10105410D

SENATE BILL NO. 667

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation on February 23, 2010)

(Patron Prior to Substitute—Senator Herring)

A BILL to amend and reenact § 46.2-208 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 8 of Title 46.2 a section numbered 46.2-819.5, relating to enforcement of use of a photo-monitoring system or automatic vehicle identification system; Dulles Access Highway.

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-208 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 8 of Title 46.2 a section numbered 46.2-819.5 as follows:

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

A. All records in the office of the Department containing the specific classes of information outlined below shall be considered privileged records:

1. Personal information, including all data defined as "personal information" in § 2.2-3801;

2. Driver information, including all data that relates to driver's license status and driver activity; and

3. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle activity data.

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

1. Notwithstanding other provisions of this section, medical data included in personal data shall be released only to a physician, physician assistant, or nurse practitioner as provided in § 46.2-322.

2. Insurance data may be released as specified in §§ 46.2-372, 46.2-380, and 46.2-706.

3. Notwithstanding other provisions of this section, information disclosed or furnished shall be assessed a fee as specified in § 46.2-214.

4. When the person requesting the information is (i) the subject of the information, (ii) the parent or guardian of the subject of the information, (iii) the authorized representative of the subject of the information, or (iv) the owner of the vehicle that is the subject of the information, the Commissioner shall provide him with the requested information and a complete explanation of it. Requests for such information need not be made in writing or in person and may be made orally or by telephone, provided that the Department is satisfied that there is adequate verification of the requester's identity. When so requested in writing by (a) the subject of the information, (b) the parent or guardian of the subject of the information, (c) the authorized representative of the subject of the information, or (d) the owner of the vehicle that is the subject of the information, the Commissioner shall verify and, if necessary, correct the personal information provided and furnish driver and vehicle information in the form of an abstract of the record.

5. On the written request of any insurance carrier, surety, or representative of an insurance carrier or surety, the Commissioner shall furnish such insurance carrier, surety, or representative an abstract of the record of any person subject to the provisions of this title. The abstract shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which he was involved and a report of which is required by § 46.2-372. No such report of any conviction or accident shall be made after 60 months from the date of the conviction or accident unless the Commissioner or court used the conviction or accident as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or accident pertaining thereto shall not be reported after 60 months from the date that the driver's license or driving privilege has been reinstated. This abstract shall not be admissible in evidence in any court proceedings.

6. On the written request of any business organization or its agent, in the conduct of its business, the Commissioner shall compare personal information supplied by the business organization or agent with that contained in the Department's records and, when the information supplied by the business organization or agent is different from that contained in the Department's records, provide the business organization or agent with correct information as contained in the Department's records. Personal information provided under this subdivision shall be used solely for the purpose of pursuing remedies that require locating an individual.

7. The Commissioner shall provide vehicle information to any business organization or agent on such business' or agent's written request. Disclosures made under this subdivision shall not include any personal information and shall not be subject to the limitations contained in subdivision 6 of this subsection.

3/3/10 10:15

HOUSE SUBSTITUTE

SB667H1

8. On the written request of any motor vehicle rental or leasing company or its designated agent, the Commissioner shall (i) compare personal information supplied by the company or agent with that contained in the Department's records and, when the information supplied by the company or agent is different from that contained in the Department's records, provide the company or agent with correct information as contained in the Department's records and (ii) provide the company or agent with driver information in the form of an abstract of any person subject to the provisions of this title. Such abstract shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which the subject of the abstract was involved and a report of which is required by § 46.2-372. No such abstract shall include any record of any conviction or accident more than 60 months after the date of such conviction or accident unless the Commissioner or court used the conviction or accident as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or accident pertaining thereto shall cease to be included in such abstract after 60 months from the date on which the driver's license or driving privilege was reinstated. No abstract released under this subdivision shall be admissible in evidence in any court proceedings.

9. On the request of any federal, state, or local governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, the Commissioner shall (i) compare personal information supplied by the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, with that contained in the Department's records and, when the information supplied by the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, is different from that contained in the Department's records, provide the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, with correct information as contained in the Department's records and (ii) provide driver and vehicle information in the form of an abstract of the record showing all convictions, accidents, driver's license suspensions or revocations, and other appropriate information as the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, may require in order to carry out its official functions. The abstract shall be provided free of charge.

