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HOUSE BILL NO. 1069

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation
on February 4, 2016)

(Patron Prior to Substitute—Delegates Jones and Albo [HB 169])

A BILL to amend and reenact §§ 33.2-309, 33.2-500, 33.2-503, 46.2-208, 46.2-819.1, 46.2-819.3, 46.2-819.3:1, and 46.2-819.6 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 1 of Title 33.2 a section numbered 33.2-118, by adding in Article 3 of Chapter 2 of Title 33.2 a section numbered 33.2-255.1, and by adding in Article 1 of Chapter 8 of Title 46.2 a section numbered 46.2-819.8; and to repeal § 46.2-819.7 of the Code of Virginia and the eleventh enactment of Chapter 766 of the Acts of Assembly of 2013, relating to limitations on tolling; toll collection fees and penalties; period of nonpayment; notice of nonpayment.

Be it enacted by the General Assembly of Virginia:

1. That §§ 33.2-309, 33.2-500, 33.2-503, 46.2-208, 46.2-819.1, 46.2-819.3, 46.2-819.3:1, and 46.2-819.6 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 1 of Title 33.2 a section numbered 33.2-118, by adding in Article 3 of Chapter 2 of Title 33.2 a section numbered 33.2-255.1, and by adding in Article 1 of Chapter 8 of Title 46.2 a section numbered 46.2-819.8 as follows:

§ 33.2-118. *Limitation on tolling.*

A. For purposes of this section, "auxiliary lane" means the portion of the roadway adjoining the traveled way for speed change, turning, weaving, truck climbing, or maneuvering of entering and leaving traffic.

B. Notwithstanding any other provision of this title, no toll may be imposed or collected on un-tolled lanes or components of a highway, bridge, or tunnel without approval from the General Assembly. However, such prohibition shall not apply to (i) reconstruction with additional lanes of a highway, provided that the number of un-tolled, non-high-occupancy vehicle lanes, excluding auxiliary lanes, after the reconstruction is not less than the number of un-tolled, non-high-occupancy vehicle lanes, excluding auxiliary lanes, prior to such reconstruction; (ii) new construction that is opened to the public as a tolled facility; (iii) new construction that is opened to the public as high-occupancy vehicle lanes or existing high-occupancy vehicle lanes; (iv) auxiliary lanes; or (v) an existing lane of traffic on a segment of highway between an interchange and an interchange or an interchange and a bridge where the highway has or will have toll lanes on the portions of the highway adjacent to such segment, provided that (a) the number of general purpose lanes after such conversion on the segment is equal to the number of general purpose lanes on the highway adjacent to such segment and (b) the length of such segment does not exceed 10 miles.

Notwithstanding the provisions of subsection B, prior approval of the General Assembly shall be required prior to the imposition and collection of any toll for use of all or any portion of Interstate 81.

§ 33.2-255.1. *Electronic notification of toll violations.*

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 collection device that is property of the Commonwealth.

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 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.

§ 33.2-309. *Tolls for use of Interstate System components.*

A. Notwithstanding any contrary provision of this title Subject to the limitations provided in § 33.2-118 and in accordance with all applicable federal and state statutes and requirements, the Board may impose and collect tolls from all classes of vehicles in amounts established by the Board for the use of any component of the Interstate System within the Commonwealth. However, prior approval of the General Assembly shall be required prior to the imposition and collection of any toll for use of all or any portion of Interstate 81. Prior approval of the General Assembly shall also be required prior to

60 the imposition or collection of any toll for use of Interstate 95 south of Fredericksburg pursuant to the
61 Interstate System Reconstruction or Rehabilitation Pilot Program. Such funds so collected shall be
62 deposited into the Transportation Trust Fund established pursuant to § 33.2-1524, subject to allocation
63 by the Board as provided in this section.

64 B. The toll facilities authorized by this section shall be subject to the provisions of federal law for
65 the purpose of tolling motor vehicles to finance interstate construction and reconstruction, promote
66 efficiency in the use of highways, reduce traffic congestion, and improve air quality and for such other
67 purposes as may be permitted by federal law.

68 C. In order to mitigate traffic congestion in the vicinity of the toll facilities, no toll facility shall be
69 operated without high-speed automated toll collection technology designed to allow motorists to travel
70 through the toll facilities without stopping to make payments. Nothing in this subsection shall be
71 construed to prohibit a toll facility from retaining means of nonautomated toll collection in some lanes
72 of the facility. The Board shall also consider traffic congestion and mitigation thereof and the impact on
73 local traffic movement as factors in determining the location of the toll facilities authorized pursuant to
74 this section.

75 D. The revenues collected from each toll facility established pursuant to this section shall be
76 deposited into segregated subaccounts in the Transportation Trust Fund and may be allocated by the
77 Board as the Board deems appropriate to:

78 1. Pay or finance all or part of the costs of programs or projects, including the costs of planning,
79 operation, maintenance, and improvements incurred in connection with the toll facility, provided that
80 such allocations shall be limited to programs and projects that are reasonably related to or benefit the
81 users of the toll facility. The priorities of metropolitan planning organizations, planning district
82 commissions, local governments, and transportation corridors shall be considered by the Board in
83 making project allocations from such revenues deposited into the Transportation Trust Fund.

84 2. Repay funds from the Toll Facilities Revolving Account or the Transportation Partnership
85 Opportunity Fund.

86 3. Pay the Board's reasonable costs and expenses incurred in the administration and management of
87 the toll facility.

88 § 33.2-500. Definitions.

89 As used in this chapter, unless the context requires a different meaning:

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

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

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

108 "HOT lanes operator" means the operator of the facility containing HOT lanes, which may include
109 the Department of Transportation or some other entity.

