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SENATE BILL NO. 678

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation
on February 7, 2018)

(Patron Prior to Substitute—Senator Deeds)

A *BILL to amend and reenact §§ 2.2-1112, 46.2-208, and 46.2-882 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-882.1, relating to speed monitoring systems.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1112, 46.2-208, and 46.2-882 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-882.1 as follows:

§ 2.2-1112. Standardization of materials, equipment and supplies.

A. So far as practicable, all materials, equipment and supplies, purchased by or for the officers, departments, agencies or institutions of the Commonwealth, shall be standardized by the Division, and no variation shall be allowed from any established standard without the written approval of the Division. The standard shall be determined upon the needs of all using agencies, so far as their needs are in common, and for groups of using agencies or single using agencies so far as their needs differ. When changes or alterations in equipment are necessary in order to permit the application of any standard, the changes and alterations shall be made as rapidly as possible.

B. ~~The~~ *With the exception of speed monitoring systems as defined in § 46.2-882.1, the* Division shall determine the proper equipment or electrical devices used to monitor the speed of any motor vehicle pursuant to § 46.2-882 and shall so advise the respective law-enforcement officials. Police chiefs and sheriffs shall ensure that all such equipment and devices meet or exceed the standards established by the Division. This subsection shall apply only to equipment and devices purchased on or after July 1, 1986.

C. The Division shall determine the proper equipment to be used to determine the decibel level of sound and shall so advise the respective law-enforcement officials. Police chiefs and sheriffs shall ensure that all such equipment and devices meet or exceed the standards established by the Division and shall maintain, inspect, calibrate, and test for accuracy all such equipment and devices on a schedule and in accordance with standards established by the Division.

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

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

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

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

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

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

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

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

5. On the written request of any insurance carrier, surety, or representative of an insurance carrier or surety, the Commissioner shall furnish such insurance carrier, surety, or representative an abstract of the record of any person subject to the provisions of this title. The abstract shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which he was involved and a report of which is required by § 46.2-372. No such report of any conviction or accident shall be made after 60

60 months from the date of the conviction or accident unless the Commissioner or court used the conviction or accident as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or accident pertaining thereto shall not be reported after 60 months from the date that the driver's license or driving privilege has been reinstated. This abstract shall not be admissible in evidence in any court proceedings.

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

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

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

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

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

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

119 12. On the written request of any member of or applicant for membership in a volunteer fire company or any volunteer emergency medical services personnel or applicant to serve as volunteer emergency medical services personnel, the Commissioner shall (i) compare personal information

122 supplied by the volunteer fire company or volunteer emergency medical services agency with that
123 contained in the Department's records and, when the information supplied by the volunteer fire company
124 or volunteer emergency medical services agency is different from that contained in the Department's
125 records, provide the volunteer fire company or volunteer emergency medical services agency with
126 correct information as contained in the Department's records and (ii) provide driver information in the
127 form of an abstract of the member's, personnel, or applicant's record showing all convictions, accidents,
128 license suspensions or revocations, and any type of driver's license that the individual currently
129 possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate
130 written evidence that the person is a member of or applicant for membership in a volunteer fire
131 company or a volunteer emergency medical services agency to serve as a member of a volunteer
132 emergency medical services agency and the abstract is needed by a volunteer fire company or volunteer
133 emergency medical services agency to establish the qualifications of the member, volunteer, or applicant
134 to operate equipment owned by the volunteer fire company or volunteer emergency medical services
135 agency.

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

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

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

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

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

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

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

181 20. Upon written request of the compliance agent of a private security services business, as defined
182 in § 9.1-138, which is licensed by the Department of Criminal Justice Services, the Commissioner shall

183 provide the name and address of the owner of the vehicle under procedures determined by the
184 Commissioner.

185 21. Upon the request of the operator of a toll facility ~~or~~, traffic light photo-monitoring system, *or*
186 *speed monitoring system* acting on behalf of a government entity, or of the Dulles Access Highway, or
187 an authorized agent or employee of a toll facility operator ~~or~~, traffic light photo-monitoring system
188 operator, *or speed monitoring system operator* acting on behalf of a government entity or the Dulles
189 Access Highway, for the purpose of obtaining vehicle owner data under subsection M of § 46.2-819.1
190 ~~or~~, subsection H of § 15.2-968.1 ~~or~~, subsection N of § 46.2-819.5, *or subsection H of § 46.2-882.1.*
191 Information released pursuant to this subdivision shall be limited to the name and address of the owner
192 of the vehicle having (i) failed to pay a toll ~~or having~~, (ii) failed to comply with a traffic light signal ~~or~~
193 ~~having~~, (iii) improperly used the Dulles Access Highway, *or (iv) driven in excess of applicable speed*
194 *limits* and the vehicle information, including all descriptive vehicle data and title and registration data of
195 the same vehicle.

