2016 SESSION

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VIRGINIA ACTS OF ASSEMBLY - CHAPTER

An Act to amend and reenact §§ 33.2-500, 33.2-503, 33.2-504, 46.2-208, 46.2-819, 46.2-819.1, 46.2-819.3, 46.2-819.3:1, 46.2-819.5, and 46.2-819.6 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 6 of Title 33.2 a section numbered 33.2-615 and by adding in Article 1.1 of Chapter 8 of Title 46.2 sections numbered 46.2-819.8, 46.2-819.9, and 46.2-819.10; and to repeal § 46.2-819.7 of the Code of Virginia, relating to tolling; toll collection procedures, fees, and

7 penalties; period of nonpayment; notice of nonpayment; reciprocity agreements.

8 9

Approved

10 Be it enacted by the General Assembly of Virginia:

11 1. That §§ 33.2-500, 33.2-503, 33.2-504, 46.2-208, 46.2-819, 46.2-819.1, 46.2-819.3, 46.2-819.3:1, 12 46.2-819.5, and 46.2-819.6 of the Code of Virginia are amended and reenacted and that the Code 13 of Virginia is amended by adding in Chapter 6 of Title 33.2 a section numbered 33.2-615 and by 14 adding in Article 1.1 of Chapter 8 of Title 46.2 sections numbered 46.2-819.8, 46.2-819.9, and 15 46.2-819.10 as follows:

- 16 § 33.2-500. Definitions.
- 17 As used in this chapter, unless the context requires a different meaning:

18 "High-occupancy requirement" means the number of persons required to be traveling in a vehicle for 19 the vehicle to use HOT lanes without the payment of a toll. Emergency vehicles, law-enforcement vehicles being used in HOT lanes in the performance of law-enforcement duties, which shall not include 20 21 the use of such vehicles for commuting to and from the workplace or for any purpose other than responding to an emergency incident, patrolling HOT lanes pursuant to an agreement by a state agency 22 23 with the HOT lanes operator, or the time-sensitive investigation, active surveillance, or actual pursuit of 24 persons known or suspected to be engaged in or with knowledge of criminal activity, and mass transit 25 vehicles and commuter buses shall meet the high-occupancy requirement for HOT lanes, regardless of 26 the number of occupants in the vehicle.

"High-occupancy toll lanes" or "HOT lanes" means a *highway or* portion of a highway containing
one or more travel lanes separated from other lanes that (*i*) has an electronic toll collection system; (*ii*)
provides for free passage by vehicles that meet the high-occupancy requirement, *including mass transit vehicles and commuter buses*; and (*iii*) contains a photo-enforcement system for use in such electronic
toll collection. HOT lanes shall not be a "toll facility" or "HOV lanes" for the purposes of any other
provision of law or regulation.

"High-occupancy vehicle lanes" or "HOV lanes" means a *highway or* portion of a highway
 containing one or more travel lanes for the travel of high-occupancy vehicles or buses as designated
 pursuant to § 33.2-501.

36 "HOT lanes operator" means the operator of the facility containing HOT lanes, which may include
37 the Department of Transportation or some other entity.
38 "Mass transit vehicles" and "commuter buses" means vehicles providing a scheduled transportation

38 "Mass transit vehicles" and "commuter buses" means vehicles providing a scheduled transportation
 39 service to the general public. Such vehicles shall comprise nonprofit, publicly or privately owned or
 40 operated transportation services, programs, or systems that may be funded pursuant to § 58.1-638.

"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles
or with the equivalent agency in another state. "Owner" does not mean *include* a vehicle rental or
vehicle leasing company.

"Photo-enforcement system" means a sensor installed in conjunction with a toll collection device to
detect the presence of a vehicle that automatically produces one or more photographs, one or more
microphotographs, a videotape, or other recorded images of each vehicle's license plate at the time it is
detected by the toll collection device.

"Unauthorized vehicle" means a motor vehicle that is restricted from use of the HOT lanes pursuant
to subdivision 4 a of § 33.2-503 or does not meet the high-occupancy requirement and indicates with its
electronic toll collection device that it meets the applicable high-occupancy requirements.

51 § 33.2-503. HOT lanes enforcement.

Any person operating a motor vehicle on designated HOT lanes shall make arrangements with the HOT lanes operator for payment of the required toll prior to entering such HOT lanes. The driver *operator* of a vehicle who enters the HOT lanes in an unauthorized vehicle, in violation of the conditions for use of such HOT lanes established pursuant to § 33.2-502, without payment of the required toll or without having made arrangements with the HOT lanes operator for payment of the

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57 required toll shall have committed a violation of this section, which may be enforced in the following58 manner:

59 1. On a form prescribed by the Supreme Court, a summons for eivil a violation of this section may
60 be executed by a law-enforcement officer, when such violation is observed by such officer. The form
61 shall contain the option for the driver operator of the vehicle to prepay the unpaid toll and all penalties,
62 administrative fees, and costs.

63 2. a. A HOT lanes operator shall install and operate, or cause to be installed or operated, a64 photo-enforcement system at locations where tolls are collected for the use of such HOT lanes.

65 b. A summons for eivil a violation of this section may be executed pursuant to this subdivision, 66 when such violation is evidenced by information obtained from a photo-enforcement system as defined 67 in this chapter. A certificate, sworn to or affirmed by a technician employed or authorized by the HOT 68 lanes operator, or a facsimile of such a certificate, based on inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo-enforcement system, shall 69 be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, 70 71 or other recorded images evidencing such a violation shall be available for inspection in any proceeding 72 to adjudicate the liability for such violation under this subdivision. Any vehicle rental or vehicle leasing 73 company, if named in a summons, shall be released as a party to the action if it provides to the HOT 74 lanes operator a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or 75 lessee prior to the date of hearing set forth in the summons. Upon receipt of such rental agreement, 76 lease, or affidavit, a summons shall be issued for the renter or lessee identified therein. Release of this 77 information shall not be deemed a violation of any provision of the Government Data Collection and 78 Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act 79 (§ 38.2-600 et seq.).

80 c. On a form prescribed by the Supreme Court, a summons issued under this subdivision may be executed pursuant to as provided in § 19.2-76.2. Such form shall contain the option for the driver or 81 82 registered owner or operator to prepay the unpaid toll and all penalties, administrative fees, and costs. 83 HOT lanes operator personnel or their agents mailing such summons shall be considered conservators of 84 the peace for the sole and limited purpose of mailing such summons. A summons for a violation of this 85 subdivision may set forth multiple violations occurring within one jurisdiction. Notwithstanding the 86 provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by 87 first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the 88 Department of Motor Vehicles or, if the registered owner has named and provided a valid address for 89 the operator of the vehicle at the time of the violation in an affidavit executed pursuant to this 90 subdivision, such named operator of the vehicle. Such summons shall be signed either originally or by 91 electronic signature. If the summoned person fails to appear on the date of return set out in the 92 summons mailed pursuant to this section, the summons shall be executed in the manner set out in 93 § 19.2-76.3.

94 d. No summons may be issued by a HOT lanes operator for a violation of this section unless the 95 HOT lanes operator can demonstrate that (i) there was an attempt to collect the unpaid tolls and 96 applicable administrative fees through debt collection not less than 30 days prior to issuance of the 97 summons and (ii) 120 days have elapsed since the unpaid toll or, in a summons for multiple violations, 98 120 days have elapsed since the most recent unpaid toll. For purposes of this subdivision, "debt 99 collection" means the collection of unpaid tolls and applicable administrative fees by (a) retention of a 100 third-party debt collector or (b) collection practices undertaken by employees of a HOT lanes operator that are materially similar to a third-party debt collector. 101

d. e. The registered owner of such vehicle shall be given reasonable notice by way of a summons as
 provided in this subdivision that his vehicle had been used in violation of this section, and such owner
 shall be given notice of the time and place of the hearing and notice of the civil penalty and costs for
 such offense.

106 It shall be prima facie evidence that the vehicle described in the summons issued pursuant to
107 subdivision 2 was operated in violation of this section. Records obtained from the Department of Motor
108 Vehicles pursuant to § 33.2-504 and certified in accordance with § 46.2-215 identifying the owner of
109 such vehicle shall give rise to a rebuttable presumption that the owner of the vehicle is the person
110 named in the summons.

111 Upon the filing of an affidavit with the court at least 14 days prior to the hearing date by the 112 registered owner of the vehicle stating that he was not the driver operator of the vehicle on the date of 113 the violation and providing the legal name and address of the driver operator of the vehicle at the time 114 of the violation, a summons will also be issued to the alleged driver operator of the vehicle at the time 115 of the offense. The affidavit shall constitute prima facie evidence that the person named in the affidavit 116 was driving the vehicle at all the relevant times relating to the matter named in the affidavit.

117 If the registered owner of the vehicle produces a certified copy of a police report showing that the

118 vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained 119 stolen at the time of the alleged offense, then the court shall dismiss the summons issued to the 120 registered owner of the vehicle.

128 b. Upon a finding by a court of competent jurisdiction that the driver operator of the vehicle observed by a law-enforcement officer under subdivision 1 or the vehicle described in the summons for 129 130 eivil a violation issued pursuant to evidence obtained by a photo-enforcement system under subdivision 2 was in violation of this section, the court shall impose a civil penalty upon the driver operator of such 131 132 vehicle issued a summons under subdivision 1, or upon the driver operator or registered owner of such 133 vehicle issued a summons under subdivision 2, payable to the HOT lanes operator as follows: for a first offense, \$50; for a second offense, \$250 \$100; for a third offense within a period of two years of the 134 135 second offense, \$500 \$250; and for a fourth and subsequent offense within a period of three years of the 136 second offense, \$1,000 \$500, together with, in each case, the unpaid toll, all accrued administrative fees 137 imposed by the HOT lanes operator as authorized by this section, and applicable court costs. The court 138 shall remand penalties, the unpaid toll, and administrative fees assessed for violation of this section to 139 the treasurer or director of finance of the county or city in which the violation occurred for payment to 140 the HOT lanes operator for expenses associated with operation of the HOT lanes and payments against any bonds or other liens issued as a result of the construction of the HOT lanes. No person shall be 141 142 subject to prosecution under both subdivisions 1 and 2 for actions arising out of the same transaction or 143 occurrence.

c. Notwithstanding subdivisions a and b, for a first conviction of an operator or owner of a vehicle
under this section, the total amount for the first conviction shall not exceed \$2,200, including civil
penalties and administrative fees regardless of the total number of offenses the operator or owner of a
vehicle is convicted of on that date.

148 d. Upon a finding by a court that a person resident of the Commonwealth has violated this section, in 149 the event such person fails to pay the required penalties, fees, and costs, the court shall notify the 150 Commissioner of the Department of Motor Vehicles, who shall suspend all of the registration certificates 151 and license plates issued for any motor vehicles registered solely in the name of such person and shall 152 not issue any registration certificate or license plate for any other vehicle that such person seeks to 153 register solely in his name until the court has notified the Commissioner of the Department of Motor Vehicles that such penalties, fees, and costs have been paid. Upon a finding by a court that a 154 155 nonresident of the Commonwealth has violated this section, in the event that such person fails to pay the 156 required penalties, fees, and costs, the court shall notify the Commissioner of the Department of Motor 157 Vehicles, who shall, when the vehicle is registered in a state with which the Commonwealth has entered 158 into an agreement to enforce tolling violations pursuant to § 46.2-819.9, provide to the entity authorized 159 to issue vehicle registration certificates or license plates in the state in which the vehicle is registered 160 sufficient evidence of the court's finding to take action against the vehicle registration certificate or 161 license plates in accordance with the terms of the agreement, until the court has notified the 162 Commissioner of the Department of Motor Vehicles that such penalties, fees, and costs have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles 163 164 shall notify the state where the vehicle is registered of such payment. The HOT lanes operator and the Commissioner of the Department of Motor Vehicles may enter into an agreement whereby the HOT 165 lanes operator may reimburse the Department of Motor Vehicles for its reasonable costs to develop, 166 167 implement, and maintain this enforcement mechanism, and that specifies that the Commissioner of the 168 Department of Motor Vehicles shall have an obligation to suspend such registration certificates or to 169 provide notice to such entities in other states so long as the HOT lanes operator makes the required 170 reimbursements in a timely manner in accordance with the agreement.