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

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

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

120 "Unauthorized vehicle" means a motor vehicle that is restricted from use of the HOT lanes pursuant
121 to subdivision 4 a of § 33.2-503 *or does not meet the high-occupancy requirement and indicates with its*

122 *electronic toll collection device that it meets the applicable high-occupancy requirements.*

123 **§ 33.2-503. HOT lanes enforcement.**

124 Any person operating a motor vehicle on designated HOT lanes shall make arrangements with the
 125 HOT lanes operator for payment of the required toll prior to entering such HOT lanes. The driver of a
 126 vehicle who enters the HOT lanes in an unauthorized vehicle, in violation of the conditions for use of
 127 such HOT lanes established pursuant to § 33.2-502, without payment of the required toll or without
 128 having made arrangements with the HOT lanes operator for payment of the required toll shall have
 129 committed a violation of this section, which may be enforced in the following manner:

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

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

136 b. A summons for civil violation of this section may be executed pursuant to this subdivision, when
 137 such violation is evidenced by information obtained from a photo-enforcement system as defined in this
 138 chapter. A certificate, sworn to or affirmed by a technician employed or authorized by the HOT lanes
 139 operator, or a facsimile of such a certificate, based on inspection of photographs, microphotographs,
 140 videotapes, or other recorded images produced by a photo-enforcement system, shall be prima facie
 141 evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other
 142 recorded images evidencing such a violation shall be available for inspection in any proceeding to
 143 adjudicate the liability for such violation under this subdivision. Any vehicle rental or vehicle leasing
 144 company, if named in a summons, shall be released as a party to the action if it provides to the HOT
 145 lanes operator a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or
 146 lessee prior to the date of hearing set forth in the summons. Upon receipt of such rental agreement,
 147 lease, or affidavit, a summons shall be issued for the renter or lessee identified therein. Release of this
 148 information shall not be deemed a violation of any provision of the Government Data Collection and
 149 Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act
 150 (§ 38.2-600 et seq.).

151 c. On a form prescribed by the Supreme Court, a summons issued under this subdivision may be
 152 executed pursuant to as provided in § 19.2-76.2. Such form shall contain the option for the driver or
 153 registered owner to prepay the unpaid toll and all penalties, administrative fees, and costs. HOT lanes
 154 operator personnel or their agents mailing such summons shall be considered conservators of the peace
 155 for the sole and limited purpose of mailing such summons. Notwithstanding the provisions of § 19.2-76,
 156 a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof
 157 to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles
 158 or, if the registered owner has named and provided a valid address for the operator of the vehicle at the
 159 time of the violation in an affidavit executed pursuant to this subdivision, such named operator of the
 160 vehicle. If the summoned person fails to appear on the date of return set out in the summons mailed
 161 pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

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

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

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

176 3. a. The HOT lanes operator may impose and collect an administrative fee in addition to the unpaid
 177 toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be
 178 reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. The
 179 operator of the vehicle shall pay the unpaid tolls and any administrative fee detailed in a notice or
 180 invoice issued by a HOT lanes operator. If paid within 30 60 days of notification, the administrative fee
 181 shall not exceed \$25.

182 b. Upon a finding by a court of competent jurisdiction that the driver of the vehicle observed by a

183 law-enforcement officer under subdivision 1 or the vehicle described in the summons for civil violation
184 issued pursuant to evidence obtained by a photo-enforcement system under subdivision 2 was in
185 violation of this section, the court shall impose a civil penalty upon the driver of such vehicle issued a
186 summons under subdivision 1, or upon the driver or registered owner of such vehicle issued a summons
187 under subdivision 2, payable to the HOT lanes operator as follows: for a first offense, \$50; for a second
188 offense, \$250 \$100; for a third offense within a period of two years of the second offense, \$500 \$250;
189 and for a fourth and subsequent offense within a period of three years of the second offense, \$1,000
190 \$500, together with, in each case, the unpaid toll, all accrued administrative fees imposed by the HOT
191 lanes operator as authorized by this section, and applicable court costs. The court shall remand penalties,
192 the unpaid toll, and administrative fees assessed for violation of this section to the treasurer or director
193 of finance of the county or city in which the violation occurred for payment to the HOT lanes operator
194 for expenses associated with operation of the HOT lanes and payments against any bonds or other liens
195 issued as a result of the construction of the HOT lanes. No person shall be subject to prosecution under
196 both subdivisions 1 and 2 for actions arising out of the same transaction or occurrence.

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

201 *d. Upon a finding by a court that a person has violated this section, in the event such person fails to*
202 *pay the required penalties, fees, and costs, the court shall notify the Commissioner of the Department of*
203 *Motor Vehicles, who shall suspend all of the registration certificates and license plates issued for any*
204 *motor vehicles registered solely in the name of such person and shall not issue any registration*
205 *certificate or license plate for any other vehicle that such person seeks to register solely in his name*
206 *until the court has notified the Commissioner of the Department of Motor Vehicles that such penalties,*
207 *fees, and costs have been paid. The HOT lanes operator and the Commissioner of the Department of*
208 *Motor Vehicles may enter into an agreement whereby the HOT lanes operator may reimburse the*
209 *Department of Motor Vehicles for its reasonable costs to develop, implement, and maintain this*
210 *enforcement mechanism, and that specifies that the Commissioner of the Department of Motor Vehicles*
211 *shall have an obligation to suspend such registration certificates so long as the HOT lanes operator*
212 *makes the required reimbursements in a timely manner in accordance with the agreement.*

213 *e. Except as provided in subdivisions 4 and 5, imposition of a civil penalty pursuant to this*
214 *section shall not be deemed a conviction as an operator of a motor vehicle under Title 46.2 and shall*
215 *not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall*
216 *it be used for insurance purposes in the provision of motor vehicle insurance coverage.*

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

221 b. Any person driving an unauthorized vehicle on the designated HOT lanes is guilty of a traffic
222 infraction, which shall not be a moving violation, and shall be punishable as follows: for a first offense,
223 by a fine of \$125; for a second offense within a period of five years from a first offense, by a fine of
224 \$250; for a third offense within a period of five years from a first offense, by a fine of \$500; and for a
225 fourth and subsequent offense within a period of five years from a first offense, by a fine of \$1,000. *No*
226 *person shall be subject to prosecution under both this subdivision and subdivision 1 or 2 for actions*
227 *arising out of the same transaction or occurrence.*

228 Upon a conviction under this subdivision, the court shall furnish to the Commissioner of the
229 Department of Motor Vehicles, in accordance with § 46.2-383, an abstract of the record of such
230 conviction, which shall become a part of the person's driving record. Notwithstanding the provisions of
231 § 46.2-492, no driver demerit points shall be assessed for any violation of this subdivision, except that
232 persons convicted of a second, third, fourth, or subsequent violation within five years of a first offense
233 shall be assessed three demerit points for each such violation.

