation-monitoring system or  
99 equipment, and all related support services, to include consulting, operations, and administration.  
100 However, only a law-enforcement officer of the locality may swear to or affirm the certificate required  
101 by subsection C.

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

108 K. Before the implementation of a traffic light signal violation-monitoring system at an intersection,  
109 the locality shall complete an engineering safety analysis that addresses signal timing and other  
110 location-specific safety features. The length of the yellow phase shall be established based on the  
111 recommended methodology of the Institute of Transportation Engineers. All traffic light signal  
112 violation-monitoring systems shall provide a minimum 0.3-second grace period between the time the  
113 signal turns red and the first violation is recorded. If recommended by the engineering safety analysis,  
114 the locality shall make reasonable location-specific safety improvements, including signs and pavement  
115 markings.

116 L. Any locality that uses a traffic light signal violation-monitoring system to enforce traffic light  
117 signals shall place conspicuous signs within 500 feet of the intersection approach at which a traffic light  
118 signal violation-monitoring system is used. There shall be a rebuttable presumption that such signs were  
119 in place at the time of the commission of the traffic light signal violation.

120 M. Any locality that uses a traffic light signal violation-monitoring system shall evaluate the program  
121 at least annually. This evaluation shall include at a minimum a review of the monthly violation rates,

122 rear-end accidents, and other accidents attributed to traffic light signal violations at the intersections  
123 equipped with cameras. Evaluation results shall be made available to the public.  
124 N. Prior to or coincident with the implementation or expansion of a traffic light signal  
125 violation-monitoring system, a locality shall conduct a public awareness program, advising the public  
126 that the locality is implementing or expanding a traffic light signal violation-monitoring system.