171 e. An action brought under subdivision 1 or 2 shall be commenced within two years of the 172 commission of the offense and shall be considered a traffic infraction. Except as provided in 173 subdivisions 4 and 5, imposition of a civil penalty pursuant to this section shall not be deemed a 174 conviction as an operator of a motor vehicle under Title 46.2 and shall not be made part of the driving 175 record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance 176 purposes in the provision of motor vehicle insurance coverage. The provisions of § 46.2-395 shall not be 177 applicable to any civil penalty, fee, unpaid toll, fine, or cost imposed or ordered paid under this section for a violation of subdivision 1 or 2. 178

179 4. a. The HOT lanes operator may restrict the usage of the HOT lanes to designated vehicle 180 classifications pursuant to an interim or final comprehensive agreement executed pursuant to § 33.2-1808 181 or 33.2-1809. Notice of any such vehicle classification restrictions shall be provided through the 182 placement of signs or other markers prior to and at all HOT lanes entrances.

183 b. Any person driving an unauthorized vehicle on the designated HOT lanes is guilty of a traffic 184 infraction, which shall not be a moving violation, and shall be punishable as follows: for a first offense, 185 by a fine of \$125; for a second offense within a period of five years from a first offense, by a fine of 186 \$250; for a third offense within a period of five years from a first offense, by a fine of \$500; and for a 187 fourth and subsequent offense within a period of five years from a first offense, by a fine of \$1,000. No 188 person shall be subject to prosecution under both this subdivision and subdivision 1 or 2 for actions 189 arising out of the same transaction or occurrence.

190 Upon a conviction under this subdivision, the court shall furnish to the Commissioner of the 191 Department of Motor Vehicles, in accordance with § 46.2-383, an abstract of the record of such 192 conviction, which shall become a part of the person's driving record. Notwithstanding the provisions of 193 § 46.2-492, no driver demerit points shall be assessed for any violation of this subdivision, except that 194 persons convicted of a second, third, fourth, or subsequent violation within five years of a first offense 195 shall be assessed three demerit points for each such violation.

196 5. The driver operator of a vehicle who enters the HOT lanes by crossing through any barrier, 197 buffer, or other area separating the HOT lanes from other lanes of travel is guilty of a violation of 198 § 46.2-852, unless the vehicle is a state or local law-enforcement vehicle, firefighting truck, or 199 emergency medical services vehicle used in the performance of its official duties. No person shall be 200 subject to prosecution both under this subdivision and under subdivision 1, 2, or 4 for actions arising 201 out of the same transaction or occurrence.

202 Upon a conviction under this subdivision, the court shall furnish to the Commissioner of the 203 Department of Motor Vehicles in accordance with § 46.2-383 an abstract of the record of such 204 conviction, which shall become a part of the convicted person's driving record.

205 6. No person shall be subject to prosecution both under this section and under § 33.2-501, 46.2-819, 206 or 46.2-819.1 for actions arising out of the same transaction or occurrence.

207 7. Any action under this section shall be brought in the general district court of the county or city in 208 which the violation occurred. 209

§ 33.2-504. Release of personal information to or by HOT lanes operators; penalty.

210 A. The HOT lanes operator may enter into an agreement with the Department of Motor Vehicles, in 211 accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information 212 regarding the registered owners of vehicles that use HOT lanes and with the Department of 213 Transportation to obtain any information that is necessary to conduct electronic toll collection and 214 otherwise operate HOT lanes. Such agreement may include any information that may be obtained by the 215 Department of Motor Vehicles in accordance with any agreement entered into pursuant to § 46.2-819.9. 216 No HOT lanes operator shall disclose or release any personal information received from the Department 217 of Motor Vehicles or the Department of Transportation to any third party, except in the issuance of a 218 summons and institution of court proceedings in accordance with § 33.2-503. Information in the 219 possession of a HOT lanes operator under this section shall be exempt from disclosure under the 220 Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

221 B. Information collected by a photo-enforcement system shall be limited exclusively to that 222 information that is necessary for the collection of unpaid tolls. Notwithstanding any other provision of 223 law, all photographs, microphotographs, electronic images, or other data collected by a 224 photo-enforcement system shall be used exclusively for the collection of unpaid tolls and shall not be (i) 225 open to the public; (ii) sold or used for sales, solicitation, or marketing purposes; (iii) disclosed to any 226 other entity except as may be necessary for the collection of unpaid tolls or to a vehicle owner or 227 operator as part of a challenge to the imposition of a toll; or (iv) used in a court in a pending action or 228 proceeding unless the action or proceeding relates to a violation of § 33.2-503 or upon order from a 229 court of competent jurisdiction. Information collected under this section shall be purged and not retained 230 later than 30 days after the collection and reconciliation of any unpaid tolls, administrative fees, or civil 231 penalties. Any entity operating a photo-enforcement system shall annually certify compliance with this 232 section and make all records pertaining to such system available for inspection and audit by the 233 Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or their designee. 234 Any violation of this subsection constitutes a Class 1 misdemeanor. In addition to any fines or other 235 penalties provided for by law, any money or other thing of value obtained as a result of a violation of 236 this section shall be forfeited to the Commonwealth. 237

§ 33.2-615. Electronic notification of unpaid tolls.

238 For the purpose of electronic notification of unpaid tolls, the Department shall request email addresses and personal cell phone numbers from all holders of an account for an electronic toll 239

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240 collection device that is the property of the Commonwealth.

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The Department shall electronically notify within 108 hours of an unpaid toll a holder of an account for an electronic toll collection device that is property of the Commonwealth of each unpaid toll associated with the account and each unpaid toll for a vehicle whose license plate is associated with an account. The Department shall provide a second electronic notification on the eighth day after the unpaid toll. Such notification requirements shall only apply to accounts where the account holder has provided the Department with an email address or cell phone number. Such notification shall be for informational purposes only and the notice, or lack thereof, shall not alter or amend the requirement

248 that an owner or operator pay all required tolls, fines, penalties, and fees.

All toll operators in the Commonwealth shall notify the Department of an unpaid toll on a facility it
 operates related to an account for an electronic toll collection device that is the property of the
 Commonwealth within 96 hours of such violation.

252 § 46.2-208. Records of Department; when open for inspection; release of privileged information.
 253 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;

256 2. Driver information, including all data that relates to driver's license status and driver activity; and
257 3. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle
258 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.

262 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 beassessed a fee as specified in § 46.2-214.

265 4. When the person requesting the information is (i) the subject of the information, (ii) the parent or 266 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 267 268 shall provide him with the requested information and a complete explanation of it. Requests for such 269 information need not be made in writing or in person and may be made orally or by telephone, provided 270 that the Department is satisfied that there is adequate verification of the requester's identity. When so 271 requested in writing by (a) the subject of the information, (b) the parent or guardian of the subject of 272 the information, (c) the authorized representative of the subject of the information, or (d) the owner of 273 the vehicle that is the subject of the information, the Commissioner shall verify and, if necessary, correct 274 the personal information provided and furnish driver and vehicle information in the form of an abstract 275 of the record.

276 5. On the written request of any insurance carrier, surety, or representative of an insurance carrier or 277 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 278 279 conviction of a violation of any provision of any statute or ordinance relating to the operation or 280 ownership of a motor vehicle or of any injury or damage in which he was involved and a report of 281 which is required by § 46.2-372. No such report of any conviction or accident shall be made after 60 282 months from the date of the conviction or accident unless the Commissioner or court used the 283 conviction or accident as a reason for the suspension or revocation of a driver's license or driving 284 privilege, in which case the revocation or suspension and any conviction or accident pertaining thereto 285 shall not be reported after 60 months from the date that the driver's license or driving privilege has been 286 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.

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

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

301 information as contained in the Department's records and (ii) provide the company or agent with driver 302 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 303 304 305 subject of the abstract was involved and a report of which is required by § 46.2-372. No such abstract 306 shall include any record of any conviction or accident more than 60 months after the date of such 307 conviction or accident unless the Commissioner or court used the conviction or accident as a reason for 308 the suspension or revocation of a driver's license or driving privilege, in which case the revocation or 309 suspension and any conviction or accident pertaining thereto shall cease to be included in such abstract 310 after 60 months from the date on which the driver's license or driving privilege was reinstated. No 311 abstract released under this subdivision shall be admissible in evidence in any court proceedings.

312 9. On the request of any federal, state, or local governmental entity, local government group 313 self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized 314 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 315 316 the Commonwealth, court, or the authorized agent of any of the foregoing, with that contained in the 317 Department's records and, when the information supplied by the governmental entity, local government 318 group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the 319 authorized agent of any of the foregoing, is different from that contained in the Department's records, 320 provide the governmental entity, local government group self-insurance pool, law-enforcement officer, 321 attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, with correct 322 information as contained in the Department's records and (ii) provide driver and vehicle information in 323 the form of an abstract of the record showing all convictions, accidents, driver's license suspensions or 324 revocations, and other appropriate information as the governmental entity, local government group 325 self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized 326 agent of any of the foregoing, may require in order to carry out its official functions. The abstract shall 327 be provided free of charge.

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

331 11. On the written request of any employer, prospective employer, or authorized agent of either, and 332 with the written consent of the individual concerned, the Commissioner shall (i) compare personal 333 information supplied by the employer, prospective employer, or agent with that contained in the 334 Department's records and, when the information supplied by the employer, prospective employer, or 335 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 336 337 employer, prospective employer, or agent with driver information in the form of an abstract of an 338 individual's record showing all convictions, accidents, driver's license suspensions or revocations, and 339 any type of driver's license that the individual currently possesses, provided that the individual's position 340 or the position that the individual is being considered for involves the operation of a motor vehicle.

341 12. On the written request of any member of or applicant for membership in a volunteer fire 342 company or any volunteer emergency medical services personnel or applicant to serve as volunteer 343 emergency medical services personnel, the Commissioner shall (i) compare personal information 344 supplied by the volunteer fire company or volunteer emergency medical services agency with that 345 contained in the Department's records and, when the information supplied by the volunteer fire company 346 or volunteer emergency medical services agency is different from that contained in the Department's 347 records, provide the volunteer fire company or volunteer emergency medical services agency with 348 correct information as contained in the Department's records and (ii) provide driver information in the 349 form of an abstract of the member's, personnel, or applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently 350 351 possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate 352 written evidence that the person is a member of or applicant for membership in a volunteer fire 353 company or a volunteer emergency medical services agency to serve as a member of a volunteer 354 emergency medical services agency and the abstract is needed by a volunteer fire company or volunteer 355 emergency medical services agency to establish the qualifications of the member, volunteer, or applicant to operate equipment owned by the volunteer fire company or volunteer emergency medical services 356 357 agency.