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

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

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

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

247 **§ 46.2-208. Records of Department; when open for inspection; release of privileged information.**

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

- 250 1. Personal information, including all data defined as "personal information" in § 2.2-3801;
- 251 2. Driver information, including all data that relates to driver's license status and driver activity; and
- 252 3. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle
253 activity data.

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

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

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

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

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

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

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

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

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

306 abstract released under this subdivision shall be admissible in evidence in any court proceedings.

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

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

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

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

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

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

368 the request is accompanied by appropriate written evidence that the person has applied to be a volunteer
369 with a court-appointed special advocate program pursuant to § 9.1-153.

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

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

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

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

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

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

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

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

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

424 24. On the written request of any person who has applied to be a volunteer vehicle operator with a
425 Virginia chapter of the American Red Cross, the Commissioner shall (i) compare personal information
426 supplied by a Virginia chapter of the American Red Cross with that contained in the Department's
427 records and, when the information supplied by a Virginia chapter of the American Red Cross is different
428 from that contained in the Department's records, provide the Virginia chapter of the American Red Cross

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

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

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

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

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

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

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

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

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

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

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

487 I. The Department shall maintain the records of persons convicted of violations of § 18.2-36.2,
488 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
489 every general district court or circuit court or the clerk thereof, pursuant to § 46.2-383. Such records
490 shall be electronically available to any law-enforcement officer as provided for under clause (ii) of

491 subdivision B 9.

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

496 **§ 46.2-819.1. Installation and use of photo-monitoring system or automatic vehicle identification**
497 **system in conjunction with electronic or manual toll facilities; penalty.**

498 A. For purposes of this section:

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

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

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

506 "Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles.
507 For purposes of this section, "owner" does not mean a vehicle rental or vehicle leasing company.

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

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

518 B. C. Information collected by a photo-monitoring system or automatic vehicle identification system
519 installed and operated pursuant to subsection A B shall be limited exclusively to that information that is
520 necessary for the collection of unpaid tolls. Notwithstanding any other provision of law, all photographs,
521 microphotographs, electronic images, or other data collected by a photo-monitoring system or automatic
522 vehicle identification system shall be used exclusively for the collection of unpaid tolls and shall not (i)
523 be open to the public; (ii) be sold and/or used for sales, solicitation, or marketing purposes; (iii) be
524 disclosed to any other entity except as may be necessary for the collection of unpaid tolls or to a vehicle
525 owner or operator as part of a challenge to the imposition of a toll; and (iv) be used in a court in a
526 pending action or proceeding unless the action or proceeding relates to a violation of this section or
527 upon order from a court of competent jurisdiction. Information collected under this section shall be
528 purged and not retained later than 30 days after the collection and reconciliation of any unpaid tolls,
529 administrative fees, and/or civil penalties. Any entity operating a photo-monitoring system or automatic
530 vehicle identification system shall annually certify compliance with this section and make all records
531 pertaining to such system available for inspection and audit by the Commissioner of Highways or the
532 Commissioner of the Department of Motor Vehicles or their designee. Any violation of this subsection
533 shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law,
534 any money or other thing of value obtained as a result of a violation of this section shall be forfeited to
535 the Commonwealth.

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

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

551 E. Notwithstanding subsections C and D, for a first conviction of a driver or registered owner of a

552 *vehicle under this section the total amount for the first conviction shall not exceed \$2,200, including*
 553 *civil penalties and administrative fees regardless of the total number of offenses the driver or registered*
 554 *owner of a vehicle is convicted of on that date.*

555 *D. F.* Any action under this section shall be brought in the ~~General District Court~~ *general district*
 556 *court of the city or county or city in which the toll facility is located. Such action shall be considered a*
 557 *traffic infraction but shall be tried as a civil case. The attorney for the Commonwealth may represent the*
 558 *interests of the toll facility operator. Any authorized agent or employee of a toll facility operator acting*
 559 *on behalf of a governmental entity shall be allowed the privileges accorded by § 16.1-88.03 in such*
 560 *cases.*

561 *E. G.* Proof of a violation of this section shall be evidenced by information obtained from a
 562 photo-monitoring system or automatic vehicle identification system as provided in this section. A
 563 certificate, sworn to or affirmed by a technician employed or authorized by the operator of a toll facility
 564 or by the locality wherein the toll facility is located, or a facsimile of such a certificate, based on
 565 inspection of photographs, microphotographs, videotapes, or other recorded images produced by a
 566 photo-monitoring system, or of electronic data collected by an automatic vehicle identification system,
 567 shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs,
 568 videotape, or other recorded images or electronic data evidencing such a violation shall be available for
 569 inspection in any proceeding to adjudicate the liability for such violation under this section. A record of
 570 communication by an automatic vehicle identification device with the automatic vehicle identification
 571 system at the time of a violation of this section shall be prima facie evidence that the automatic vehicle
 572 identification device was located in the vehicle registered to use such device in the records of the
 573 ~~Virginia~~ Department of Transportation.

574 *F. H.* It shall be prima facie evidence that the vehicle described in the summons issued pursuant to
 575 subsection ~~K~~ *L* was operated in violation of this section.

