

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 46.2-1219.2, relating to parking of*  
3 *vehicles in commuter parking lots owned by the Virginia Department of Transportation; penalty.*

4 [H 1986]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 46.2-1219.2 as follows:**8 *§ 46.2-1219.2. Parking of vehicles in commuter parking lots owned by the Virginia Department of*  
9 *Transportation.*10 *A. It shall constitute a traffic infraction for any person to park any vehicle in any commuter parking*  
11 *lot owned by the Virginia Department of Transportation in any manner not in conformance with posted*  
12 *signs and pavement markings.*13 *B. In the prosecution of an offense established under this section, prima facie evidence that the*  
14 *vehicle described in the summons issued pursuant to this section was parked in violation of this section,*  
15 *together with proof that the defendant was at the time of such violation the owner, lessee, or renter of*  
16 *the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of*  
17 *the vehicle was the person who committed the violation. Such presumption shall be rebutted if the*  
18 *owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general*  
19 *district court that he was not the operator of the vehicle at the time of the alleged violation or (ii)*  
20 *testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged*  
21 *violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the*  
22 *vehicle had been reported to the police as stolen prior to the time of the alleged violation of this*  
23 *section, is presented, prior to the return date established on the summons issued pursuant to this*  
24 *section, to the court adjudicating the alleged violation. A violation of this section may be charged on*  
25 *the uniform traffic summons form.*26 *C. Notwithstanding the provisions of § 19.2-76, whenever a summons for a violation of this section is*  
27 *served in any county, city, or town, it may be executed by mailing by first-class mail a copy thereof to*  
28 *the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles. If*  
29 *the summoned person fails to appear on the date of return set out in the summons mailed pursuant to*  
30 *this section, the summons shall be executed in the manner set out in § 19.2-76.3.*31 *Enforcement of the provisions of this section may be enforced by any law-enforcement office as*  
32 *defined in § 9.1-101.*

ENROLLED

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