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## HOUSE BILL NO. 1070

Offered January 13, 2016

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A BILL to amend and reenact §§ 33.2-503, 33.2-504, 46.2-819, 46.2-819.1, 46.2-819.3, 46.2-819.3:1, 46.2-819.5, and 46.2-819.6 of the Code of Virginia, to amend the Code of Virginia by adding in Article 1.1 of Chapter 8 of Title 46.2 sections numbered 46.2-819.8 and 46.2-819.9, and to repeal § 46.2-819.7 of the Code of Virginia, relating to toll collection procedures for in-state and out-of-state drivers; fees and penalties; reciprocity agreements for toll collection and enforcement.

Patrons—Jones, Villanueva and Hester

Referred to Committee on Transportation

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

1. That §§ 33.2-503, 33.2-504, 46.2-819, 46.2-819.1, 46.2-819.3, 46.2-819.3:1, 46.2-819.5, and 46.2-819.6 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1.1 of Chapter 8 of Title 46.2 sections numbered 46.2-819.8 and 46.2-819.9 as follows:

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

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

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

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

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

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

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

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

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

73 3. a. The HOT lanes operator may impose and collect an administrative fee in addition to the unpaid  
74 toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be  
75 reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. The  
76 operator of the vehicle shall pay the unpaid tolls and any administrative fee detailed in a notice or  
77 invoice issued by a HOT lanes operator. If paid within 30 days of notification, the administrative fee  
78 shall not exceed \$25. *The HOT lanes operator shall notify the registered owner of the vehicle of any*  
79 *unpaid tolls and administrative fees by mailing an invoice pursuant to § 46.2-819.6.*

80 b. Upon a finding by a court of competent jurisdiction that the driver of the vehicle observed by a  
81 law-enforcement officer under subdivision 1 or the vehicle described in the summons for ~~civil~~ a  
82 violation issued pursuant to evidence obtained by a photo-enforcement system under subdivision 2 was  
83 in violation of this section, the court shall impose a civil penalty upon the driver of such vehicle issued  
84 a summons under subdivision 1, or upon the driver or registered owner of such vehicle issued a  
85 summons under subdivision 2, payable to the HOT lanes operator as follows: for a first offense, \$50; for  
86 a second offense, \$250; for a third offense within a period of two years of the second offense, \$500;  
87 and for a fourth and subsequent offense within a period of three years of the second offense, \$1,000,  
88 together with, in each case, the unpaid toll, all accrued administrative fees imposed by the HOT lanes  
89 operator as authorized by this section, and applicable court costs. The court shall remand penalties, the  
90 unpaid toll, and administrative fees assessed for violation of this section to the treasurer or director of  
91 finance of the county or city in which the violation occurred for payment to the HOT lanes operator for  
92 expenses associated with operation of the HOT lanes and payments against any bonds or other liens  
93 issued as a result of the construction of the HOT lanes. No person shall be subject to prosecution under  
94 both subdivisions 1 and 2 for actions arising out of the same transaction or occurrence.