576 Upon a finding by a court of competent jurisdiction that the vehicle described in the summons issued
 577 pursuant to subsection ~~K~~ *L* was in violation of this section, the court shall impose a civil penalty upon
 578 the registered owner or operator of such vehicle in accordance with the amounts specified in subsection
 579 ~~C~~ *D*, together with applicable court costs, the operator's administrative fee and the toll due. Penalties
 580 assessed as the result of action initiated by the ~~Virginia~~ Department of Transportation shall be remanded
 581 by the clerk of the court which adjudicated the action to the ~~Virginia~~ Department of Transportation's
 582 Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by an operator of a
 583 toll facility other than the ~~Virginia~~ Department of Transportation shall be remanded by the clerk of the
 584 court which adjudicated the action to the treasurer or director of finance of the county or city in which
 585 the violation occurred for payment to the toll facility operator.

586 The registered owner of such vehicle shall be given reasonable notice by way of a summons as
 587 provided in subsection ~~K~~ *L* that his vehicle had been used in violation of this section and such owner
 588 shall be given notice of the time and place of the hearing as well as the civil penalty and costs for such
 589 offense. The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus
 590 a reduced civil penalty of \$25 for a first or second offense or \$50 for a third, fourth, or subsequent
 591 offense, as specified on the summons, provided the owner actually pays to the toll facility operator the
 592 entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the
 593 owner accepts such offer and such amount is actually received by the toll facility operator at least 14
 594 days prior to the hearing date specified on the summons, the toll facility operator shall move the court
 595 at least five business days prior to the date set for trial to dismiss the summons issued to the registered
 596 owner of the vehicle, and the court shall dismiss upon such motion.

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

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

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

612 *G. I.* Upon a finding by a court that a person has two or more unpaid tolls and such person fails to
 613 pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner of the

614 Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of
615 any applicant or the license plate issued for the vehicle driven in the commission of the offense until the
616 court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. If it is
617 proven that the vehicle owner was not the operator at the time of the offense and upon a finding by a
618 court that the person identified in an affidavit pursuant to subsection F H as the operator violated this
619 section and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify
620 the Commissioner, who shall refuse to issue or renew any vehicle registration certificate of any applicant
621 or the license plate issued for any vehicle owned or co-owned by such person until the court has
622 notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Such funds
623 representing payment of unpaid tolls and all administrative fees of the toll facility operator shall be
624 transferred from the court to the Virginia Department of Transportation's Toll Facilities Revolving
625 Account or, in the case of an action initiated by an operator of a toll facility other than the Virginia
626 Department of Transportation, to the treasurer or director of finance of the county or city in which the
627 violation occurred for payment to the toll facility operator. The Commissioner shall collect a \$40
628 administrative fee from the registered owner or operator of the vehicle to defray the cost of processing
629 and removing an order to deny registration or registration renewal.

630 H. For purposes of this section, "operator of a toll facility other than the Virginia Department of
631 Transportation" means any agency, political subdivision, authority, or other entity that operates a toll
632 facility; "owner" means the registered owner of a vehicle on record with the Department of Motor
633 Vehicles. For purposes of this section, "owner" does not mean a vehicle rental or vehicle leasing
634 company; "photo-monitoring system" means a vehicle sensor installed to work in conjunction with a toll
635 collection device that automatically produces one or more photographs, one or more microphotographs, a
636 videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this
637 section; "automatic vehicle identification system" means an electronic vehicle identification system
638 installed to work in conjunction with a toll collection device that automatically produces an electronic
639 record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility;
640 and "automatic vehicle identification device" means an electronic device that communicates by wireless
641 transmission with an automatic vehicle identification system.

642 I. J. Any vehicle rental or vehicle leasing company, if it receives an invoice or is named in a
643 summons, shall be released as a party to the action if it provides the operator of the toll facility a copy
644 of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee within 30 days of
645 receipt of the invoice or at least 14 days prior to the date of hearing set forth in the summons. Upon
646 receipt of such rental agreement, lease, or affidavit, a notice shall be mailed to the renter or lessee
647 identified therein. Release of this information shall not be deemed a violation of any provision of the
648 Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance
649 Information and Privacy Protection Act (§ 38.2-600 et seq.). The toll facility operator shall allow at least
650 30 days from the date of such mailing before pursuing other remedies under this section. In any action
651 against the vehicle operator, a copy of the vehicle rental agreement, lease, or affidavit identifying the
652 renter or lessee of the vehicle at the time of the violation is prima facie evidence that the person named
653 in the rental agreement, lease, or affidavit was operating the vehicle at all the relevant times relating to
654 the matter named in the summons.

655 J. K. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an
656 operator and shall not be made part of the driving record of the person upon whom such civil penalty is
657 imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance
658 coverage. The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine
659 or cost imposed or ordered paid under this section for a violation of this section.

660 K. L. On a form prescribed by the Supreme Court, a summons for a violation of this section may be
661 executed pursuant to as provided in § 19.2-76.2. Toll facility personnel or their agents mailing such
662 summons shall be considered conservators of the peace for the sole and limited purpose of mailing such
663 summons. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may
664 be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as
665 shown on the records of the Department of Motor Vehicles or, if the registered owner has named and
666 provided a valid address for the operator of the vehicle at the time of the violation in an affidavit
667 executed pursuant to subsection F H, such named operator of the vehicle. If the summoned person fails
668 to appear on the date of return set out in the summons mailed pursuant to this section, the summons
669 shall be executed in the manner set out in § 19.2-76.3.

670 L. M. The operator of a toll facility may enter into an agreement with the Department of Motor
671 Vehicles, in accordance with the provisions of subdivision B 21 of subsection B of § 46.2-208, to obtain
672 vehicle owner information regarding the registered owners of vehicles that fail to pay tolls required for
673 the use of toll facilities and with the Virginia Department of Transportation to obtain any information
674 that is necessary to conduct electronic toll collection. Information provided to the operator of a toll

675 facility shall only be used for the collection of unpaid tolls and the operator of the toll facility shall be
 676 subject to the same conditions and penalties regarding release of the information as contained in
 677 subsection ~~B~~ C.