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

362 Sisters of America is different from that contained in the Department's records, provide the Virginia 363 affiliate of Big Brothers/Big Sisters of America with correct information as contained in the 364 Department's records and (ii) provide driver information in the form of an abstract of the applicant's 365 record showing all convictions, accidents, license suspensions or revocations, and any type of driver's 366 license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half 367 the normal charge if the request is accompanied by appropriate written evidence that the person has 368 applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America.

369 114. On the written request of any person who has applied to be a volunteer with a court-appointed
370 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.

375 15. Upon the request of any employer, prospective employer, or authorized representative of either, 376 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 377 378 by the employer, prospective employer, or agent is different from that contained in the Department's 379 records, provide the employer, prospective employer, or agent with correct information as contained in 380 the Department's records and (ii) provide driver information in the form of an abstract of the driving 381 record of any individual who has been issued a commercial driver's license, provided that the 382 individual's position or the position that the individual is being considered for involves the operation of 383 a commercial motor vehicle. Such abstract shall show all convictions, accidents, license suspensions, 384 revocations, or disqualifications, and any type of driver's license that the individual currently possesses.

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

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

391 18. Upon the request, in the course of business, of any authorized representative of an insurance 392 company or of any not-for-profit entity organized to prevent and detect insurance fraud, or perform 393 rating and underwriting activities, the Commissioner shall provide to such person (i) all vehicle 394 information, including the owner's name and address, descriptive data and title, registration, and vehicle 395 activity data as requested or (ii) all driver information including name, license number and classification, 396 date of birth, and address information for each driver under the age of 22 licensed in the 397 Commonwealth of Virginia meeting the request criteria designated by such person, with such request 398 criteria consisting of driver's license number or address information. No such information shall be used 399 for solicitation of sales, marketing, or other commercial purposes.

400 19. Upon the request of an officer authorized to issue criminal warrants, for the purpose of issuing a
401 warrant for arrest for unlawful disposal of trash or refuse in violation of § 33.2-802 the Commissioner
402 shall provide vehicle information, including the owner's name and address.

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

407 21. Upon the request of the operator of a toll facility or traffic light photo-monitoring system acting 408 on behalf of a government entity, or of the Dulles Access Highway, or an authorized agent or employee 409 of a toll facility operator or traffic light photo-monitoring system operator acting on behalf of a 410 government entity or the Dulles Access Highway, for the purpose of obtaining vehicle owner data under 411 subsection L M of § 46.2-819.1 or subsection H of § 15.2-968.1 or subsection N of § 46.2-819.5. 412 Information released pursuant to this subdivision shall be limited to the name and address of the 413 registered owner of the vehicle having failed to pay a toll or having failed to comply with a traffic light 414 signal or having improperly used the Dulles Access Highway and the vehicle information, including all 415 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

423 currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the 424 request is accompanied by appropriate written evidence that the person has applied to be a volunteer 425 with a Virginia affiliate of Compeer.

23. Upon the request of the Department of Environmental Quality for the purpose of obtaining 426 427 vehicle owner data in connection with enforcement actions involving on-road testing of motor vehicles, 428 pursuant to § 46.2-1178.1.

429 24. On the written request of any person who has applied to be a volunteer vehicle operator with a 430 Virginia chapter of the American Red Cross, the Commissioner shall (i) compare personal information 431 supplied by a Virginia chapter of the American Red Cross with that contained in the Department's 432 records and, when the information supplied by a Virginia chapter of the American Red Cross is different 433 from that contained in the Department's records, provide the Virginia chapter of the American Red Cross 434 with correct information as contained in the Department's records and (ii) provide driver information in 435 the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions 436 or revocations, and any type of driver's license that the individual currently possesses. Such abstract 437 shall be provided at a fee that is one-half the normal charge if the request is accompanied by 438 appropriate written evidence that the person has applied to be a volunteer vehicle operator with a 439 Virginia chapter of the American Red Cross.

440 25. On the written request of any person who has applied to be a volunteer vehicle operator with a 441 Virginia chapter of the Civil Air Patrol, the Commissioner shall (i) compare personal information 442 supplied by a Virginia chapter of the Civil Air Patrol with that contained in the Department's records 443 and, when the information supplied by a Virginia chapter of the Civil Air Patrol is different from that 444 contained in the Department's records, provide the Virginia chapter of the Civil Air Patrol with correct 445 information as contained in the Department's records and (ii) provide driver information in the form of 446 an abstract of the applicant's record showing all convictions, accidents, license suspensions or 447 revocations, and any type of driver's license that the individual currently possesses. Such abstract shall 448 be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate 449 written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of 450 the Civil Air Patrol.

451 26. On the written request of any person who has applied to be a volunteer vehicle operator with 452 Faith in Action, the Commissioner shall (i) compare personal information supplied by Faith in Action 453 with that contained in the Department's records and, when the information supplied by Faith in Action is 454 different from that contained in the Department's records, provide Faith in Action with correct 455 information as contained in the Department's records and (ii) provide driver information in the form of 456 an abstract of the applicant's record showing all convictions, accidents, license suspensions or 457 revocations, and any type of driver's license that the individual currently possesses. Such abstract shall 458 be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate 459 written evidence that the person has applied to be a volunteer vehicle operator with Faith in Action.

460 27. On the written request of the surviving spouse or child of a deceased person or the executor or administrator of a deceased person's estate, the Department shall, if the deceased person had been issued 461 462 a driver's license or special identification card by the Department, supply the requestor with a hard copy 463 image of any photograph of the deceased person kept in the Department's records.

464 28. On the written request of any person who has applied to be a volunteer with a Virginia Council 465 of the Girl Scouts of the USA, the Commissioner shall (i) compare personal information supplied by a 466 Virginia Council of the Girl Scouts of the USA with that contained in the Department's records and, 467 when the information supplied by a Virginia Council of the Girl Scouts of the USA is different from 468 that contained in the Department's records, provide a Virginia Council of the Girl Scouts of the USA 469 with correct information as contained in the Department's records and (ii) provide driver information in 470 the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions 471 or revocations, and any type of driver's license that the individual currently possesses. Such abstract 472 shall be provided at a fee that is one-half the normal charge if the request is accompanied by 473 appropriate written evidence that the person has applied to be a volunteer with the Virginia Council of 474 the Girl Scouts of the USA.

475 C. Whenever the Commissioner issues an order to suspend or revoke the driver's license or driving 476 privilege of any individual, he may notify the National Driver Register Service operated by the United 477 States Department of Transportation and any similar national driver information system and provide 478 whatever classes of information the authority may require. 479

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

480 E. Whenever the Commissioner takes any licensing action pursuant to the provisions of the Virginia 481 Commercial Driver's License Act (§ 46.2-341.1 et seq.), he may provide information to the Commercial 482 Driver License Information System, or any similar national commercial driver information system, 483 regarding such action.

484 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.

486 G. The Department may promulgate regulations to govern the means by which personal, vehicle, and 487 driver information is requested and disseminated.

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

492 I. The Department shall maintain the records of persons convicted of violations of § 18.2-36.2,
493 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
494 every general district court or circuit court or the clerk thereof, pursuant to § 46.2-383. Such records
495 shall be electronically available to any law-enforcement officer as provided for under clause (ii) of
496 subdivision B 9.

497 J. Whenever the Commissioner issues a certificate of title for a motor vehicle, he may notify the
498 National Motor Vehicle Title Information System, or any other nationally recognized system providing
499 similar information, or any entity contracted to collect information for such system, and may provide
500 whatever classes of information are required by such system.

Article 1.1.

Toll Violations and Enforcement.

503 § 46.2-819. Use of toll facility without payment of toll; circumstances to be considered in 504 assessing penalty.

505 Except for those permitted free use of toll facilities under § 33.2-613, it shall be *is* unlawful for the 506 driver *operator* of a motor vehicle to use a toll facility without payment of the specified toll.

507 However, in considering the case of anyone accused of violating this section, the court shall take into 508 consideration (i) except for lanes equipped for payment of tolls through an automatic vehicle 509 identification system, whether the toll booth or collection facility at which the defendant failed to pay 510 the toll was manned at the time,; (ii) whether the defendant was required to pay the toll with the exact 511 amount in change;; (iii) whether the defendant had the exact change to make the payment; and (iv) 512 whether the defendant had been afforded appropriate advance notice, by signs or other means, that he 513 would be required to pay a toll and pay it with the exact change. No person shall be subject to both 514 prosecution under this section and to the provisions of § 46.2-819.1 or § 46.2-819.3 for actions arising 515 out of the same transaction or occurrence.

516 § 46.2-819.1. Installation and use of photo-monitoring system or automatic vehicle identification 517 system in conjunction with electronic or manual toll facilities; penalty.

518 A. For purposes of this section:

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519 "Automatic vehicle identification device" means an electronic device that communicates by wireless
 520 transmission with an automatic vehicle identification system.

521 "Automatic vehicle identification system" means an electronic vehicle identification system installed
522 to work in conjunction with a toll collection device that automatically produces an electronic record of
523 each vehicle equipped with an automatic vehicle identification device that uses a toll facility.

524 "Debt collection" means "debt collection" means the collection of unpaid tolls and applicable
525 administrative fees by (i) retention of a third-party debt collector or (ii) collection practices undertaken
526 by employees of a toll facility operator that are materially similar to a third-party debt collector.

527 "Operator of a toll facility other than the Department of Transportation" means any agency, political
528 subdivision, authority, or other entity that operates a toll facility.

529 "Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles
530 or with the equivalent agency in another state. "Owner" does not include a vehicle rental or vehicle
531 leasing company.

532 "Photo-monitoring system" means a vehicle sensor installed to work in conjunction with a toll
533 collection device that automatically produces one or more photographs, one or more microphotographs,
534 a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of
535 this section.

B. The operator of any toll facility or the locality within which such toll facility is located may
install and operate or cause to be installed and operated a photo-monitoring system or automatic vehicle
identification system, or both, at locations where tolls are collected for the use of such toll facility. The
operator of a toll facility shall send an invoice or bill for unpaid tolls to the registered owner of a
vehicle as part of an electronic or manual toll collection process, *pursuant to § 46.2-819.6* prior to
seeking remedies under this section.

542 B. C. Information collected by a photo-monitoring system or automatic vehicle identification system 543 installed and operated pursuant to subsection A *B* shall be limited exclusively to that information that is 544 necessary for the collection of unpaid tolls. Notwithstanding any other provision of law, all photographs, 545 microphotographs, electronic images, or other data collected by a photo-monitoring system or automatic 546 vehicle identification system shall be used exclusively for the collection of unpaid tolls and shall not (i) 547 be open to the public; (ii) be sold and/or used for sales, solicitation, or marketing purposes; (iii) be 548 disclosed to any other entity except as may be necessary for the collection of unpaid tolls or to a vehicle 549 owner or operator as part of a challenge to the imposition of a toll; and (iv) be used in a court in a 550 pending action or proceeding unless the action or proceeding relates to a violation of this section or 551 upon order from a court of competent jurisdiction. Information collected under this section shall be 552 purged and not retained later than 30 days after the collection and reconciliation of any unpaid tolls, 553 administrative fees, and/or civil penalties. Any entity operating a photo-monitoring system or automatic 554 vehicle identification system shall annually certify compliance with this section and make all records 555 pertaining to such system available for inspection and audit by the Commissioner of Highways or the 556 Commissioner of the Department of Motor Vehicles or their designee. Any violation of this subsection 557 shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law, 558 any money or other thing of value obtained as a result of a violation of this section shall be forfeited to 559 the Commonwealth.