10. On request of the driver licensing authority in any other state or foreign country, the Commissioner shall provide whatever classes of information the requesting authority shall require in order to carry out its official functions. The information shall be provided free of charge.

11. On the written request of any employer, prospective employer, or authorized agent of either, and with the written consent of the individual concerned, the Commissioner shall (i) compare personal information supplied by the employer, prospective employer, or agent with that contained in the Department's records and, when the information supplied by the employer, prospective employer, or agent is different from that contained in the Department's records, provide the employer, prospective employer, or agent with correct information as contained in the Department's records and (ii) provide the employer, prospective employer, or agent with driver information in the form of an abstract of an individual's record showing all convictions, accidents, driver's license suspensions or revocations, and any type of driver's license that the individual currently possesses, provided that the individual's position or the position that the individual is being considered for involves the operation of a motor vehicle.

12. On the written request of any member of or applicant for membership in a volunteer fire company or volunteer rescue squad, the Commissioner shall (i) compare personal information supplied by the volunteer fire company or volunteer rescue squad with that contained in the Department's records and, when the information supplied by the volunteer fire company or volunteer rescue squad is different from that contained in the Department's records, provide the volunteer fire company or volunteer rescue squad with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the member's or applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate written evidence that the person is a member of or applicant for membership in a volunteer fire company or volunteer rescue squad and the abstract is needed by a volunteer fire company or volunteer rescue squad to establish the qualifications of the member or applicant to operate equipment owned by the volunteer fire company or volunteer rescue squad.

13. On the written request of any person who has applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America, the Commissioner shall (i) compare personal information supplied by a Virginia affiliate of Big Brothers/Big Sisters of America with that contained in the Department's records and, when the information supplied by a Virginia affiliate of Big Brothers/Big Sisters of America is different from that contained in the Department's records, provide the Virginia

affiliate of Big Brothers/Big Sisters of America with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America.

14. On the written request of any person who has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153, the Commissioner shall provide an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153.

15. Upon the request of any employer, prospective employer, or authorized representative of either, the Commissioner shall (i) compare personal information supplied by the employer, prospective employer, or agent with that contained in the Department's records and, when the information supplied by the employer, prospective employer, or agent is different from that contained in the Department's records, provide the employer, prospective employer, or agent with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the driving record of any individual who has been issued a commercial driver's license, provided that the individual's position or the position that the individual is being considered for involves the operation of a commercial motor vehicle. Such abstract shall show all convictions, accidents, license suspensions, revocations, or disqualifications, and any type of driver's license that the individual currently possesses.

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

17. Upon the request of an attorney representing a person in a motor vehicle accident, the Commissioner shall provide vehicle information, including the owner's name and address, to the attorney.

18. Upon the request, in the course of business, of any authorized representative of an insurance company or of any not-for-profit entity organized to prevent and detect insurance fraud, or perform rating and underwriting activities, the Commissioner shall provide to such person (i) all vehicle information, including the owner's name and address, descriptive data and title, registration, and vehicle activity data as requested or (ii) all driver information including name, license number and classification, date of birth, and address information for each driver under the age of 22 licensed in the Commonwealth of Virginia meeting the request criteria designated by such person, with such request criteria consisting of driver's license number or address information. No such information shall be used for solicitation of sales, marketing, or other commercial purposes.

19. Upon the request of an officer authorized to issue criminal warrants, for the purpose of issuing a warrant for arrest for unlawful disposal of trash or refuse in violation of § 33.1-346, the Commissioner shall provide vehicle information, including the owner's name and address.

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

21. Upon the request of the operator of a toll facility, *or of the Dulles Access Highway,* or an authorized agent or employee of a toll facility operator *or the Dulles Access Highway,* for the purpose of obtaining vehicle owner data under subsection L of § 46.2-819.1 *or subsection N of § 46.2-819.5*. Information released pursuant to this subdivision shall be limited to the name and address of the registered owner of the vehicle having failed to pay a toll and the vehicle information, including all descriptive vehicle data and title and registration data of the same vehicle.