678 ~~M. N.~~ No person shall be subject to both the provisions of this section and to prosecution under
 679 § 46.2-819 for actions arising out of the same transaction or occurrence.

680 **§ 46.2-819.3. Use of toll facility without payment of toll; enforcement; penalty.**

681 A. *For purposes of this section:*

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

684 "*Owner*" means the registered owner of a vehicle on record with the Department of Motor Vehicles.
 685 *For purposes of this section, "owner" does not mean a vehicle rental or vehicle leasing company.*

686 B. The toll facility operator may impose and collect an administrative fee in addition to the unpaid
 687 toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be
 688 reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation.
 689 Such fee shall not be levied on a first unpaid toll unless the written promise to pay executed pursuant to
 690 subsection ~~C~~ E remains unpaid after 30 days. The person who executed the written promise to pay
 691 pursuant to subsection ~~C~~ E shall pay the unpaid toll and any administrative fee detailed in an invoice or
 692 bill issued by a toll facility operator. If paid within ~~30~~ 60 days of notification, the administrative fee
 693 shall not exceed \$25.

694 ~~B. C.~~ If the matter proceeds to court, the owner or operator of the vehicle shall be liable for a civil
 695 penalty as follows: for a first offense, \$50; for a second offense within one year from the first offense,
 696 \$100; for a third offense within two years from the second offense, \$250; and for a fourth and any
 697 subsequent offense within three years from the second offense, \$500 plus, in each case, the unpaid toll,
 698 all accrued administrative fees imposed by the toll facility operator and applicable court costs if the
 699 vehicle operator is found, as evidenced by information obtained from the toll facility operator, to have
 700 used such a toll facility without payment of the required toll.

701 D. *Notwithstanding subsections B and C, for a first conviction of a driver or registered owner of a*
 702 *vehicle under this section the total amount for the first conviction shall not exceed \$2,200, including*
 703 *civil penalties and administrative fees regardless of the total number of offenses the driver or registered*
 704 *owner of a vehicle is convicted of on that date.*

705 ~~C. E.~~ A written promise to pay an unpaid toll within a specified period of time executed by the
 706 driver of a motor vehicle, accompanied by a certificate sworn to or affirmed by an authorized agent of
 707 the toll facility that the unpaid toll was not paid within such specified period, shall be prima facie
 708 evidence of the facts contained therein.

709 ~~D. F.~~ The operator of a toll facility may send an invoice or bill to the driver of a motor vehicle
 710 using a toll facility without payment of the specified toll as part of an electronic or manual toll
 711 collection process prior to seeking remedies under this section. Any action under this section shall be
 712 brought in the general district court of the ~~city or county~~ *or city* in which the toll facility is located.
 713 Such an action shall be considered a traffic infraction but shall be tried as a civil case. The attorney for
 714 the Commonwealth may represent the interests of the toll facility operator. Any authorized agent or
 715 employee of a toll facility operator acting on behalf of a governmental entity shall be allowed the
 716 privileges accorded by § 16.1-88.03 in such cases.

717 ~~E. G.~~ Upon a finding by a court of competent jurisdiction that the driver of a motor vehicle
 718 identified in the summons issued pursuant to subsection ~~I~~ K was in violation of this section, the court
 719 shall impose a civil penalty upon the driver of a motor vehicle in accordance with the amounts specified
 720 in subsection ~~B~~ C, together with applicable court costs, the operator's administrative fee, and the toll
 721 due. Penalties assessed as the result of action initiated by the ~~Virginia~~ Department of Transportation
 722 shall be remanded by the clerk of the court which adjudicated the action to the ~~Virginia~~ Department of
 723 Transportation's Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by
 724 an operator of a toll facility other than the ~~Virginia~~ Department of Transportation shall be remanded by
 725 the clerk of the court which adjudicated the action to the treasurer or director of finance of the county
 726 or city in which the violation occurred for payment to the toll facility operator.

727 ~~F. H.~~ The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus
 728 a reduced civil penalty of \$25 for a first or second offense or \$50 for a third, fourth, or subsequent
 729 offense, as specified on the summons, provided the owner actually pays to the toll facility operator the
 730 entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the
 731 owner accepts such offer and such amount is actually received by the toll facility operator at least 14
 732 days prior to the hearing date specified on the summons, the toll facility operator shall move the court
 733 at least five business days prior to the date set for trial to dismiss the summons issued to the registered
 734 owner of the vehicle, and the court shall dismiss upon such motion.

735 ~~G. I.~~ Upon a finding by a court that a person has three or more unpaid tolls and such person fails to
 736 pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner of the

737 Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of
 738 any applicant or the license plate issued for any vehicle owned or co-owned by the offender. The
 739 Commissioner shall collect a \$40 administrative fee from the owner or operator of the vehicle to defray
 740 the cost of processing and removing an order to deny registration or registration renewal.

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

744 ~~I. J. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an~~
 745 ~~operator and shall not be made part of the driving record of the person upon whom such civil penalty is~~
 746 ~~imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance~~
 747 ~~coverage. The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine,~~
 748 ~~or cost imposed or ordered paid under this section for a violation of this section.~~

749 ~~J. K. A summons for a violation of this section may be executed pursuant to as provided in~~
 750 ~~§ 19.2-76.2. Toll facility personnel or their agents mailing such summons shall be considered~~
 751 ~~conservators of the peace for the sole and limited purpose of mailing such summons. Notwithstanding~~
 752 ~~the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by~~
 753 ~~first-class mail a copy thereof to the address of the driver of a motor vehicle as shown on the written~~
 754 ~~promise to pay executed pursuant to subsection E or records of the Department of Motor Vehicles. If~~
 755 ~~the summoned person fails to appear on the date of return set out in the summons mailed pursuant to~~
 756 ~~this section, the summons shall be executed in the manner set out in § 19.2-76.3.~~

757 ~~K. L. No person shall be subject to both the provisions of this section and to prosecution under~~
 758 ~~§ 46.2-819 for actions arising out of the same transaction or occurrence.~~