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

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

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

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

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

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

244 28. On the written request of any person who has applied to be a volunteer with a Virginia Council

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

29. Upon written agreement, the Commissioner may digitally verify the authenticity and validity of a driver's license, learner's permit, or special identification card to the American Association of Motor Vehicle Administrators, a motor vehicle dealer as defined in § 46.2-1500, or other organization approved by the Commissioner.

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

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

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

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

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

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

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

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

§ 46.2-882. Determining speed with various devices; certificate as to accuracy of device; arrest without warrant.

The speed of any motor vehicle may be determined by the use of (i) a laser speed determination device, (ii) radar, (iii) a microcomputer device that is physically connected to an odometer cable and both measures and records distance traveled and elapsed time to determine the average speed of a motor vehicle, or (iv) a microcomputer device that is located aboard an airplane or helicopter and measures and records distance traveled and elapsed time to determine the average speed of a motor vehicle being operated on highways within the Interstate System of highways as defined in § 33.2-100, *or (v) a speed monitoring system as defined in § 46.2-882.1.* The results of such determinations shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceeding where the speed of the motor vehicle is at issue.

In any court or legal proceeding in which any question arises about the calibration or accuracy of any laser speed determination device, radar, ~~or microcomputer device~~, *or speed monitoring system* as described in this section used to determine the speed of any motor vehicle, a certificate, or a true copy thereof, showing the calibration or accuracy of ~~(i) (a) the speedometer of any vehicle, (ii) (b) any tuning fork employed in calibrating or testing the radar or other speed determination device, or (iii) (c) any other method employed in calibrating or testing any laser speed determination device or speed monitoring system~~, and when and by whom the calibration was made, shall be admissible as evidence of the facts therein stated. No calibration or testing of such device *or system* shall be valid for longer than six months.

The driver of any such motor vehicle may be arrested without a warrant under this section if the

306 arresting officer is in uniform and displays his badge of authority and if the officer has observed the
307 registration of the speed of such motor vehicle by the laser speed determination device, radar, or
308 microcomputer device as described in this section, or has received a radio message from the officer who
309 observed the speed of the motor vehicle registered by the laser speed determination device, radar, or
310 microcomputer device as described in this section. However, in case of an arrest based on such a
311 message, such radio message shall have been dispatched immediately after the speed of the motor
312 vehicle was registered and furnished the license number or other positive identification of the vehicle
313 and the registered speed to the arresting officer.

314 Neither State Police officers nor local law-enforcement officers shall use laser speed determination
315 devices or radar, as described herein in airplanes or helicopters for the purpose of determining the speed
316 of motor vehicles.

317 State Police officers may use laser speed determination devices, radar, and/or microcomputer devices
318 as described in this section. All localities may use radar ~~and~~, laser speed determination devices, *or speed*
319 *monitoring devices as defined in § 46.2-882.1* to measure speed. The Cities of Alexandria, Fairfax, Falls
320 Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince
321 William and towns within such counties may use microcomputer devices as described in this section.

322 ~~The~~ *With the exception of a speed monitoring system as defined in § 46.2-882.1, the* Division of
323 Purchases and Supply, pursuant to § 2.2-1112, shall determine the proper equipment used to determine
324 the speed of motor vehicles and shall advise the respective law-enforcement officials of the same. Police
325 chiefs and sheriffs shall ensure that all such equipment and devices purchased on or after July 1, 1986,
326 meet or exceed the standards established by the Division.

327 **§ 46.2-882.1. Use of speed monitoring systems.**

328 A. For purposes of this section, "speed monitoring system" means a vehicle sensor that automatically
329 produces two or more photographs, two or more microphotographs, video, or other recorded data of a
330 motor vehicle traveling at a speed of at least 10 miles per hour in excess of the maximum applicable
331 speed limit. For each such vehicle, at least two recorded images shall include the motor vehicle and the
332 same stationary object near the motor vehicle and at least one recorded image shall include the license
333 plate of the motor vehicle. All recorded images shall include the time, date, and location of the vehicle
334 when the image is recorded.

335 B. The governing body of any county, city, or town may provide by ordinance for the establishment
336 of a speed enforcement program imposing monetary liability on the operator of a motor vehicle for
337 driving in excess of applicable speed limits in such locality in accordance with the provisions of this
338 section. A locality may install and operate speed monitoring systems only in residence districts, at
339 school crossing zones as defined in § 46.2-873, and in highway work zones as defined in § 46.2-878.1.