22. On the written request of any person who has applied to be a volunteer with a Virginia affiliate of Compeer, the Commissioner shall (i) compare personal information supplied by a Virginia affiliate of Compeer with that contained in the Department's records and, when the information supplied by a Virginia affiliate of Compeer is different from that contained in the Department's records, provide the Virginia affiliate of Compeer with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a Virginia affiliate of Compeer.

23. Upon the request of the Department of Environmental Quality for the purpose of obtaining

vehicle owner data in connection with enforcement actions involving on-road testing of motor vehicles, pursuant to § 46.2-1178.1.

24. On the written request of any person who has applied to be a volunteer vehicle operator with a Virginia chapter of the American Red Cross, the Commissioner shall (i) compare personal information supplied by a Virginia chapter of the American Red Cross with that contained in the Department's records and, when the information supplied by a Virginia chapter of the American Red Cross is different from that contained in the Department's records, provide the Virginia chapter of the American Red Cross with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of the American Red Cross.

25. On the written request of any person who has applied to be a volunteer vehicle operator with a Virginia chapter of the Civil Air Patrol, the Commissioner shall (i) compare personal information supplied by a Virginia chapter of the Civil Air Patrol with that contained in the Department's records and, when the information supplied by a Virginia chapter of the Civil Air Patrol is different from that contained in the Department's records, provide the Virginia chapter of the Civil Air Patrol with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of the Civil Air Patrol.

26. On the written request of any person who has applied to be a volunteer vehicle operator with Faith in Action, the Commissioner shall (i) compare personal information supplied by Faith in Action with that contained in the Department's records and, when the information supplied by Faith in Action is different from that contained in the Department's records, provide Faith in Action with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with Faith in Action.

C. Whenever the Commissioner issues an order to suspend or revoke the driver's license or driving privilege of any individual, he may notify the National Driver Register Service operated by the United States Department of Transportation and any similar national driver information system and provide whatever classes of information the authority may require.

D. Accident reports may be inspected under the provisions of §§ 46.2-379 and 46.2-380.

E. Whenever the Commissioner takes any licensing action pursuant to the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), he may provide information to the Commercial Driver License Information System, or any similar national commercial driver information system, regarding such action.

F. In addition to the foregoing provisions of this section, vehicle information may also be inspected under the provisions of §§ 46.2-633, 46.2-644.02, 46.2-644.03, and §§ 46.2-1200.1 through 46.2-1237.

G. The Department may promulgate regulations to govern the means by which personal, vehicle, and driver information is requested and disseminated.

H. Driving records of any person accused of an offense involving the operation of a motor vehicle shall be provided by the Commissioner upon request to any person acting as counsel for the accused. If such counsel is from the public defender's office or has been appointed by the court, such records shall be provided free of charge.

I. The Department shall maintain the records of persons convicted of violations of § 18.2-36.2, subsection B of § 29.1-738, and §§ 29.1-738.02, 29.1-738.2, and 29.1-738.4 which shall be forwarded by every general district court or circuit court or the clerk thereof, pursuant to § 46.2-383. Such records shall be electronically available to any law-enforcement officer as provided for under clause (ii) of subdivision B 9.

§ 46.2-819.5. Enforcement through use of photo-monitoring system or automatic vehicle identification system in conjunction with usage of Dulles Access Highway.

A. A photo-monitoring system or automatic vehicle identification system established at locations along the Dulles Access Highway, in order to identify vehicles that are using the Dulles Access Highway in violation of the Metropolitan Washington Airports Authority (Authority) regulation regarding usage, which makes violations of the regulation subject to civil penalties, shall be administered in accordance with this section. The civil penalties for violations of such regulation may not exceed the following: $50

for the first violation; $100 for a second violation within one year from the first violation; $250 for a third violation within two years from the second violation; and $500 for a fourth and any subsequent violation within three years from the second violation. In the event a violation of the Authority regulation is identified via the photo-monitoring system or automatic vehicle identification system, the operator of the Dulles Access Highway shall send a notice of the violation, of the applicable civil penalty and of any administrative fee calculated in accordance with subsection C to the registered owner of the vehicle identified by the system prior to seeking further remedies under this section. Upon receipt of the notice, the registered owner of the vehicle may elect to avoid any action by the operator to enforce the violation in court by waiving his right to a court hearing, pleading guilty to the violation, and paying a reduced civil penalty along with any applicable administrative fee to the operator. Should the recipient of the notice make such an election, the amount of the reduced civil penalty shall be as follows: $30 for the first violation; $50 for a second violation within one year from the first violation; $125 for a third violation within two years from the second violation; and $250 for a fourth and any subsequent violations within three years from the second violation.