759 **§ 46.2-819.3:1. Installation and use of video-monitoring system and automatic vehicle**
 760 **identification system in conjunction with all-electronic toll facilities; penalty.**

761 *A. For purposes of this section:*

762 *"Automatic vehicle identification device" means an electronic device that communicates by wireless*
 763 *transmission with an automatic vehicle identification system.*

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

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

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

771 *"Owner" means the registered owner of a vehicle on record with the Department or, in the case of a*
 772 *vehicle where the owner of the vehicle is a vehicle leasing entity, the lessee. For purposes of this*
 773 *section, "owner" does not mean a vehicle rental or vehicle leasing company.*

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

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

787 *B. C. Information collected by a video-monitoring system in conjunction with an automatic vehicle*
 788 *identification system installed and operated pursuant to subsection A B shall be limited exclusively to*
 789 *that information that is necessary for the collection of unpaid tolls and establishing when violations*
 790 *occur, including use in any proceeding to determine whether a violation occurred. Notwithstanding any*
 791 *other provision of law, all images or other data collected by a video-monitoring system in conjunction*
 792 *with an automatic vehicle identification system shall be protected in a database with security comparable*
 793 *to that of the Department of Motor Vehicles' system and used exclusively for the collection of unpaid*
 794 *tolls and for efforts to pursue violators of this section and shall not (i) be open to the public; (ii) be sold*
 795 *and/or used for sales, solicitation, or marketing purposes other than those of the toll facility operator to*
 796 *facilitate toll payment; (iii) be disclosed to any other entity except as may be necessary for the*
 797 *collection of unpaid tolls or to a vehicle owner or operator as part of a challenge to the imposition of a*

798 toll; and/or (iv) be used in a court in a pending action or proceeding unless the action or proceeding
799 relates to a violation of this section or upon order from a court of competent jurisdiction. Except as
800 provided above, information collected under this section shall be purged and not retained later than 30
801 days after the collection and reconciliation of any unpaid tolls, administrative fees, and/or civil penalties.
802 Any entity operating a video-monitoring system in conjunction with an automatic vehicle identification
803 system shall annually certify compliance with this section and make all records pertaining to such
804 system available for inspection and audit by the Commissioner of Highways or the Commissioner of the
805 Department of Motor Vehicles or their designee. Any violation of this subsection shall constitute a Class
806 1 misdemeanor. In addition to any fines or other penalties provided for by law, any money or other
807 thing of value obtained as a result of a violation of this section shall be forfeited to the Commonwealth.

808 If a vehicle uses a toll facility without paying the toll, the owner or operator shall be in violation of
809 this section if he refuses to pay the toll within 30 days of notification. The toll facility operator may
810 impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of
811 collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of
812 collecting the unpaid toll and not exceed \$100 per violation. Such fee shall not be levied upon the
813 owner or operator of the vehicle unless the toll has not been paid by the owner or operator within 30
814 days after receipt of the invoice for the unpaid toll, which nonpayment for 30 days shall constitute the
815 violation of this section. Once such a violation has occurred, the owner or operator of the vehicle shall
816 pay the unpaid tolls and any administrative fee detailed in the invoice for the unpaid toll issued by a toll
817 facility operator. If paid within ~~30~~ 60 days of the toll violation, the administrative fee shall not exceed
818 \$25.

819 The toll facility operator may levy charges for the direct cost of use of and processing for a
820 video-monitoring system and to cover the cost of the invoice, which are in addition to the toll and may
821 not exceed double the amount of the base toll, provided that potential toll facility users are provided
822 notice before entering the facility by conspicuous signs that clearly indicate that the toll for use of the
823 facility could be tripled for any vehicle that does not have an active, functioning automatic vehicle
824 identification device registered for and in use in the vehicle using the toll facility, and such signs are
825 posted at a location where the driver can still choose to avoid the use of the toll facility if he chooses
826 not to pay the toll.

827 A person receiving an invoice for an unpaid toll under this section may (a) pay the toll and
828 administrative fees directly to the toll facility operator or (b) file with the toll facility operator a notice,
829 on a form provided by the toll facility operator as required under subsection B of § 46.2-819.6, to
830 contest liability for a toll violation. The notice to contest liability for a toll violation may be filed by
831 any person receiving an invoice for an unpaid toll by mailing or delivering the notice to the toll facility
832 operator within 60 days of receiving such invoice for unpaid toll. Upon receipt of such notice, the toll
833 facility operator may issue a summons pursuant to subsection ~~K~~ L and may not seek withholding of
834 registration or renewal thereof under subsection ~~G~~ I until a court of competent jurisdiction has found the
835 alleged violator liable for tolls under this section.

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

844 *E. Notwithstanding subsections C and D, for a first conviction of a driver or registered owner of a*
845 *vehicle under this section the total amount for the first conviction shall not exceed \$2,200, including*
846 *civil penalties and administrative fees regardless of the total number of offenses the driver or registered*
847 *owner of a vehicle is convicted of on that date.*

848 ~~D~~. F. Any action under this section shall be brought in the general district court of the ~~city or~~ county
849 or city in which the toll facility is located. Such action shall be considered a traffic infraction but shall
850 be tried as a civil case. The attorney for the Commonwealth may represent the interests of the toll
851 facility operator. Any authorized agent or employee of a toll facility operator acting on behalf of a
852 governmental entity shall be allowed the privileges accorded by § 16.1-88.03 in such cases.

853 ~~E~~. G. Proof of a violation of this section shall be evidenced by information obtained from a
854 video-monitoring system or automatic vehicle identification system as provided in this section. A
855 certificate, sworn to or affirmed by a technician employed or authorized by the operator of a toll facility
856 or by the locality wherein the toll facility is located, or a facsimile of such a certificate, based on
857 inspection of photographs, microphotographs, videotapes, or other recorded images produced by a
858 video-monitoring system or of electronic data collected by an automatic vehicle identification system,
859 shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs,

860 videotape, or other recorded images or electronic data evidencing such a violation shall be available for
 861 inspection in any proceeding to adjudicate the liability for such violation under this section. A record of
 862 communication by an automatic vehicle identification device with the automatic vehicle identification
 863 system at the time of a violation of this section shall be prima facie evidence that the automatic vehicle
 864 identification device was located in the vehicle registered to use such device in the records of the
 865 Virginia Department of Transportation.