The toll facility operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. Such fee may be levied upon the operator of the vehicle after the first unpaid toll has been documented. The operator of the vehicle shall pay the unpaid toll and any administrative fee detailed in an invoice for the unpaid toll issued by a toll facility operator. If paid within $30\ 60$ days of notification, the administrative fee shall not exceed \$25.

567 C. D. If the matter proceeds to court, the registered owner or operator of a vehicle shall be liable for a civil penalty as follows: for a first offense, \$50; for a second offense within one year from the first 568 offense, \$100; for a third offense within two years from the second offense, \$250; and for a fourth and 569 570 any subsequent offense within three years from the second offense, \$500 plus, in each case, the unpaid toll, all accrued administrative fees imposed by the toll facility operator, and applicable court costs if the 571 572 vehicle is found, as evidenced by information obtained from a photo-monitoring system or automatic 573 vehicle identification system as provided in this section, to have used such a toll facility without 574 payment of the required toll.

575 E. Notwithstanding subsections C and D, for a first conviction of an operator or owner of a vehicle
576 under this section, the total amount for the first conviction shall not exceed \$2,200, including civil
577 penalties and administrative fees regardless of the total number of offenses the operator or owner of a
578 vehicle is convicted of on that date.

F. No summons may be issued by a toll facility operator for a violation of this section unless the toll facility operator can demonstrate that (i) there was an attempt to collect the unpaid tolls and applicable administrative fees through debt collection not less than 30 days prior to issuance of the summons and (ii) 120 days have elapsed since the unpaid toll or, in a summons for multiple violations, 120 days have elapsed since the most recent unpaid toll.

584 D. G. Any action under this section shall be brought in the General District Court general district 585 court of the eity or county or city in which the toll facility is located and shall be commenced within 586 two years of the commission of the offense. Such action shall be considered a traffic infraction but shall 587 be tried as a civil case. The attorney for the Commonwealth may represent the interests of the toll 588 facility operator. Any authorized agent or employee of a toll facility operator acting on behalf of a 589 governmental entity shall be allowed the privileges accorded by § 16.1-88.03 in such cases.

590 $E_{-}H_{-}$ Proof of a violation of this section shall be evidenced by information obtained from a 591 photo-monitoring system or automatic vehicle identification system as provided in this section. A 592 certificate, sworn to or affirmed by a technician employed or authorized by the operator of a toll facility 593 or by the locality wherein the toll facility is located, or a facsimile of such a certificate, based on 594 inspection of photographs, microphotographs, videotapes, or other recorded images produced by a 595 photo-monitoring system, or of electronic data collected by an automatic vehicle identification system, 596 shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, 597 videotape, or other recorded images or electronic data evidencing such a violation shall be available for 598 inspection in any proceeding to adjudicate the liability for such violation under this section. A record of 599 communication by an automatic vehicle identification device with the automatic vehicle identification 600 system at the time of a violation of this section shall be prima facie evidence that the automatic vehicle 601 identification device was located in the vehicle registered to use such device in the records of the 602 Virginia Department of Transportation.

603 F. It shall be prima facie evidence that the vehicle described in the summons issued pursuant to 604 subsection K was operated in violation of this section.

605 I. On a form prescribed by the Supreme Court, a summons for a violation of this section may be

606 executed as provided in § 19.2-76.2. A summons for a violation of this section may set forth multiple **607** violations occurring within one jurisdiction. Notwithstanding the provisions of § 19.2-76, a summons for 608 a violation of this section may be executed by mailing by first-class mail a copy thereof to the address 609 of the owner of the vehicle as shown on the records of the Department of Motor Vehicles or, if the 610 owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to this subsection, such named operator of the vehicle. Such 611 612 summons shall be signed either originally or by electronic signature. If the summoned person fails to 613 appear on the date of return set out in the summons mailed pursuant to this section, the summons shall 614 be executed in the manner set out in § 19.2-76.3.

615 Upon a finding by a court of competent jurisdiction that the vehicle described in the summons issued 616 pursuant to this subsection K was in violation of this section, the court shall impose a civil penalty upon 617 the registered owner or operator of such vehicle in accordance with the amounts specified in subsection 618 $\in D$, together with applicable court costs, the operator's administrative fee, and the toll due. Penalties assessed as the result of action initiated by the Virginia Department of Transportation shall be remanded 619 by the clerk of the court which that adjudicated the action to the Virginia Department of 620 621 Transportation's Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by 622 an operator of a toll facility other than the Virginia Department of Transportation shall be remanded by 623 the clerk of the court which that adjudicated the action to the treasurer or director of finance of the 624 county or city in which the violation occurred for payment to the toll facility operator.

625 The registered owner of such vehicle shall be given reasonable notice by way of a summons as 626 provided in *this* subsection K that his vehicle had been used in violation of this section, and such owner 627 shall be given notice of the time and place of the hearing as well as the civil penalty and costs for such 628 offense. The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus 629 a reduced civil penalty of \$25 for a first or second offense or \$50 for a third, fourth, or subsequent offense, as specified on the summons, provided the owner actually pays to the toll facility operator the 630 entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the 631 632 owner accepts such offer and such amount is actually received by the toll facility operator at least 14 633 days prior to the hearing date specified on the summons, the toll facility operator shall move the court 634 at least five business days prior to the date set for trial to dismiss the summons issued to the registered 635 owner of the vehicle, and the court shall dismiss upon such motion.

It shall be prima facie evidence that the vehicle described in the summons issued pursuant to this
subsection was operated in violation of this section. Records obtained from the Department of Motor
Vehicles pursuant to § 46.2-208 and certified in accordance with § 46.2-215 identifying the owner of
such vehicle shall give rise to a rebuttable presumption that the owner of the vehicle is the person
named in the summons.

641 Upon either (i) the filing of an affidavit with the toll facility operator within 14 days of receipt of an 642 invoice for an unpaid toll from the toll facility operator or (ii) the filing of an affidavit with the court at 643 least 14 days prior to the hearing date by the registered owner of the vehicle stating that he was not the 644 driver operator of the vehicle on the date of the violation and providing the legal name and address of 645 the operator of the vehicle at the time of the violation, an invoice and/or summons, as appropriate, will 646 also be issued to the alleged operator of the vehicle at the time of the offense.

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

651 If the registered owner of the vehicle produces for the toll facility operator or the court a certified 652 copy of a police report showing that the vehicle had been reported to the police as stolen prior to the 653 time of the alleged offense and remained stolen at the time of the alleged offense, then the toll facility 654 operator shall not pursue the owner for the unpaid toll and, if a summons has been issued, the court 655 shall dismiss the summons issued to the registered owner of the vehicle.

656 G_{τ} J. Upon a finding by a court that a person has two or more unpaid tolls and such person fails to 657 pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner of the 658 Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of 659 any applicant or the license plate issued for the vehicle driven in the commission of the offense or, 660 when the vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue 661 662 vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates 663 664 in accordance with the terms of the agreement, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the 665 Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered 666

667 of such payment. If it is proven that the vehicle owner was not the operator at the time of the offense 668 and upon a finding by a court that the person identified in an affidavit pursuant to subsection \mathbf{F} I as the 669 operator violated this section and such person fails to pay the required penalties, fees, and unpaid tolls, 670 the court shall notify the Commissioner, who shall refuse to issue or renew any vehicle registration 671 certificate of any applicant or the license plate issued for any vehicle owned or co-owned by such 672 person or, when such vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity 673 authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is 674 675 registered sufficient evidence of the court's finding to take action against the vehicle registration 676 certificate or license plates in accordance with the terms of the agreement, until the court has notified 677 the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such 678 notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state 679 where the vehicle is registered of such payment. Such funds representing payment of unpaid tolls and all administrative fees of the toll facility operator shall be transferred from the court to the Virginia Department of Transportation's Toll Facilities Revolving Account or, in the case of an action initiated by 680 681 682 an operator of a toll facility other than the Virginia Department of Transportation, to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility 683 **684** operator. The Commissioner shall collect a \$40 administrative fee from the registered owner or operator 685 of the vehicle to defray the cost of processing and removing an order to deny registration or registration 686 renewal.

687 H. For purposes of this section, "operator of a toll facility other than the Virginia Department of 688 Transportation" means any agency, political subdivision, authority, or other entity that operates a toll 689 facility; "owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles. For purposes of this section, "owner" does not mean a vehicle rental or vehicle leasing 690 company; "photo-monitoring system" means a vehicle sensor installed to work in conjunction with a toll 691 692 collection device that automatically produces one or more photographs, one or more microphotographs, a 693 videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this **694** section; "automatic vehicle identification system" means an electronic vehicle identification system 695 installed to work in conjunction with a toll collection device that automatically produces an electronic 696 record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility; **697** and "automatic vehicle identification device" means an electronic device that communicates by wireless 698 transmission with an automatic vehicle identification system.

699 **H**. K. Any vehicle rental or vehicle leasing company, if it receives an invoice or is named in a 700 summons, shall be released as a party to the action if it provides the operator of the toll facility a copy 701 of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee within 30 days of 702 receipt of the invoice or at least 14 days prior to the date of hearing set forth in the summons. Upon 703 receipt of such rental agreement, lease, or affidavit, a notice shall be mailed to the renter or lessee 704 identified therein. Release of this information shall not be deemed a violation of any provision of the 705 Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance 706 Information and Privacy Protection Act (§ 38.2-600 et seq.). The toll facility operator shall allow at least 707 30 days from the date of such mailing before pursuing other remedies under this section. In any action 708 against the vehicle operator, a copy of the vehicle rental agreement, lease, or affidavit identifying the 709 renter or lessee of the vehicle at the time of the violation is 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 710 711 the matter named in the summons.

J. L. 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 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, fee, unpaid toll, fine, or cost imposed or ordered paid under this section for a violation of this section.

717 K. On a form prescribed by the Supreme Court, a summons for a violation of this section may be 718 executed pursuant to § 19.2-76.2. Toll facility personnel or their agents mailing such summons shall be considered conservators of the peace for the sole and limited purpose of mailing such summons. 719 720 Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed 721 by mailing by first class mail a copy thereof to the address of the owner of the vehicle as shown on the 722 records of the Department of Motor Vehicles or, if the registered owner has named and provided a valid 723 address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to 724 subsection F, 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 725 726 manner set out in § 19.2-76.3.

727 L. M. The operator of a toll facility may enter into an agreement with the Department of Motor

728 Vehicles, in accordance with the provisions of subdivision B 21 of subsection B of § 46.2-208, to obtain 729 vehicle owner information regarding the registered owners of vehicles that fail to pay tolls required for 730 the use of toll facilities and with the Virginia Department of Transportation to obtain any information that is necessary to conduct electronic toll collection. Such agreement may include any information that 731 732 may be obtained by the Department of Motor Vehicles in accordance with any agreement entered into 733 pursuant to § 46.2-819.9. Information provided to the operator of a toll facility shall only be used for 734 the collection of unpaid tolls and the operator of the toll facility shall be subject to the same conditions 735 and penalties regarding release of the information as contained in subsection \mathbf{B} C.

736 M. N. No person shall be subject to both the provisions of this section and to prosecution under $8 \pm 46.2-819$ for actions arising out of the same transaction or occurrence.

738 § 46.2-819.3. Use of toll facility without payment of toll; enforcement; penalty.

739 A. For purposes of this section:

740 "Debt collection" means the collection of unpaid tolls and applicable administrative fees by (i)
741 retention of a third-party debt collector or (ii) collection practices undertaken by employees of a toll
742 facility operator that are materially similar to a third-party debt collector.

743 "Operator of a toll facility other than the Department of Transportation" means any agency, political 744 subdivision, authority, or other entity that operates a toll facility.

