

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 46.2-882 of the Code of Virginia, relating to devices used to determine*
3 *speed of vehicles.*

4
5 Approved

[S 764]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 46.2-882 of the Code of Virginia is amended and reenacted as follows:**

8 § 46.2-882. Determining speed with various devices; certificate as to accuracy of device; arrest
9 without warrant.

10 The speed of any motor vehicle may be determined by the use of (i) a laser speed detection device,
11 (ii) radar, or (iii) a microcomputer device that is physically connected to an odometer cable and both
12 measures and records distance traveled and elapsed time to determine the average speed of a motor
13 vehicle. The results of such determinations shall be accepted as prima facie evidence of the speed of
14 such motor vehicle in any court or legal proceeding where the speed of the motor vehicle is at issue.

15 In any court or legal proceeding in which any question arises about the calibration or accuracy of
16 any laser speed detection device, radar, or microcomputer device as described in this section used to
17 determine the speed of any motor vehicle, a certificate, or a true copy thereof, showing the calibration
18 or accuracy of the speedometer of any vehicle or of any tuning fork employed in calibrating or testing
19 the device, and when and by whom the calibration was made, shall be admissible as evidence of the
20 facts therein stated. No calibration or testing of such device shall be valid for longer than six months.

21 The driver of any such motor vehicle may be arrested without a warrant under this section if the
22 arresting officer is in uniform and displays his badge of authority and if the officer has observed the
23 registration of the speed of such motor vehicle by the laser speed detection device, radar, or
24 microcomputer device as described in this section, or has received a radio message from the officer who
25 observed the speed of the motor vehicle registered by the laser speed detection device, radar, or
26 microcomputer device as described in this section. However, in case of an arrest based on such a
27 message, such radio message shall have been dispatched immediately after the speed of the motor
28 vehicle was registered and furnished the license number or other positive identification of the vehicle
29 and the registered speed to the arresting officer.

30 Law-enforcement officers shall not have the authority to use laser speed detection devices, radar, or
31 microcomputer devices as described herein in airplanes or helicopters for the purpose of determining the
32 speed of motor vehicles.

33 All localities may use radar; (i) *counties having populations of at least 85,000 but less than 150,000*
34 *and towns within such counties and (ii) counties having populations of at least 210,000 but less than*
35 *217,000 may use laser speed detection devices to measure speed. The Cities of Alexandria, Fairfax, Falls*
36 *Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince*
37 *William and towns within such counties may use microcomputer devices as described in this section.*

38 The Division of Purchases and Supply, pursuant to § 2.1-446, shall determine the proper equipment
39 used to determine the speed of motor vehicles and shall advise the respective law-enforcement officials
40 of the same. Police chiefs and sheriffs shall ensure that all such equipment and devices purchased on or
41 after July 1, 1986, meet or exceed the standards established by the Division.

42 The Department of State Police shall acquire no more than two microcomputer devices as described
43 herein. Law-enforcement officers utilizing microcomputer devices or laser speed detection devices as
44 provided for in this section shall, on request of any affected motorist, permit such motorist to observe
45 the reading on the device.