866 *F. H.* It shall be prima facie evidence that the vehicle described in the summons issued pursuant to
 867 subsection ~~K~~ L was operated in violation of this section.

868 Upon a finding by a court of competent jurisdiction that the vehicle described in the summons issued
 869 pursuant to subsection ~~K~~ L was in violation of this section, the court shall impose a civil penalty upon
 870 the registered owner or operator of such vehicle in accordance with the amounts specified in subsection
 871 ~~E~~ D, together with applicable court costs, the operator's administrative fee, and the toll due. Penalties
 872 assessed as the result of action initiated by the Virginia Department of Transportation shall be remanded
 873 by the clerk of the court that adjudicated the action to the Virginia Department of Transportation's Toll
 874 Facilities Revolving Account. Penalties assessed as the result of action initiated by an operator of a toll
 875 facility other than the Virginia Department of Transportation shall be remanded by the clerk of the court
 876 that adjudicated the action to the treasurer or director of finance of the county or city in which the
 877 violation occurred for payment to the toll facility operator.

878 The registered owner of such vehicle shall be given reasonable notice by way of a summons as
 879 provided in subsection ~~K~~ L that his vehicle had been used in violation of this section, and such owner
 880 shall be given notice of the time and place of the hearing as well as the civil penalty and costs for such
 881 offense.

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

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

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

896 *G. I. 1.* Upon a finding by a court that a person has two or more unpaid tolls and such person fails
 897 to pay the required penalties, fees, and unpaid tolls, then the court or toll facility operator shall notify
 898 the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle
 899 registration certificate of any applicant or the license plate issued for the vehicle driven in the
 900 commission of the offense until the court has notified the Commissioner that such penalties, fees, and
 901 unpaid tolls have been paid. If it is proven that the vehicle owner was not the operator at the time of
 902 the offense and upon a finding by a court that the person identified in an affidavit pursuant to
 903 subsection ~~F~~ H as the operator violated this section and such person fails to pay the required penalties,
 904 fees, and unpaid tolls, the court shall notify the Commissioner, who shall refuse to issue or renew any
 905 vehicle registration certificate of any applicant or the license plate issued for any vehicle owned or
 906 co-owned by such person until the court has notified the Commissioner that such penalties, fees, and
 907 unpaid tolls have been paid. Such funds representing payment of unpaid tolls and all administrative fees
 908 of the toll facility operator shall be transferred from the court to the Virginia Department of
 909 Transportation's Toll Facilities Revolving Account or, in the case of an action initiated by an operator of
 910 a toll facility other than the Virginia Department of Transportation, to the treasurer or director of finance
 911 of the county or city in which the violation occurred for payment to the toll facility operator. The
 912 Commissioner shall collect a \$40 administrative fee from the registered owner or operator of the vehicle
 913 to defray the cost of processing and removing an order to deny registration or registration renewal.

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

921 and unpaid tolls have been paid.

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

931 The Commissioner may only refuse to issue or renew any vehicle registration pursuant to this
932 subsection upon the request of a toll facility operator if such toll facility operator has entered into an
933 agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle
934 registration of any applicant therefor who owes unpaid tolls and administrative fees to the toll facility
935 operator. The toll facility operator seeking to collect unpaid tolls and administrative fees through the
936 withholding of registration or renewal thereof by the Commissioner as provided for in this subsection
937 shall notify the Commissioner in the manner provided for in his agreement with the Commissioner and
938 supply to the Commissioner information necessary to identify the violator whose registration or renewal
939 is to be denied. The Commissioner shall charge a \$40 fee to defray the cost of processing and
940 withholding the registration or registration renewal, and the toll facility operator may add this fee to the
941 amount of the unpaid tolls and administrative fees. Any agreement entered into pursuant to the
942 provisions of this subsection shall provide for the Department to send the violator notice of the intent to
943 deny renewal of registration at least 30 days prior to the expiration date of a current vehicle registration
944 and such notice shall include a form, as required under subsection B of § 46.2-819.6, to contest liability
945 of the underlying toll violation. The notice provided by the Commissioner shall include instructions for
946 filing the form to contest liability with the toll facility operator within 21 days after the date of mailing
947 of the Commissioner's notice. Upon timely receipt of the form, the toll facility operator shall notify the
948 Commissioner, who shall refrain from withholding the registration or renewal thereof, after which the
949 toll facility operator may proceed to issue a summons for unpaid toll. For the purposes of this
950 subsection, notice by first-class mail to the registrant's address as maintained in the records of the
951 Department shall be deemed sufficient.

952 H. For purposes of this section, "operator" means a person who was driving a vehicle that was the
953 subject of a toll violation but who is not the owner of the vehicle; "operator of a toll facility other than
954 the Virginia Department of Transportation" means any agency, political subdivision, authority, or other
955 entity that operates a toll facility; "owner" means the registered owner of a vehicle on record with the
956 Department or, in the case of a vehicle where the owner of the vehicle is a vehicle leasing entity, the
957 lessee. For purposes of this section, "owner" does not mean a vehicle rental or vehicle leasing company;
958 "video monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection
959 device that automatically produces one or more photographs, one or more microphotographs, a
960 videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this
961 section; "automatic vehicle identification system" means an electronic vehicle identification system
962 installed to work in conjunction with a toll collection device that automatically produces an electronic
963 record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility;
964 and "automatic vehicle identification device" means an electronic device that communicates by wireless
965 transmission with an automatic vehicle identification system.