B. Information collected by the photo-monitoring system or automatic vehicle identification system referenced in subsection A shall be limited exclusively to that information that is necessary for identifying those drivers who improperly use the Dulles Access Highway in violation of the Authority regulation. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other data collected by a photo-monitoring system or automatic vehicle identification system shall be used exclusively for the identification of violators and shall not (i) be open to the public; (ii) be sold or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any other entity except as may be necessary for the identification of violators or to a vehicle owner or operator as part of a challenge to the imposition of a civil penalty; or (iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of the Authority regulation governing usage of the Dulles Access Highway or upon order from a court of competent jurisdiction. Information collected by the system shall be purged and not retained later than 30 days after the collection and reconciliation of any civil penalties and administrative fees. The operator of the Dulles Access Highway shall annually certify compliance with this subsection and make all records pertaining to such system available for inspection and audit by the Commonwealth Transportation Commissioner or the Commissioner of the Department of Motor Vehicles or their designee. Any violation of this subsection shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law, any money or other thing of value obtained as a result of a violation of this subsection shall be forfeited to the Commonwealth.

C. The operator of the Dulles Access Highway may impose and collect an administrative fee, in addition to the civil penalty established by regulation, so as to recover the expenses of collecting the civil penalty, which administrative fee shall be reasonably related to the actual cost of collecting the civil penalty and shall not exceed $100 per violation. Such fee shall not be levied upon the operator of the vehicle until a second violation has been documented within 12 months of an initial violation, in which case the fee shall apply to such second violation and to any additional violation occurring thereafter. If the recipient of the notice referenced in subsection A makes the election provided by that subsection, the administrative fee shall not exceed $25.

D. If the election provided for in subsection A is not made, the operator of the Dulles Access Highway may proceed to enforce the violation in court. If the matter proceeds to court, the registered owner or operator of a vehicle shall be liable for the civil penalty set out in the Authority regulation governing usage of the Dulles Access Highway, any applicable administrative fees calculated in accordance with subsection C and applicable court costs if the vehicle is found, as evidenced by information obtained from a photo-monitoring system or automatic vehicle identification system as provided in this section, to have used the Dulles Access Highway in violation of the Authority regulation; provided, that the civil penalty may not exceed the amount of the penalty identified in subsection A.

E. Any action under this section shall be brought in the General District Court of the county in which the violation occurred.

F. Proof of a violation of the Authority regulation governing the use of the Dulles Access Highway shall be evidenced by information obtained from the photo-monitoring system or automatic vehicle identification system referenced in subsection A. A certificate, sworn to or affirmed by a technician employed or authorized by the operator of the Dulles Access Highway, or a facsimile of such a certificate, that is based on inspection of photographs, microphotographs, videotapes, or other recorded images or electronic data produced by the photo-monitoring system shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images or electronic data evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation under this section.

G. A summons issued under this section, which describes a vehicle that, on the basis of a certificate referenced in subsection F, is alleged to have been operated in violation of the Authority regulation governing usage of the Dulles Access Highway, shall be prima facie evidence that such vehicle was operated in violation of the Authority regulation.

H. Upon a finding by a court that the vehicle described in the summons issued under this section was in violation of the Authority regulation, the court shall impose a civil penalty upon the registered owner or operator of such vehicle in accordance with the penalty amounts specified in subsection D, together with any applicable court costs and applicable administrative fees calculated in accordance with subsection C. Civil penalties and administrative fees assessed as a result of an action initiated under this section and collected by the court shall be remanded by the clerk of the court that adjudicated the action to the treasurer or director of finance of the county or city in which the violation occurred for payment to the operator of the Dulles Access Highway.

