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**HOUSE BILL NO. 748**

Offered January 8, 2014

Prefiled January 7, 2014

*A BILL to amend and reenact § 46.2-1219.2 of the Code of Virginia, relating to parking violations at VDOT commuter lots; failure to appear.*

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Patron—Rust

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Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:****1. That § 46.2-1219.2 of the Code of Virginia is amended and reenacted as follows:****§ 46.2-1219.2. Parking of vehicles in commuter parking lots owned by the Virginia Department of Transportation.**

A. It shall constitute a traffic infraction for any person to park any vehicle in any commuter parking lot owned by the Virginia Department of Transportation in any manner not in conformance with posted signs and pavement markings.

B. In the prosecution of an offense established under this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was parked in violation of this section, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if 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, is presented, prior to the return date established on the summons issued pursuant to this section, to the court adjudicating the alleged violation. A violation of this section may be charged on the uniform traffic summons form.

C. Notwithstanding the provisions of § 19.2-76, whenever a summons for a violation of this section is served in any county, city, or town, it 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. 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 court shall proceed in accordance with § 19.2-258.1.

Enforcement of the provisions of this section may be enforced by any law-enforcement officer as defined in § 9.1-101.

INTRODUCED

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