966 I. J. Any vehicle rental or vehicle leasing company, if it receives an invoice for unpaid toll or is
967 named in a summons, shall be released as a party to the action if it provides the operator of the toll
968 facility a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee
969 within 30 days of receipt of the invoice or summons. Upon receipt of such rental agreement, lease, or
970 affidavit, an invoice for unpaid toll shall be mailed to the renter or lessee identified therein. Release of
971 this information shall not be deemed a violation of any provision of the Government Data Collection
972 and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection
973 Act (§ 38.2-600 et seq.). The toll facility operator shall allow at least 30 days from the date of such
974 mailing before pursuing other remedies under this section. In any action against the vehicle operator, a
975 copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the vehicle at
976 the time of the violation is prima facie evidence that the person named in the rental agreement, lease, or
977 affidavit was operating the vehicle at all the relevant times relating to the matter named in the summons.

978 J. K. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an
979 operator and shall not be made part of the driving record of the person upon whom such civil penalty is
980 imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance
981 coverage. The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine,
982 or cost imposed or ordered paid under this section for a violation of this section.

983 ~~K. L.~~ On a form prescribed by the Supreme Court, a summons for a violation of this section may be
 984 executed pursuant to *as provided in* § 19.2-76.2. Toll facility personnel or their agents mailing such
 985 summons shall be considered conservators of the peace for the sole and limited purpose of mailing such
 986 summons. Notwithstanding the provisions of § 19.2-76, a summons or summonses for a violation of
 987 unpaid tolls may be executed by mailing by first-class mail a copy thereof to the address of the owner
 988 of the vehicle as shown on the records of the Department or, if the registered owner has named and
 989 provided a valid address for the operator of the vehicle at the time of the violation in an affidavit
 990 executed pursuant to subsection ~~F~~ H, such named operator of the vehicle. If the summoned person fails
 991 to appear on the date of return set out in the summons mailed pursuant to this section, the summons
 992 shall be executed in the manner set out in § 19.2-76.3.

993 ~~L.~~ M. The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus
 994 a reduced civil penalty of \$25 for a first or second offense or \$50 for a third, fourth, or subsequent
 995 offense, as specified on the summons, provided the owner actually pays to the toll facility operator the
 996 entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the
 997 owner accepts such offer and such amount is actually received by the toll facility operator at least 14
 998 days prior to the hearing date specified on the summons, the toll facility operator shall move the court
 999 at least five business days prior to the date set for trial to dismiss the summons issued to the registered
 1000 owner of the vehicle, and the court shall dismiss upon such motion.

1001 ~~M.~~ N. The operator of a toll facility may enter into an agreement with the Department, in accordance
 1002 with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the
 1003 registered owners of vehicles that fail to pay tolls required for the use of toll facilities and with the
 1004 Virginia Department of Transportation to obtain any information that is necessary to conduct electronic
 1005 toll collection. Information provided to the operator of a toll facility shall be used only for the collection
 1006 of unpaid tolls, and the operator of the toll facility shall be subject to the same conditions and penalties
 1007 regarding release of the information as contained in subsection ~~B~~ C.

1008 ~~N.~~ O. No person shall be subject to both the provisions of this section and to prosecution under
 1009 § 46.2-819 for actions arising out of the same transaction or occurrence.

1010 **§ 46.2-819.6. Invoice for unpaid toll.**

1011 A. The operator of a toll facility shall send an invoice for the unpaid toll pursuant to ~~§ 46.2-819.7~~
 1012 *subsection C* to the registered owner of the vehicle. An invoice for the unpaid toll shall contain the
 1013 following:

- 1014 1. The name and address of the registered owner alleged to be liable under this section;
- 1015 2. The registration number of the motor vehicle involved in such violation or information obtained
 1016 from an automatic vehicle identification system if the vehicle is identified by an automatic vehicle
 1017 identification system for the purpose of violation detection;
- 1018 3. The location where such violation took place;
- 1019 4. The date and time of such violation;
- 1020 5. The amount of the toll not paid;
- 1021 6. The amount of the administrative fee;
- 1022 7. The date by which the toll and administrative fee must be paid;
- 1023 8. The statutory defenses available under this chapter;
- 1024 9. A warning describing the penalties for nonpayment of the invoice for the unpaid toll or failure to
 1025 file a notice to contest liability for the toll violation; and
- 1026 10. The procedures and time limits for filing a notice to contest liability for a toll violation as
 1027 provided in subsection ~~B~~ C of § 46.2-819.3:1.

1028 B. The toll facility operator shall include with the invoice a form to be used by the registered owner
 1029 or operator of the vehicle to contest liability for a toll violation. This form shall include the mailing
 1030 address to which it should be sent.

1031 C. *Whenever an invoice for an unpaid toll is to be provided to any person by the toll facility
 1032 operator, it may be executed by mailing by first-class mail a copy of the invoice to the address of the
 1033 owner of the vehicle as shown on the records of the Department.*

1034 **§ 46.2-819.8. Toll grace period.**

1035 *No registered owner or operator of a vehicle that has an electronic toll collection device that is
 1036 property of the Commonwealth whose vehicle is associated with such device has been used in violation
 1037 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 addition
 1038 to the unpaid toll unless the toll operator or HOT lanes operator has attempted to process the collection
 1039 of the toll through the Commonwealth's electronic toll account system at least twice. A toll operator
 1040 shall make an attempt to process and collect an unpaid toll on the sixth day after the unpaid toll and
 1041 shall make an additional attempt on the tenth day after the unpaid toll if earlier attempts to process and
 1042 collect the unpaid toll were unsuccessful.*

1043 **2. That the provisions of § 33.2-255.1 of the Code of Virginia, as created by this act, shall become**

- 1044** effective on January 1, 2017.
- 1045** 3. That § 46.2-819.7 of the Code of Virginia is repealed.
- 1046** 4. That the eleventh enactment of Chapter 766 of the Acts of Assembly of 2013 is repealed.
- 1047** 5. That the provisions of this act shall apply to violations that occur on or after July 1, 2016.