95 c. Upon a finding by a court that a ~~person~~ *resident of the Commonwealth* has violated this section, in  
96 the event such person fails to pay the required penalties, fees, and costs, the court shall notify the  
97 Commissioner of the Department of Motor Vehicles, who shall suspend all of the registration certificates  
98 and license plates issued for any motor vehicles registered solely in the name of such person and shall  
99 not issue any registration certificate or license plate for any other vehicle that such person seeks to  
100 register solely in his name until the court has notified the Commissioner of the Department of Motor  
101 Vehicles that such penalties, fees, and costs have been paid. *Upon a finding by a court that a*  
102 *nonresident of the Commonwealth has violated this section, in the event that such person fails to pay the*  
103 *required penalties, fees, and costs the court shall notify the Commissioner of the Department of Motor*  
104 *Vehicles, who shall, when the vehicle is registered in a state with which the Commonwealth has entered*  
105 *into an agreement to enforce tolling violations pursuant to § 46.2-819.8, provide to the entity authorized*  
106 *to issue vehicle registration certificates or license plates in the state in which the vehicle is registered*  
107 *sufficient evidence of the court's finding to take action against the vehicle registration certificate or*  
108 *license plates in accordance with the terms of the agreement, until the court has notified the*  
109 *Commissioner of the Department of Motor Vehicles that such penalties, fees, and costs have been paid.*  
110 *Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles*  
111 *shall notify the state where the vehicle is registered of such payment.* The HOT lanes operator and the  
112 Commissioner of the Department of Motor Vehicles may enter into an agreement whereby the HOT  
113 lanes operator may reimburse the Department of Motor Vehicles for its reasonable costs to develop,  
114 implement, and maintain this enforcement mechanism, and that specifies that the Commissioner of the  
115 Department of Motor Vehicles shall have an obligation to suspend such registration certificates *or to*  
116 *provide notice to such entities in other states so long as the HOT lanes operator makes the required*  
117 *reimbursements in a timely manner in accordance with the agreement.*

118 d. *An action brought under subdivision 1 or 2 shall be commenced within two years of the*  
119 *commission of the offense and shall be considered a traffic infraction.* Except as provided in  
120 subdivisions 4 and 5, imposition of a civil penalty pursuant to this section shall not be deemed a

conviction as an operator of a motor vehicle under Title 46.2 and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. *The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine, or cost imposed or ordered paid under this section for a violation of subdivision 1 or 2.*

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

b. Any person driving an unauthorized vehicle on the designated HOT lanes is guilty of a traffic infraction, which shall not be a moving violation, and shall be punishable as follows: for a first offense, by a fine of \$125; for a second offense within a period of five years from a first offense, by a fine of \$250; for a third offense within a period of five years from a first offense, by a fine of \$500; and for a fourth and subsequent offense within a period of five years from a first offense, by a fine of \$1,000.

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

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

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

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

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

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

A. The HOT lanes operator 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 use HOT lanes and with the Department of Transportation to obtain any information that is necessary to conduct electronic toll collection and otherwise operate HOT lanes. *Such agreement may include any information that may be obtained by the Department of Motor Vehicles in accordance with any agreement entered into pursuant to § 46.2-819.8.* No HOT lanes operator shall disclose or release any personal information received from the Department of Motor Vehicles or the Department of Transportation to any third party, except in the issuance of a summons and institution of court proceedings in accordance with § 33.2-503. Information in the possession of a HOT lanes operator under this section shall be exempt from disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

B. Information collected by a photo-enforcement system shall be limited exclusively to that information that is necessary for the collection of unpaid tolls. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other data collected by a photo-enforcement system shall be used exclusively for the collection of unpaid tolls and shall not be (i) open to the public; (ii) sold or used for sales, solicitation, or marketing purposes; (iii) disclosed to any other entity except as may be necessary for the collection of unpaid tolls or to a vehicle owner or operator as part of a challenge to the imposition of a toll; or (iv) used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of § 33.2-503 or upon order from a court of competent jurisdiction. Information collected under this section shall be purged and not retained later than 30 days after the collection and reconciliation of any unpaid tolls, administrative fees, or civil penalties. Any entity operating a photo-enforcement 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 their designee. Any violation of this subsection constitutes a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law, any money or other thing of value obtained as a result of a violation of this section shall be forfeited to the Commonwealth.