745 "Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles
746 or with the equivalent agency in another state. "Owner" does not include a vehicle rental or vehicle
747 leasing company.

748 B. The toll facility operator may impose and collect an administrative fee in addition to the unpaid 749 toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be 750 reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. 751 Such fee shall not be levied on a first unpaid toll unless the written promise to pay executed pursuant to subsection $\in F$ remains unpaid after 30 days. The person who executed the written promise to pay 752 pursuant to subsection C F shall pay the unpaid toll and any administrative fee detailed in an invoice or 753 754 bill issued by a toll facility operator. If paid within $30 \, 60$ days of notification, the administrative fee 755 shall not exceed \$25.

B. *C.* If the matter proceeds to court, the owner or operator of the vehicle shall be liable for a civil penalty as follows: for a first offense, \$50; for a second offense within one year from the first offense, \$100; for a third offense within two years from the second offense, \$250; and for a fourth and any subsequent offense within three years from the second offense, \$500 plus, in each case, the unpaid toll, all accrued administrative fees imposed by the toll facility operator and applicable court costs if the vehicle operator is found, as evidenced by information obtained from the toll facility operator, to have used such a toll facility without payment of the required toll.

763 D. Notwithstanding subsections B and C, for a first conviction of an operator or owner of a vehicle
764 under this section, the total amount for the first conviction shall not exceed \$2,200, including civil
765 penalties and administrative fees regardless of the total number of offenses the operator or owner of a
766 vehicle is convicted of on that date.

767 E. No summons may be issued by a toll facility operator for a violation of this section unless the toll facility operator can demonstrate that (i) there was an attempt to collect the unpaid tolls and applicable administrative fees through debt collection not less than 30 days prior to issuance of the summons and (ii) 120 days have elapsed since the unpaid toll or, in a summons for multiple violations, 120 days have elapsed since the most recent unpaid toll.

772 C. F. A written promise to pay an unpaid toll within a specified period of time executed by the 773 driver operator of a motor vehicle, accompanied by a certificate sworn to or affirmed by an authorized 774 agent of the toll facility that the unpaid toll was not paid within such specified period, shall be prima 775 facie evidence of the facts contained therein.

776 D. G. The operator of a toll facility may shall send an invoice or bill to the driver owner of a motor 777 vehicle using a toll facility without payment of the specified toll as part of an electronic or manual toll 778 collection process pursuant to § 46.2-819.6, prior to seeking remedies under this section. Any action 779 under this section shall be brought in the general district court of the city or county or city in which the 780 toll facility is located and shall be commenced within two years of the commission of the offense. Such 781 an action shall be considered a traffic infraction but shall be tried as a civil case. The attorney for the Commonwealth may represent the interests of the toll facility operator. Any authorized agent or 782 783 employee of a toll facility operator acting on behalf of a governmental entity shall be allowed the 784 privileges accorded by § 16.1-88.03 in such cases.

785 E. *H*. Upon a finding by a court of competent jurisdiction that the driver operator of a motor vehicle identified in the summons issued pursuant to subsection I J was in violation of this section, the court shall impose a civil penalty upon the driver operator of a motor vehicle in accordance with the amounts specified in subsection B C, together with applicable court costs, the operator's administrative fee, and

789 the toll due. Penalties assessed as the result of action initiated by the Virginia Department of 790 Transportation shall be remanded by the clerk of the court which that adjudicated the action to the 791 Virginia Department of Transportation's Toll Facilities Revolving Account. Penalties assessed as the 792 result of action initiated by an operator of a toll facility other than the Virginia Department of 793 Transportation shall be remanded by the clerk of the court which that adjudicated the action to the 794 treasurer or director of finance of the county or city in which the violation occurred for payment to the 795 toll facility operator.

796 F. I. The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus 797 a reduced civil penalty of not more than \$25 for a first or second offense or not more than \$50 for a 798 third, fourth, or subsequent offense, as specified on the summons, provided the owner actually pays to 799 the toll facility operator the entire amount so calculated at least 14 days prior to the hearing date 800 specified on the summons. If the owner accepts such offer and such amount is actually received by the 801 toll facility operator at least 14 days prior to the hearing date specified on the summons, the toll facility operator shall move the court at least five business days prior to the date set for trial to dismiss the 802 803 summons issued to the registered owner of the vehicle, and the court shall dismiss upon such motion.

804 J. A summons for a violation of this section may be executed as provided in § 19.2-76.2. A summons 805 for a violation of this section may set forth multiple violations occurring within one jurisdiction. 806 Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed 807 by mailing by first-class mail a copy thereof to the address of the operator of a motor vehicle as shown 808 on the written promise to pay executed pursuant to subsection F or records of the Department of Motor 809 Vehicles. Such summons shall be signed either originally or by electronic signature. If the summoned 810 person fails to appear on the date of return set out in the summons mailed pursuant to this subsection, 811 the summons shall be executed in the manner set out in § 19.2-76.3.

812 $G_{-}K_{-}$ Upon a finding by a court that a person has three or more unpaid tolls and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner of the 813 814 Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of 815 any applicant or the license plate issued for any vehicle owned or co-owned by the offender or, when 816 the vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue 817 818 vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient 819 evidence of the court's finding to take action against the vehicle registration certificate or license plates 820 in accordance with the terms of the agreement. Upon receipt of such notification from the court, the 821 Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered 822 of such payment. The Commissioner shall collect a \$40 administrative fee from the owner or operator of 823 the vehicle to defray the cost of processing and removing an order to deny registration or registration 824 renewal.

825 H. For purposes of this section, "operator of a toll facility other than the Virginia Department of 826 Transportation" means any agency, political subdivision, authority, or other entity that operates a toll 827 facility.

828 + L. 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 driving record of the person upon whom such civil penalty is 829 830 imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance 831 coverage. The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine, 832 or cost imposed or ordered paid under this section for a violation of this section.

833 J. A summons for a violation of this section may be executed pursuant to § 19.2-76.2. Toll facility 834 personnel or their agents mailing such summons shall be considered conservators of the peace for the 835 sole and limited purpose of mailing such summons. Notwithstanding the provisions of § 19.2-76, a 836 summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to 837 the address of the driver of a motor vehicle as shown on the written promise to pay executed pursuant 838 to subsection C or records of the Department of Motor Vehicles. If the summoned person fails to appear 839 on the date of return set out in the summons mailed pursuant to this section, the summons shall be 840 executed in the manner set out in § 19.2-76.3.

841 K. M. No person shall be subject to both the provisions of this section and to prosecution under 842 § 46.2-819 for actions arising out of the same transaction or occurrence.

843 § 46.2-819.3:1. Installation and use of video-monitoring system and automatic vehicle 844 identification system in conjunction with all-electronic toll facilities; penalty. 845

A. For purposes of this section:

846 "Automatic vehicle identification device" means an electronic device that communicates by wireless 847 transmission with an automatic vehicle identification system.

848 "Automatic vehicle identification system" means an electronic vehicle identification system installed 849 to work in conjunction with a toll collection device that automatically produces an electronic record of

850 each vehicle equipped with an automatic vehicle identification device that uses a toll facility.

851 "Debt collection" means the collection of unpaid tolls and applicable administrative fees by (i)
852 retention of a third-party debt collector or (ii) collection practices undertaken by employees of a toll
853 facility operator that are materially similar to a third-party debt collector.

854 "Operator" means a person who was driving a vehicle that was the subject of a toll violation but 855 who is not the owner of the vehicle.

856 "Operator of a toll facility other than the Department of Transportation" means any agency, political
857 subdivision, authority, or other entity that operates a toll facility.

858 "Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles
859 or with the equivalent agency in another state. "Owner" does not mean a vehicle rental or vehicle
860 leasing company.

861 "Video-monitoring system" means a vehicle sensor installed to work in conjunction with a toll
862 collection device that automatically produces one or more photographs, one or more microphotographs,
863 a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of
864 this section.

865 B. The operator of any toll facility or the locality within which such toll facility is located may 866 install and operate or cause to be installed and operated a video-monitoring system in conjunction with 867 an automatic vehicle identification system on facilities for which tolls are collected for the use of such 868 toll facility and that do not offer manual toll collection. A video-monitoring system shall include, but 869 not be limited to, electronic systems that monitor and capture images of vehicles using a toll facility to 870 enable toll collection for vehicles that do not pay using a toll collection device. The operator of a toll 871 facility shall send an invoice for unpaid tolls in accordance with the requirements of § 46.2-819.6 to the 872 registered owner of a vehicle as part of a video-monitoring toll collection process, prior to seeking 873 remedies under this section.

874 B. C. Information collected by a video-monitoring system in conjunction with an automatic vehicle 875 identification system installed and operated pursuant to subsection A B shall be limited exclusively to 876 that information that is necessary for the collection of unpaid tolls and establishing when violations 877 occur, including use in any proceeding to determine whether a violation occurred. Notwithstanding any 878 other provision of law, all images or other data collected by a video-monitoring system in conjunction 879 with an automatic vehicle identification system shall be protected in a database with security comparable 880 to that of the Department of Motor Vehicles' system and used exclusively for the collection of unpaid 881 tolls and for efforts to pursue violators of this section and shall not (i) be open to the public; (ii) be sold 882 and/or used for sales, solicitation, or marketing purposes other than those of the toll facility operator to 883 facilitate toll payment; (iii) be disclosed to any other entity except as may be necessary for the 884 collection of unpaid tolls or to a vehicle owner or operator as part of a challenge to the imposition of a 885 toll; and/or (iv) be used in a court in a pending action or proceeding unless the action or proceeding 886 relates to a violation of this section or upon order from a court of competent jurisdiction. Except as 887 provided above, information collected under this section shall be purged and not retained later than 30 888 days after the collection and reconciliation of any unpaid tolls, administrative fees, and/or civil penalties. 889 Any entity operating a video-monitoring system in conjunction with an automatic vehicle identification 890 system shall annually certify compliance with this section and make all records pertaining to such 891 system available for inspection and audit by the Commissioner of Highways or the Commissioner of the 892 Department of Motor Vehicles or their designee. Any violation of this subsection shall constitute a Class 893 1 misdemeanor. In addition to any fines or other penalties provided for by law, any money or other 894 thing of value obtained as a result of a violation of this section shall be forfeited to the Commonwealth.

895 If a vehicle uses a toll facility without paying the toll, the owner or operator shall be in violation of 896 this section if he refuses to pay the toll within 30 days of notification. The toll facility operator may 897 impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of 898 collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of 899 collecting the unpaid toll and not exceed \$100 per violation. Such fee shall not be levied upon the 900 owner or operator of the vehicle unless the toll has not been paid by the owner or operator within 30 days after receipt of the invoice for the unpaid toll, which nonpayment for 30 days shall constitute the 901 902 violation of this section. Once such a violation has occurred, the owner or operator of the vehicle shall 903 pay the unpaid tolls and any administrative fee detailed in the invoice for the unpaid toll issued by a toll 904 facility operator. If paid within 30 60 days of the toll violation, the administrative fee shall not exceed 905 \$25.

906 The toll facility operator may levy charges for the direct cost of use of and processing for a video-monitoring system and to cover the cost of the invoice, which are in addition to the toll and may not exceed double the amount of the base toll, provided that potential toll facility users are provided 909 notice before entering the facility by conspicuous signs that clearly indicate that the toll for use of the 910 facility could be tripled for any vehicle that does not have an active, functioning automatic vehicle

911 identification device registered for and in use in the vehicle using the toll facility, and such signs are
912 posted at a location where the driver operator can still choose to avoid the use of the toll facility if he
913 chooses not to pay the toll.