340 C. The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this section
341 if such vehicle is found, as evidenced by information obtained from a speed monitoring system, to have
342 been driven at a speed of at least 10 miles per hour in excess of the maximum applicable speed limits
343 within such locality.

344 D. Proof of a violation of this section shall be evidenced by information obtained from a speed
345 monitoring system authorized pursuant to this section. A certificate, sworn to or affirmed by a
346 technician employed or authorized by the speed monitoring system operator, or a facsimile thereof,
347 based upon inspection of photographs, microphotographs, video, or other recorded data produced by a
348 speed monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs,
349 microphotographs, video, or other recorded data evidencing such a violation shall be available for
350 inspection in any proceeding to adjudicate the liability for such violation pursuant to an ordinance
351 adopted pursuant to this section.

352 E. In the prosecution for a violation of any local ordinance adopted as provided in this section,
353 prima facie evidence that the vehicle described in the summons issued pursuant to this section was
354 operated in violation of such ordinance, together with proof that the defendant was at the time of such
355 violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable
356 presumption that such owner, lessee, or renter of the vehicle was the person who committed the
357 violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an
358 affidavit by regular mail with the clerk of the general district court that he was not the operator of the
359 vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he was not the
360 operator of the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a
361 certified copy of a police report, showing that the vehicle had been reported to the police as stolen
362 prior to the time of the alleged violation of this section, is presented to the court adjudicating the
363 alleged violation prior to the return date established on the summons issued pursuant to this section.

364 F. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator
365 and shall not be made part of the operating record of the person upon whom such liability is imposed,
366 nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. No
367 monetary penalty imposed under this section shall exceed \$50, nor shall it include court costs. Any

finding in a district court that an operator has violated an ordinance adopted as provided in this section shall be appealable to the circuit court in a civil proceeding.

G. A summons for a violation of this section may be executed pursuant to § 19.2-76.2. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of the Department of Motor Vehicles; in the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or owner. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection E and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for a violation of this section shall provide to the person summoned at least 30 business days from the mailing of the summons to inspect information collected by a speed monitoring system in connection with the violation.

H. Information collected by a speed monitoring system installed and operated pursuant to subsection B shall be limited exclusively to that information that is necessary for the enforcement of applicable speed limits. On behalf of a locality, a private entity that operates a speed monitoring system may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that drive in excess of applicable speed limits. Information provided to the operator of a speed monitoring system shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system and used only for enforcement against individuals who violate the provisions of this section. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other personal information collected by a speed monitoring system shall be used exclusively for enforcing applicable speed limits and shall not (i) be open to the public; (ii) be sold or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any other entity except as may be necessary for the enforcement of a speed limit violation or to a vehicle owner or operator as part of a challenge to the violation; or (iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a speed limit violation or is requested upon order from a court of competent jurisdiction. Information collected under this section pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties. If a locality does not execute a summons for a violation of this section within 10 business days of the violation, all information collected pertaining to that suspected violation shall be purged within two business days. Any locality operating a speed monitoring system shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or his designee. Any person who discloses personal information in violation of the provisions of this subsection shall be subject to a civil penalty of \$1,000 per disclosure. Any unauthorized use or disclosure of such personal information shall be grounds for termination of the agreement between the Department of Motor Vehicles and the private entity.

I. A private entity may enter into an agreement with a locality to be compensated for providing the speed monitoring system or equipment, and all related support services, to include consulting, operations, and administration. No locality shall enter into an agreement for compensation based on the number of violations or monetary penalties imposed.

J. Any locality that uses a speed monitoring system shall evaluate the system on a monthly basis to ensure all cameras are functioning properly and shall have the speed monitoring system calibrated on a semiannual basis by an independent laboratory that is unaffiliated with the manufacturer of the speed monitoring system or equipment. Evaluation and calibration results shall be made available to the public.

K. Any locality that uses a speed monitoring system to enforce applicable speed limits shall place conspicuous signs within 500 feet of any location at which a speed monitoring system is used. There shall be a rebuttable presumption that such signs were in place at the time of the commission of the speed limit violation. However, a locality shall not issue a summons for a speed limit violation recorded by the speed monitoring system for 15 days after such signs are placed.

L. Prior to or coincident with the implementation or expansion of a speed monitoring system, a locality shall conduct a public awareness program, which shall include publishing a notice of the location of the speed monitoring system on the locality's website and in a newspaper having general circulation in the locality, advising the public that the locality is implementing or expanding a speed

429 *monitoring system.*

430 *M. Notwithstanding any other provision of this section, if a vehicle depicted in images recorded by a*
431 *speed monitoring system is owned, leased, or rented by a county, city, or town, then the county, city, or*
432 *town may access and use the recorded images and associated information for employee disciplinary*
433 *purposes.*