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**HOUSE BILL NO. 1683**

Offered January 10, 2007

Prefiled December 11, 2006

A *BILL to amend the Code of Virginia by adding a section numbered 15.2-968.1, relating to local ordinances establishing certain traffic light signal violation-enforcement programs; penalty.*

Patron—McQuigg

Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 15.2-968.1 as follows:**

§ 15.2-968.1. *Traffic light signal violation-enforcement program; penalty.*

A. *The governing body of any county, city, or town may provide by ordinance for the establishment of a traffic light signal violation-enforcement program imposing monetary 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-enforcement systems at no more than 25 intersections within each locality at any one time.*

B. *The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a traffic light signal violation-enforcement 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-enforcement system authorized pursuant to this section. A certificate, sworn to or affirmed by a technician employed by a locality authorized to impose 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-enforcement 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 to the time of the alleged violation of this section.*

E. *For purposes of this section:*

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

"Traffic light signal violation-enforcement 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, a videotape, 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 that intersection. No traffic light signal violation-enforcement system shall record the image of any vehicle proceeding lawfully through an intersection unless the image appears incidental to the recording of an image of a vehicle entering an intersection during the red phase of a signal.*

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

G. *A summons for a violation of this section may be executed pursuant to § 19.2-76.2. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to the address of the owner, lessee, or renter of the vehicle*

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59 as shown, in the case of vehicle owners, in the records of the Department of Motor Vehicles or, in the  
60 case of vehicle lessees or renters, in the records of the lessor or renter. Every such mailing shall  
61 include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the  
62 presumption that he was the operator of the vehicle at the time of the alleged violation through the  
63 filing of an affidavit as provided in subsection D of this section and (ii) instructions for filing such  
64 affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to  
65 appear on the date of return set out in the summons mailed pursuant to this section, the summons shall  
66 be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person  
67 summoned by mailing shall be instituted for failure to appear on the return date of the summons.

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

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

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

84 K. Before the implementation of a traffic light signal violation-enforcement system at an intersection,  
85 the locality shall complete an engineering safety analysis that addresses signal timing and other  
86 location-specific safety features. The length of the yellow phase shall be established based on the  
87 recommended methodology of the Institute of Transportation Engineers. All traffic light signal  
88 violation-enforcement systems shall provide a minimum 0.3-second grace period between the time the  
89 signal turns red and the first violation is recorded. If recommended by the engineering safety analysis,  
90 the locality shall make reasonable location-specific safety improvements, including signs and pavement  
91 markings.

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

96 M. Any locality that uses a traffic light signal violation-enforcement system shall evaluate the  
97 program at least annually. This evaluation shall include at a minimum a review of the monthly violation  
98 rates, rear-end accidents, and other accidents attributed to traffic light signal violations at the  
99 intersections equipped with cameras. Evaluation results shall be made available to the public.

100 N. Prior to or coincident with the implementation or expansion of a traffic light signal  
101 violation-enforcement system, a locality shall conduct a public awareness program, advising the public  
102 that the locality is implementing or expanding a traffic light signal violation-enforcement system.