914 A person receiving an invoice for an unpaid toll under this section may (a) pay the toll and 915 administrative fees directly to the toll facility operator or (b) file with the toll facility operator a notice, 916 on a form provided by the toll facility operator as required under subsection B of § 46.2-819.6, to 917 contest liability for a toll violation. The notice to contest liability for a toll violation may be filed by 918 any person receiving an invoice for an unpaid toll by mailing or delivering the notice to the toll facility 919 operator within 60 days of receiving such invoice for an unpaid toll. Upon receipt of such notice, the 920 toll facility operator may issue a summons pursuant to subsection \mathbf{K} I and may not seek withholding of 921 registration or renewal thereof under subsection G L until a court of competent jurisdiction has found 922 the alleged violator liable for tolls under this section.

923 \mathbf{C} . \vec{D} . If the matter proceeds to court, the registered owner or operator of a vehicle shall be liable for 924 a civil penalty as follows: for a first offense, \$50; for a second offense within one year from the first 925 offense, \$100; for a third offense within two years from the second offense, \$250; and for a fourth and 926 any subsequent offense within three years from the second offense, \$500; plus, in each case, the unpaid 927 toll, all accrued administrative fees imposed by the toll facility operator, and applicable court costs if the 928 vehicle is found, as evidenced by information obtained from a video-monitoring system in conjunction 929 with an automatic vehicle identification system as provided in this section, to have used such a toll 930 facility without payment of the required toll within 30 days of receipt of the invoice for the toll.

931 E. Notwithstanding subsections C and D, for a first conviction of an operator or owner of a vehicle
932 under this section the total amount for the first conviction shall not exceed \$2,200, including civil
933 penalties and administrative fees regardless of the total number of offenses the operator or owner of a
934 vehicle is convicted of on that date.

F. No summons may be issued by a toll facility operator for a violation of this section unless the toll facility operator can demonstrate that (i) there was an attempt to collect the unpaid tolls and applicable administrative fees through debt collection not less than 30 days prior to issuance of the summons and (ii) 120 days have elapsed since the unpaid toll or, in a summons for multiple violations, 120 days have elapsed since the most recent unpaid toll.

940 D. G. Any action under this section shall be brought in the general district court of the eity or
941 county or city in which the toll facility is located and shall be commenced within two years of the
942 commission of the offense. Such action shall be considered a traffic infraction but shall be tried as a civil
943 ease. The attorney for the Commonwealth may represent the interests of the toll facility operator. Any
944 authorized agent or employee of a toll facility operator acting on behalf of a governmental entity shall
945 be allowed the privileges accorded by § 16.1-88.03 in such cases.

946 E. H. Proof of a violation of this section shall be evidenced by information obtained from a 947 video-monitoring system or automatic vehicle identification system as provided in this section. A 948 certificate, sworn to or affirmed by a technician employed or authorized by the operator of a toll facility 949 or by the locality wherein the toll facility is located, or a facsimile of such a certificate, based on 950 inspection of photographs, microphotographs, videotapes, or other recorded images produced by a 951 video-monitoring system or of electronic data collected by an automatic vehicle identification system, 952 shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, 953 videotape, or other recorded images or electronic data evidencing such a violation shall be available for 954 inspection in any proceeding to adjudicate the liability for such violation under this section. A record of 955 communication by an automatic vehicle identification device with the automatic vehicle identification 956 system at the time of a violation of this section shall be prima facie evidence that the automatic vehicle 957 identification device was located in the vehicle registered to use such device in the records of the 958 Virginia Department of Transportation.

959 F. It shall be prima facie evidence that the vehicle described in the summons issued pursuant to
 960 subsection K was operated in violation of this section.

961 I. On a form prescribed by the Supreme Court, a summons for a violation of this section may be 962 executed as provided in § 19.2-76.2. A summons for a violation of this subdivision may set forth multiple 963 violations occurring within one jurisdiction. Notwithstanding the provisions of § 19.2-76, a summons for 964 a violation of unpaid tolls 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 or, if the owner has named and 965 966 provided a valid address for the operator of the vehicle at the time of the violation in an affidavit 967 executed pursuant to subsection J, such named operator of the vehicle. Such summons shall be signed 968 either originally or by electronic signature. If the summoned person fails to appear on the date of return 969 set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set 970 out in § 19.2-76.3.

971 J. Upon a finding by a court of competent jurisdiction that the vehicle described in the summons

972 issued pursuant to subsection \mathbf{K} I was in violation of this section, the court shall impose a civil penalty 973 upon the registered owner or operator of such vehicle in accordance with the amounts specified in 974 subsection $\in D$, together with applicable court costs, the operator's administrative fee, and the toll due. 975 Penalties assessed as the result of action initiated by the Virginia Department of Transportation shall be 976 remanded by the clerk of the court that adjudicated the action to the Virginia Department of 977 Transportation's Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by 978 an operator of a toll facility other than the Virginia Department of Transportation shall be remanded by 979 the clerk of the court that adjudicated the action to the treasurer or director of finance of the county or 980 city in which the violation occurred for payment to the toll facility operator.

981 The registered owner of such vehicle shall be given reasonable notice by way of a summons as **982** provided in subsection K I that his vehicle had been used in violation of this section, and such owner **983** shall be given notice of the time and place of the hearing as well as the civil penalty and costs for such **984** offense.

985 It shall be prima facie evidence that the vehicle described in the summons issued pursuant to
986 subsection I was operated in violation of this section. Records obtained from the Department of Motor
987 Vehicles pursuant to subsection P and certified in accordance with § 46.2-215 identifying the owner of
988 such vehicle shall give rise to a rebuttable presumption that the owner of the vehicle is the person
989 named in the summons.

990 Upon the filing of an affidavit by the registered owner of the vehicle with the toll facility operator 991 within 14 days of receipt of an invoice for unpaid toll or a summons stating that such owner was not 992 the driver operator of the vehicle on the date of the violation and providing the legal name and address 993 of the operator of the vehicle at the time of the violation, an invoice for unpaid toll or summons, 994 whichever the case may be, will also be issued to the alleged operator of the vehicle at the time of the 995 offense.

996 In any action against 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 named in the affidavit.

1000 If the registered owner of the vehicle produces for the toll facility operator or the court a certified 1001 copy of a police report showing that the vehicle had been reported to the police as stolen prior to the 1002 time of the alleged offense and remained stolen at the time of the alleged offense, then the toll facility 1003 operator shall not pursue the owner for the unpaid toll contained in the invoice for unpaid toll or the 1004 court shall dismiss the summons issued to the registered owner of the vehicle.

1005 G. 1. K. Upon a finding by a court that a person has two or more unpaid tolls and such person fails 1006 to pay the required penalties, fees, and unpaid tolls, then the court or toll facility operator shall notify 1007 the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle 1008 registration certificate of any applicant or the license plate issued for the vehicle driven in the 1009 commission of the offense or, when the vehicle is registered in a state with which the Commonwealth 1010 has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide 1011 to the entity authorized to issue vehicle registration certificates or license plates in the state in which 1012 the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court 1013 1014 has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the 1015 1016 state where the vehicle is registered of such payment. If it is proven that the vehicle owner was not the 1017 operator at the time of the offense and upon a finding by a court that the person identified in an 1018 affidavit pursuant to subsection \mathbf{F} J as the operator violated this section and such person fails to pay the 1019 required penalties, fees, and unpaid tolls, the court shall notify the Commissioner, who shall refuse to 1020 issue or renew any vehicle registration certificate of any applicant or the license plate issued for any 1021 vehicle owned or co-owned by such person or, when such vehicle is registered in a state with which the 1022 Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9. 1023 who shall provide to the entity authorized to issue vehicle registration certificates or license plates in 1024 the state in which the vehicle is registered sufficient evidence of the court's finding to take action 1025 against the vehicle registration certificate or license plates in accordance with the terms of the 1026 agreement, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have 1027 been paid. Upon receipt of such notification from the court, the Commissioner of the Department of 1028 Motor Vehicles shall notify the state where the vehicle is registered of such payment. Such funds 1029 representing payment of unpaid tolls and all administrative fees of the toll facility operator shall be 1030 transferred from the court to the Virginia Department of Transportation's Toll Facilities Revolving Account or, in the case of an action initiated by an operator of a toll facility other than the Virginia 1031 1032 Department of Transportation, to the treasurer or director of finance of the county or city in which the

violation occurred for payment to the toll facility operator. The Commissioner shall collect a \$40 administrative fee from the registered owner or operator of the vehicle to defray the cost of processing and removing an order to deny registration or registration renewal.

1036 2. L. If an owner of a vehicle has received at least one invoice for two or more unpaid tolls in 1037 accordance with § 46.2-819.6 by certified mail and has (i) failed to pay the unpaid tolls and 1038 administrative fees and (ii) failed to file a notice to contest liability for a toll violation, then the toll 1039 facility operator may notify the Commissioner, who shall, if no form contesting liability has been timely 1040 filed with the toll facility operator pursuant to this section, refuse to issue or renew the vehicle 1041 registration certificate of any applicant therefor or the license plate issued for any vehicle driven in the 1042 commission of the offense until the toll facility operator has notified the Commissioner that such fees 1043 and unpaid tolls have been paid.

1044 If the vehicle owner was not the operator at the time of the offense and the person identified in an 1045 affidavit pursuant to subsection F J as the operator has received at least one invoice for two or more 1046 unpaid tolls in accordance with § 46.2-819.6 by certified mail and such person has (i) (a) failed to pay 1047 the unpaid tolls and administrative fees and (ii) (b) failed to file a notice to contest liability for a toll 1048 violation, then the toll facility operator may notify the Commissioner, who shall, if no form contesting 1049 liability has been timely filed with the toll facility operator pursuant to this section, refuse to issue or 1050 renew any vehicle registration certificate of any applicant therefor or the license plate issued for any 1051 vehicle owned or co-owned by such person until the toll facility operator has notified the Commissioner 1052 that such fees and unpaid tolls have been paid.

1053 The Commissioner may only refuse to issue or renew any vehicle registration pursuant to this 1054 subsection upon the request of a toll facility operator if such toll facility operator has entered into an 1055 agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle 1056 registration of any applicant therefor who owes unpaid tolls and administrative fees to the toll facility 1057 operator. The toll facility operator seeking to collect unpaid tolls and administrative fees through the 1058 withholding of registration or renewal thereof by the Commissioner as provided for in this subsection 1059 shall notify the Commissioner in the manner provided for in his agreement with the Commissioner and 1060 supply to the Commissioner information necessary to identify the violator whose registration or renewal 1061 is to be denied. The Commissioner shall charge a \$40 fee to defray the cost of processing and 1062 withholding the registration or registration renewal, and the toll facility operator may add this fee to the 1063 amount of the unpaid tolls and administrative fees. Any agreement entered into pursuant to the 1064 provisions of this subsection shall provide for the Department to send the violator notice of the intent to 1065 deny renewal of registration at least 30 days prior to the expiration date of a current vehicle registration 1066 and such notice shall include a form, as required under subsection B of § 46.2-819.6, to contest liability 1067 of the underlying toll violation. The notice provided by the Commissioner shall include instructions for 1068 filing the form to contest liability with the toll facility operator within 21 days after the date of mailing of the Commissioner's notice. Upon timely receipt of the form, the toll facility operator shall notify the 1069 1070 Commissioner, who shall refrain from withholding the registration or renewal thereof, after which the 1071 toll facility operator may proceed to issue a summons for unpaid toll. For the purposes of this 1072 subsection, notice by first-class mail to the registrant's address as maintained in the records of the 1073 Department shall be deemed sufficient.