*Article 1.1.**Toll Violations and Enforcement.***§ 46.2-819. Use of toll facility without payment of toll; circumstances to be considered in assessing penalty.**

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

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

**§ 46.2-819.1. Installation and use of photo-monitoring system or automatic vehicle identification system in conjunction with electronic or manual toll facilities; penalty.***A. For purposes of this section:*

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

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

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

*"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles or on record with the entity authorized to issue vehicle registrations in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.8. "Owner" does not include a vehicle rental or vehicle leasing company.*

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

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

*B. C.* Information collected by a photo-monitoring system or automatic vehicle identification system installed and operated pursuant to subsection A *B* shall be limited exclusively to that information that is necessary for the collection of unpaid tolls. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other data collected by a photo-monitoring system or automatic vehicle identification system shall be used exclusively for the collection of unpaid tolls and shall not (i) be open to the public; (ii) be sold and/or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any other entity except as may be necessary for the collection of unpaid tolls or to a vehicle owner or operator as part of a challenge to the imposition of a toll; and (iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of this section or upon order from a court of competent jurisdiction. Information collected under this section shall be purged and not retained later than 30 days after the collection and reconciliation of any unpaid tolls, administrative fees, and/or civil penalties. Any entity operating a photo-monitoring system or automatic vehicle identification 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 their designee. Any violation of this subsection shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law, any money or other thing of value obtained as a result of a violation of this section shall be forfeited to the Commonwealth.

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

toll issued by a toll facility operator. If paid within 30 days of notification, the administrative fee shall not exceed \$25.

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

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

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

*G.* *On a form prescribed by the Supreme Court, a summons for a violation of this section may be executed as provided in § 19.2-76.2. Toll facility personnel or their agents mailing such summons shall be considered conservators of the peace for the sole and limited purpose of mailing such summons. 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 address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles or, if the registered owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to subsection H, such named operator of the vehicle. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.*

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

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

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

owner of the vehicle, and the court shall dismiss upon such motion.

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

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

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

*G. I. Upon a finding by a court that a person has two or more unpaid tolls and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for the vehicle driven in the commission of the offense or, when the vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.8, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment. If it is proven that the vehicle owner was not the operator at the time of the offense and upon a finding by a court that the person identified in an affidavit pursuant to subsection F H as the operator violated this section and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for any vehicle owned or co-owned by such person or, when such vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.8, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment. Such funds representing payment of unpaid tolls and all administrative fees of the toll facility operator shall be transferred from the court to the Virginia Department of Transportation's Toll Facilities Revolving Account or, in the case of an action initiated by an operator of a toll facility other than the Virginia Department of Transportation, to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator. The Commissioner shall collect a \$40 administrative fee from the registered owner or operator of the vehicle to defray the cost of processing and removing an order to deny registration or registration renewal.*

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

*I. J. Any vehicle rental or vehicle leasing company, if it receives an invoice or is named in a summons, shall be released as a party to the action if it provides the operator of the toll facility a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee within 30 days of*

receipt of the invoice or at least 14 days prior to the date of hearing set forth in the summons. Upon receipt of such rental agreement, lease, or affidavit, a notice shall be mailed to the renter or lessee identified therein. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.). The toll facility operator shall allow at least 30 days from the date of such mailing before pursuing other remedies under this section. In any action against the vehicle operator, a copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the vehicle at the time of the violation is prima facie evidence that the person named in the rental agreement, lease, or affidavit was operating the vehicle at all the relevant times relating to the matter named in the summons.

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

K. On a form prescribed by the Supreme Court, a summons for a violation of this section may be executed pursuant to § 19.2-76.2. Toll facility personnel or their agents mailing such summons shall be considered conservators of the peace for the sole and limited purpose of mailing such summons. 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 address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles or, if the registered owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to subsection F, such named operator of the vehicle. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

L. The operator of a toll facility may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 21 of subsection B of § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that fail to pay tolls required for the use of toll facilities and with the Virginia Department of Transportation to obtain any information that is necessary to conduct electronic toll collection. *Such agreement may include any information that may be obtained by the Department of Motor Vehicles in accordance with any agreement entered into pursuant to § 46.2-819.8.* Information provided to the operator of a toll facility shall only be used for the collection of unpaid tolls and the operator of the toll facility shall be subject to the same conditions and penalties regarding release of the information as contained in subsection B C.