The registered owner of a vehicle shall be given reasonable notice of an enforcement action in court by way of a summons that informs the owner that his vehicle has been used in violation of the Authority regulation governing the use of the Dulles Access Highway and of the time and place of the court hearing, as well as of the civil penalty and court costs for the violation. Upon the filing of an affidavit with the court at least 14 days prior to the hearing date by the registered owner of the vehicle stating that he was not the driver of the vehicle on the date of the violation and providing the legal name and address of the operator of the vehicle at the time of the violation, a summons shall be issued to such alleged operator of the vehicle.

In any action against such a vehicle operator, an affidavit made by the registered owner providing the name and address of the vehicle operator at the time of the violation shall constitute prima facie evidence that the person named in the affidavit was operating the vehicle at all the relevant times relating to the matter addressed in the affidavit.

If the registered owner of the vehicle produces 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 offense and remained stolen at the time of the alleged offense, then the court shall dismiss the summons issued to the registered owner of the vehicle.

I. Upon a finding by a court that a person has three or more violations of the Authority regulation governing the use of the Dulles Access Highway and has failed to pay the required civil penalties, administrative fees and court costs into the court, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate to or for such person or the license plate for the vehicle owned by such person until the court has notified the Commissioner that such civil penalties, fees, and costs have been paid. The Commissioner shall collect a $40 administrative fee from such person to defray the cost of responding to court notices given pursuant to this subsection.

J. For purposes of this section, "operator of the Dulles Access Highway" means the Metropolitan Washington Airports Authority; "owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles; "photo-monitoring system" means equipment that produces one or more photographs, microphotographs, videotapes, or other recorded images of vehicles at the time they are used or operated in violation of the Authority regulation governing the use of the Dulles Access Highway; "automatic vehicle identification system" means an electronic vehicle identification system that automatically produces an electronic record of each vehicle equipped with an automatic vehicle identification device that uses monitored portions of the Dulles Access Highway; and "automatic vehicle identification device" means an electronic device that communicates by wireless transmission with an automatic vehicle identification system.

K. Any vehicle rental or vehicle leasing company, if named in a summons, shall be released as a party to the action if it provides the operator of the Dulles Access Highway with a copy of the vehicle rental agreement or lease, or an affidavit that identifies the renter or lessee, prior to the date of hearing set forth in the summons. Upon receipt of such rental agreement, lease, or affidavit, a summons shall be issued to such renter or lessee. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.). In any action against the renter or lessee, a copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the vehicle at the time of the violation shall be prima facie evidence that the person named in the rental agreement, lease, or affidavit was operating the vehicle at all the relevant times relating to the matter named in the summons.

L. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made a part of the driving 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. The provisions of § 46.2-395 shall not be applicable to any civil penalty, administrative fee, or cost imposed or ordered paid under this section.

M. On a form prescribed by the Supreme Court, a summons for a violation of the Authority regulation governing the use of the Dulles Access Highway may be executed pursuant to § 19.2-76.2. The operator of the Dulles Access Highway or its personnel or agents mailing such summons shall be considered conservators of the peace for the sole and limited purpose of mailing such summons. Pursuant to § 19.2-76.2, the summons for a violation of the Authority regulation governing usage of the Dulles Access Highway may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles or, if the registered owner or rental or leasing company has named and provided a valid address for the operator of the vehicle at the time of the violation as provided in this section, to the address of such named operator of the vehicle. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

N. The operator of the Dulles Access Highway may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that improperly use the Dulles Access Highway. Information provided to the operator of the Dulles Access Highway shall only be used in the enforcement of the Authority regulation governing use of the Dulles Access Highway, and the operator shall be subject to the same conditions and penalties regarding release of the information as contained in subsection B.

O. Should other vehicle recognition technology become available that is appropriate to be used for the purpose of monitoring improper usage of the Dulles Access Highway, the operator of the Dulles Access Highway shall be permitted to use any such technology that has been approved for use by the Virginia State Police, the Commonwealth of Virginia, or any of its localities.

P. All civil penalties paid to the operator of the Dulles Access Highway pursuant to this section shall be used by the operator of the Dulles Access Highway only for the operation and improvement of the Dulles Corridor, including the Dulles Toll Road.