1074 H. For purposes of this section, "operator" means a person who was driving a vehicle that was the 1075 subject of a toll violation but who is not the owner of the vehicle; "operator of a toll facility other than the Virginia Department of Transportation" means any agency, political subdivision, authority, or other 1076 entity that operates a toll facility: "owner" means the registered owner of a vehicle on record with the 1077 1078 Department or, in the case of a vehicle where the owner of the vehicle is a vehicle leasing entity, the 1079 lessee. For purposes of this section, "owner" does not mean a vehicle rental or vehicle leasing company; 1080 "video-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection 1081 device that automatically produces one or more photographs, one or more microphotographs, a 1082 videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this 1083 section; "automatic vehicle identification system" means an electronic vehicle identification system 1084 installed to work in conjunction with a toll collection device that automatically produces an electronic 1085 record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility; 1086 and "automatic vehicle identification device" means an electronic device that communicates by wireless 1087 transmission with an automatic vehicle identification system.

1088 I. *M*. Any vehicle rental or vehicle leasing company, if it receives an invoice for unpaid toll or is named in a summons, shall be released as a party to the action if it provides the operator of the toll facility a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee within 30 days of receipt of the invoice or summons. Upon receipt of such rental agreement, lease, or affidavit, an invoice for unpaid toll shall be mailed to the renter or lessee identified therein. Release of this information shall not be deemed a violation of any provision of the Government Data Collection

1094 and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection 1095 Act (§ 38.2-600 et seq.). The toll facility operator shall allow at least 30 days from the date of such 1096 mailing before pursuing other remedies under this section. In any action against the vehicle operator, a 1097 copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the vehicle at 1098 the time of the violation is prima facie evidence that the person named in the rental agreement, lease, or 1099 affidavit was operating the vehicle at all the relevant times relating to the matter named in the summons.

1100 $J_{\rm H}$ N. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an 1101 operator and shall not be made part of the driving record of the person upon whom such civil penalty is 1102 imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance 1103 coverage. The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine, 1104 or cost imposed or ordered paid under this section for a violation of this section.

1105 K. On a form prescribed by the Supreme Court, a summons for a violation of this section may be executed pursuant to § 19.2-76.2. Toll facility personnel or their agents mailing such summons shall be 1106 1107 considered conservators of the peace for the sole and limited purpose of mailing such summons. 1108 Notwithstanding the provisions of § 19.2-76, a summons or summonses for a violation of unpaid tolls 1109 may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle 1110 as shown on the records of the Department or, if the registered owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to 1111 1112 subsection F, such named operator of the vehicle. If the summoned person fails to appear on the date of 1113 return set out in the summons mailed pursuant to this section, the summons shall be executed in the 1114 manner set out in § 19.2-76.3.

1115 L. O. The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus 1116 a reduced civil penalty of \$25 for a first or second offense or \$50 for a third, fourth, or subsequent 1117 offense, as specified on the summons, provided the owner actually pays to the toll facility operator the 1118 entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the 1119 owner accepts such offer and such amount is actually received by the toll facility operator at least 14 1120 days prior to the hearing date specified on the summons, the toll facility operator shall move the court 1121 at least five business days prior to the date set for trial to dismiss the summons issued to the registered 1122 owner of the vehicle, and the court shall dismiss upon such motion.

1123 M. P. The operator of a toll facility may enter into an agreement with the Department, in accordance 1124 with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the 1125 registered owners of vehicles that fail to pay tolls required for the use of toll facilities and with the 1126 Virginia Department of Transportation to obtain any information that is necessary to conduct electronic 1127 toll collection. Such agreement may include any information that may be obtained by the Department of 1128 Motor Vehicles in accordance with any agreement entered into pursuant to § 46.2-819.9. Information 1129 provided to the operator of a toll facility shall be used only for the collection of unpaid tolls, and the 1130 operator of the toll facility shall be subject to the same conditions and penalties regarding release of the 1131 information as contained in subsection \mathbf{B} C.

1132 N. Q. No person shall be subject to both the provisions of this section and to prosecution under 1133 § 46.2-819 for actions arising out of the same transaction or occurrence.

1134 § 46.2-819.5. Enforcement through use of photo-monitoring system or automatic vehicle 1135 identification system in conjunction with usage of Dulles Access Highway. 1136

A. For purposes of this section:

1137 "Authority" means the Metropolitan Washington Airports Authority (§ 5.1-152 et seq.).

1138 "Automatic vehicle identification device" means an electronic device that communicates by wireless 1139 transmission with an automatic vehicle identification system.

1140 "Automatic vehicle identification system" means an electronic vehicle identification system that 1141 automatically produces an electronic record of each vehicle equipped with an automatic vehicle 1142 identification device that uses monitored portions of the Dulles Access Highway.

1143 "Operator of the Dulles Access Highway" means the Metropolitan Washington Airports Authority 1144 (§ 5.1-152 et seq.).

1145 "Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles 1146 or with the equivalent agency in another state.

1147 "Photo-monitoring system" means equipment that produces one or more photographs, 1148 microphotographs, videotapes, or other recorded images of vehicles at the time they are used or 1149 operated in violation of the Authority regulation governing the use of the Dulles Access Highway.

1150 B. A photo-monitoring system or automatic vehicle identification system established at locations 1151 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 1152 1153 regarding usage, which makes violations of the regulation subject to civil penalties, shall be administered 1154 in accordance with this section. The civil penalties for violations of such regulation may not exceed the

1155 following: \$50 for the first violation; \$100 for a second violation within one year from the first 1156 violation; \$250 for a third violation within two years from the second violation; and \$500 for a fourth 1157 and any subsequent violation within three years from the second violation. In the event a violation of 1158 the Authority regulation is identified via the photo-monitoring system or automatic vehicle identification 1159 system, the operator of the Dulles Access Highway shall send a notice of the violation, of the applicable 1160 civil penalty and of any administrative fee calculated in accordance with subsection \mathbf{E} D to the 1161 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 1162 1163 the operator to enforce the violation in court by waiving his right to a court hearing, pleading guilty to 1164 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 1165 penalty shall be as follows: \$30 for the first violation; \$50 for a second violation within one year from 1166 the first violation; \$125 for a third violation within two years from the second violation; and \$250 for a 1167 fourth and any subsequent violations within three years from the second violation. 1168

1169 B. C. Information collected by the photo-monitoring system or automatic vehicle identification 1170 system referenced in subsection AB shall be limited exclusively to that information that is necessary for 1171 identifying those drivers operators who improperly use the Dulles Access Highway in violation of the Authority regulation. Notwithstanding any other provision of law, all photographs, microphotographs, 1172 1173 electronic images, or other data collected by a photo-monitoring system or automatic vehicle 1174 identification system shall be used exclusively for the identification of violators and shall not (i) be open 1175 to the public; (ii) be sold or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any 1176 other entity except as may be necessary for the identification of violators or to a vehicle owner or 1177 operator of a vehicle as part of a challenge to the imposition of a civil penalty; or (iv) be used in a 1178 court in a pending action or proceeding unless the action or proceeding relates to a violation of the 1179 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 protected in a database with security 1180 1181 comparable to that of the Department of Motor Vehicles' system, and be purged and not retained later 1182 than 30 days after the collection and reconciliation of any civil penalties and administrative fees. The 1183 operator of the Dulles Access Highway shall annually certify compliance with this subsection and make 1184 all records pertaining to such system available for inspection and audit by the Commissioner of 1185 Highways or the Commissioner of the Department of Motor Vehicles or their designee. Any violation of 1186 this subsection shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties 1187 provided for by law, any money or other thing of value obtained as a result of a violation of this 1188 subsection shall be forfeited to the Commonwealth.

1189 C. D. The operator of the Dulles Access Highway may impose and collect an administrative fee, in 1190 addition to the civil penalty established by regulation, so as to recover the expenses of collecting the 1191 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 1192 1193 the vehicle until a second violation has been documented within 12 months of an initial violation, in 1194 which case the fee shall apply to such second violation and to any additional violation occurring 1195 thereafter. If the recipient of the notice referenced in subsection A B makes the election provided by that 1196 subsection, the administrative fee shall not exceed \$25.

1197 D. E. If the election provided for in subsection A B is not made, the operator of the Dulles Access 1198 Highway may proceed to enforce the violation in court. If the matter proceeds to court, the registered 1199 owner or operator of a vehicle shall be liable for the civil penalty set out in the Authority regulation 1200 governing usage of the Dulles Access Highway, any applicable administrative fees calculated in 1201 accordance with subsection C D and applicable court costs if the vehicle is found, as evidenced by 1202 information obtained from a photo-monitoring system or automatic vehicle identification system as 1203 provided in this section, to have used the Dulles Access Highway in violation of the Authority 1204 regulation;, provided, that the civil penalty may not exceed the amount of the penalty identified in 1205 subsection A B.

E. F. Any action under this section shall be brought in the General District Court general district court of the county or city in which the violation occurred and shall be commenced within two years from the commission of the offense. Such action shall be considered a traffic infraction.

1209 F. G. Proof of a violation of the Authority regulation governing the use of the Dulles Access
1210 Highway shall be evidenced by information obtained from the photo-monitoring system or automatic
1211 vehicle identification system referenced in subsection A B. A certificate, sworn to or affirmed by a
1212 technician employed or authorized by the operator of the Dulles Access Highway, or a facsimile of such
1213 a certificate, that is based on inspection of photographs, microphotographs, videotapes, or other recorded
1214 images or electronic data produced by the photo-monitoring system shall be prima facie evidence of the
1215 facts contained therein. Any photographs, microphotographs, videotape, or other recorded images or

1216 electronic data evidencing such a violation shall be available for inspection in any proceeding to1217 adjudicate the liability for such violation under this section.

1218 G. H. A summons issued under this section, which describes a vehicle that, on the basis of a 1219 certificate referenced in subsection $\not F G$, is alleged to have been operated in violation of the Authority 1220 regulation governing usage of the Dulles Access Highway, shall be prima facie evidence that such 1221 vehicle was operated in violation of the Authority regulation.

1222 I. On a form prescribed by the Supreme Court, a summons for a violation of the Authority regulation 1223 governing the use of the Dulles Access Highway may be executed as provided in § 19.2-76.2 by mailing 1224 by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of 1225 the Department of Motor Vehicles or, if the owner or rental or leasing company has named and 1226 provided a valid address for the operator of the vehicle at the time of the violation as provided in this 1227 section, to the address of such named operator of the vehicle. Such summons shall be signed either 1228 originally or by electronic signature. If the summoned person fails to appear on the date of return set 1229 out in the summons mailed pursuant to this subsection, the summons shall be executed in the manner set 1230 out in § 19.2-76.3.

1231 H. J. Upon a finding by a court that the vehicle described in the summons issued under this section 1232 was in violation of the Authority regulation, the court shall impose a civil penalty upon the registered 1233 owner or operator of such vehicle in accordance with the penalty amounts specified in subsection \mathbf{P} B, 1234 together with any applicable court costs and applicable administrative fees calculated in accordance with 1235 subsection C D. Civil penalties and administrative fees assessed as a result of an action initiated under 1236 this section and collected by the court shall be remanded by the clerk of the court that adjudicated the 1237 action to the treasurer or director of finance of the county or city in which the violation occurred for 1238 payment to the operator of the Dulles Access Highway.

1239 The registered owner of a vehicle shall be given reasonable notice of an enforcement action in court 1240 by way of a summons that informs the owner that his vehicle has been used in violation of the 1241 Authority regulation governing the use of the Dulles Access Highway and of the time and place of the 1242 court hearing, as well as of the civil penalty and court costs for the violation. Upon the filing of an 1243 affidavit with the court at least 14 days prior to the hearing date by the registered owner of the vehicle 1244 stating that he was not the driver operator of the vehicle on the date of the violation and providing the 1245 legal name and address of the operator of the vehicle at the time of the violation, a summons shall be 1246 issued to such alleged operator of the vehicle.

1247 In any action against such a vehicle operator, an affidavit made by the registered owner providing 1248 the name and address of the vehicle operator at the time of the violation shall constitute prima facie 1249 evidence that the person named in the affidavit was operating the vehicle at all the relevant times 1250 relating to the matter addressed in the affidavit.

1251 If the registered owner of the vehicle produces a certified copy of a police report showing that the 1252 vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained 1253 stolen at the time of the alleged offense, then the court shall dismiss the summons issued to the 1254 registered owner of the vehicle.

1255 **H**. K. Upon a finding by a court that a person has three or more violations of the Authority regulation 1256 governing the use of the Dulles Access Highway and has failed to pay the required civil penalties, 1257 administrative fees and court costs into the court, the court shall notify the Commissioner of the 1258 Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate to 1259 or for such person or the license plate for the vehicle owned by such person until the court has notified 1260 the Commissioner that such civil penalties, fees, and costs have been paid. The Commissioner shall 1261 collect a \$40 administrative fee from such person to defray the cost of responding to court notices given 1262 pursuant to this subsection.

1263 J. For purposes of this section, "operator of the Dulles Access Highway" means the Metropolitan 1264 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 1265 1266 photographs, microphotographs, videotapes, or other recorded images of vehicles at the time they are 1267 used or operated in violation of the Authority regulation governing the use of the Dulles Access 1268 Highway; "automatic vehicle identification system" means an electronic vehicle identification system that 1269 automatically produces an electronic record of each vehicle equipped with an automatic vehicle 1270 identification device that uses monitored portions of the Dulles Access Highway; and "automatic vehicle 1271 identification device" means an electronic device that communicates by wireless transmission with an 1272 automatic vehicle identification system.

1273 K. L. Any vehicle rental or vehicle leasing company, if named in a summons, shall be released as a
1274 party to the action if it provides the operator of the Dulles Access Highway with a copy of the vehicle
1275 rental agreement or lease, or an affidavit that identifies the renter or lessee, prior to the date of hearing
1276 set forth in the summons. Upon receipt of such rental agreement, lease, or affidavit, a summons shall be

1277 issued to such renter or lessee. Release of this information shall not be deemed a violation of any 1278 provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the 1279 Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.). In any action against the renter or 1280 lessee, a copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the 1281 vehicle at the time of the violation shall be prima facie evidence that the person named in the rental 1282 agreement, lease, or affidavit was operating the vehicle at all the relevant times relating to the matter 1283 named in the summons.

1284 L_{τ} M. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an 1285 operator and shall not be made a part of the driving record of the person upon whom such civil penalty 1286 is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance 1287 coverage. The provisions of § 46.2-395 shall not be applicable to any civil penalty, administrative fee, or 1288 cost imposed or ordered paid under this section.

1289 M. On a form prescribed by the Supreme Court, a summons for a violation of the Authority 1290 regulation governing the use of the Dulles Access Highway may be executed pursuant to § 19.2-76.2. 1291 The operator of the Dulles Access Highway or its personnel or agents mailing such summons shall be 1292 considered conservators of the peace for the sole and limited purpose of mailing such summons. 1293 Pursuant to § 19.2-76.2, the summons for a violation of the Authority regulation governing usage of the 1294 Dulles Access Highway may be executed by mailing by first-class mail a copy thereof to the address of 1295 the owner of the vehicle as shown on the records of the Department of Motor Vehicles or, if the 1296 registered owner or rental or leasing company has named and provided a valid address for the operator 1297 of the vehicle at the time of the violation as provided in this section, to the address of such named 1298 operator of the vehicle. If the summoned person fails to appear on the date of return set out in the 1299 summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 1300 19.2-76.3.

1301 N. The operator of the Dulles Access Highway may enter into an agreement with the Department of 1302 Motor Vehicles, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle 1303 owner information regarding the registered owners of vehicles that improperly use the Dulles Access 1304 Highway. Information provided to the operator of the Dulles Access Highway shall only be used in the 1305 enforcement of the Authority regulation governing use of the Dulles Access Highway, and the operator 1306 of the Dulles Access Highway shall be subject to the same conditions and penalties regarding release of 1307 the information as contained in subsection \mathbf{B} C.

1308 O. Should other vehicle recognition technology become available that is appropriate to be used for 1309 the purpose of monitoring improper usage of the Dulles Access Highway, the operator of the Dulles 1310 Access Highway shall be permitted to use any such technology that has been approved for use by the 1311 Virginia State Police, the Commonwealth of Virginia, or any of its localities.

1312 P. All civil penalties paid to the operator of the Dulles Access Highway pursuant to this section shall 1313 be used by the operator of the Dulles Access Highway only for the operation and improvement of the 1314 Dulles Corridor, including the Dulles Toll Road.

§ 46.2-819.6. Invoice for unpaid toll.

1316 A. The operator of a toll facility shall send an invoice for the unpaid toll pursuant to $\frac{46.2-819.7}{10}$ 1317 subsection C to the registered owner of the vehicle. An invoice for the unpaid toll shall contain the 1318 following: 1319

1. The name and address of the registered owner alleged to be liable under this section;

1320 2. The registration number of the motor vehicle involved in such violation or information obtained 1321 from an automatic vehicle identification system if the vehicle is identified by an automatic vehicle 1322 identification system for the purpose of violation detection;

1323 3. The location where such violation took place;

1324 4. The date and time of such violation;

1325 5. The amount of the toll not paid;

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- 1326 6. The amount of the administrative fee;
 - 7. The date by which the toll and administrative fee must be paid;

1328 8. The statutory defenses available under this chapter, including a notice of (i) the summoned 1329 person's ability to provide the name and address of the vehicle operator at the time of the violation 1330 through the filing of an affidavit as provided in §§ 33.2-503, 46.2-819.1, 46.2-819.3:1, and 46.2-819.5 1331 and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent.;

9. A warning describing the penalties for nonpayment of the invoice for the unpaid toll or failure to 1332 1333 file a notice to contest liability for the *unpaid* toll violation; and

1334 10. The procedures and time limits for filing a notice to contest liability for a an unpaid toll 1335 violation as provided in subsection \mathbf{B} C of § 46.2-819.3:1.

1336 B. The toll facility operator shall include with the invoice a form to be used by the registered owner 1337 or operator of the vehicle to contest liability for a *an unpaid* toll violation. This form shall include the

1338 mailing address to which it should be sent.

1339 C. Whenever an invoice for an unpaid toll is to be provided to any person by the toll facility 1340 operator, it may be executed by mailing by first-class mail a copy of the invoice to the address of the 1341 owner of the vehicle as shown on the records of the Department.

1342 § 46.2-819.8. Toll grace period.

1343 No registered owner or operator of a vehicle that has an electronic toll collection device that is the 1344 property of the Commonwealth whose vehicle is associated with such device and that has been used in 1345 violation of § 33.2-503, 46.2-819.1, 46.2-819.3, or 46.2-819.3:1 shall owe any penalties, fees, or costs in 1346 addition to the unpaid toll unless the toll operator or HOT lanes operator has attempted to process the 1347 collection of the toll through the Commonwealth's electronic toll account system at least twice. A toll 1348 operator shall make an attempt to process and collect an unpaid toll on the sixth day after the unpaid 1349 toll and shall make an additional attempt on the tenth day after the unpaid toll if earlier attempts to 1350 process and collect the unpaid toll were unsuccessful. 1351

§ 46.2-819.9. Agreements for enforcement of tolling violations against nonresidents.

1352 A. The Governor or his designee may enter into an agreement on behalf of the Commonwealth with 1353 another state that provides for reciprocal enforcement of HOT lanes violations or toll violations, in 1354 accordance with this article and Chapter 5 (§ 33.2-500 et seq.) of Title 33.2, between the 1355 Commonwealth and the other state.

1356 B. Any agreement made under this section shall provide that drivers and vehicles licensed or 1357 registered in the Commonwealth, while operating on the highways and bridges of another state, shall 1358 receive benefits, privileges, and exemptions of a similar kind with regard to toll enforcement as are 1359 extended to the drivers and vehicles licensed or registered in the other state while they are operating on 1360 the highways and bridges of the Commonwealth.

1361 C. Any agreement made under this section shall provide for enforcement of HOT lanes violations or 1362 toll violations by refusal or suspension of the registration of the owner's or operator's motor vehicle in 1363 accordance with the provisions of this article and Chapter 5 (§ 33.2-500 et seq.) of Title 33.2 for 1364 Virginia residents and enforcement of HOT lanes violations or toll violations in accordance with the 1365 laws of the state in which the vehicle is registered for nonresidents. Furthermore, such agreement shall 1366 provide that any notice required to be sent between the Commonwealth and the other state for 1367 enforcement under the provisions of the agreement shall be sent via electronic means.

1368 D. Any agreement made under this section shall provide that any vehicle owner or operator 1369 identified as a violator pursuant to the terms of the agreement shall be afforded the opportunity to 1370 challenge or otherwise contest liability for the unpaid toll in accordance with the laws or regulations of 1371 the state in which the violation occurred. 1372

§ 46.2-819.10. Withholding of vehicle registration for enforcement of out-of-state toll violations.

1373 A. Upon receipt of notice from a state that has entered into an agreement with the Commonwealth 1374 pursuant to § 46.2-819.9 that a resident of Virginia owes unpaid tolls, administrative fees, or penalties 1375 to that state, the Commissioner shall refuse to issue or renew the vehicle registration certificate or the 1376 license plate issued for a vehicle or vehicles owned by such resident in accordance with this section until such state has notified the Commissioner that such tolls, fees, or penalties have been paid. 1377

1378 If the resident is the owner and operator of the vehicle used in the commission of the offense, the 1379 Commissioner shall refuse to issue or renew the vehicle registration certificate or the license plate 1380 issued for that vehicle. If the resident was the operator of the vehicle, but not the owner, the 1381 Commissioner shall refuse to issue or renew any vehicle registration certificate or license plates for any 1382 vehicle owned by the resident.

1383 B. The Department shall send each resident identified pursuant to subsection A notice of the intent to 1384 deny renewal of registration at least 30 days prior to the expiration date of a current vehicle 1385 registration. Such notice shall include instructions for contacting the state to which the unpaid tolls, 1386 administrative fees, or penalties are owed by the resident and indicate that such contact information is 1387 provided for the purpose of payment of the amounts owed.

1388 C. Upon receipt of notice from the applicable state that the resident has satisfied all outstanding 1389 obligations to that state, the Commissioner shall release the hold on the vehicle registrations and permit 1390 the same to be issued or renewed.

1391 D. The Commissioner shall charge a \$40 fee to defray the cost of processing and withholding the 1392 registration or registration renewal under this section.

1393 2. That the provisions of § 33.2-615 of the Code of Virginia, as created by this act, shall become 1394 effective on January 1, 2017.

- 1395 3. That § 46.2-819.7 of the Code of Virginia is repealed.
- 1396 4. That the provisions of this act shall apply to violations that occur on or after July 1, 2016.