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

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

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

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

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

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

D. E. The operator of a toll facility ~~may~~ shall send an invoice or bill to the ~~driver~~ registered owner of a motor vehicle using a toll facility without payment of the specified toll as part of an electronic or

428 manual toll collection process *pursuant to § 46.2-819.6*, prior to seeking remedies under this section.  
429 Any action under this section shall be brought in the general district court of the ~~city or county or city~~  
430 in which the toll facility is located *and shall be commenced within two years of the commission of the*  
431 *offense*. Such an action shall be considered a traffic infraction ~~but shall be tried as a civil case~~. The  
432 attorney for the Commonwealth may represent the interests of the toll facility operator. Any authorized  
433 agent or employee of a toll facility operator acting on behalf of a governmental entity shall be allowed  
434 the privileges accorded by § 16.1-88.03 in such cases.

435 ~~E. F.~~ Upon a finding by a court of competent jurisdiction that the ~~driver~~ operator of a motor vehicle  
436 identified in the summons issued pursuant to subsection ~~I~~ H was in violation of this section, the court  
437 shall impose a civil penalty upon the ~~driver~~ operator of a motor vehicle in accordance with the amounts  
438 specified in subsection ~~B~~ C, together with applicable court costs, the operator's administrative fee, and  
439 the toll due. Penalties assessed as the result of action initiated by the ~~Virginia~~ Department of  
440 Transportation shall be remanded by the clerk of the court which adjudicated the action to the ~~Virginia~~  
441 Department of Transportation's Toll Facilities Revolving Account. Penalties assessed as the result of  
442 action initiated by an operator of a toll facility other than the ~~Virginia~~ Department of Transportation  
443 shall be remanded by the clerk of the court which adjudicated the action to the treasurer or director of  
444 finance of the county or city in which the violation occurred for payment to the toll facility operator.

445 ~~F. G.~~ The toll facility operator may offer to the *registered* owner an option to pay the unpaid toll  
446 and fees plus a reduced civil penalty of *not more than* \$25 for a first or second offense or *not more*  
447 *than* \$50 for a third, fourth, or subsequent offense, as specified on the summons, provided the owner  
448 actually pays to the toll facility operator the entire amount so calculated at least 14 days prior to the  
449 hearing date specified on the summons. If the owner accepts such offer and such amount is actually  
450 received by the toll facility operator at least 14 days prior to the hearing date specified on the summons,  
451 the toll facility operator shall move the court at least five business days prior to the date set for trial to  
452 dismiss the summons issued to the registered owner of the vehicle, and the court shall dismiss upon  
453 such motion.

454 ~~H.~~ A summons for a violation of this section may be executed as provided in § 19.2-76.2. Toll  
455 facility personnel or their agents mailing such summons shall be considered conservators of the peace  
456 for the sole and limited purpose of mailing such summons. Notwithstanding the provisions of § 19.2-76,  
457 a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof  
458 to the address of the driver of a motor vehicle as shown on the written promise to pay executed  
459 pursuant to subsection D or records of the Department of Motor Vehicles. If the summoned person fails  
460 to appear on the date of return set out in the summons mailed pursuant to this section, the summons  
461 shall be executed in the manner set out in § 19.2-76.3.

462 ~~G. I.~~ Upon a finding by a court that a person has three or more unpaid tolls and such person fails to  
463 pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner of the  
464 Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of  
465 any applicant or the license plate issued for any vehicle owned or co-owned by the offender *or, when*  
466 *the vehicle is registered in a state with which the Commonwealth has entered into an agreement to*  
467 *enforce tolling violations pursuant to § 46.2-819.8, who shall provide to the entity authorized to issue*  
468 *vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient*  
469 *evidence of the court's finding to take action against the vehicle registration certificate or license plates*  
470 *in accordance with the terms of the agreement. Upon receipt of such notification from the court, the*  
471 *Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered*  
472 *of such payment.* The Commissioner shall collect a \$40 administrative fee from the *registered* owner or  
473 operator of the vehicle to defray the cost of processing and removing an order to deny registration or  
474 registration renewal.

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

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

483 ~~J.~~ A summons for a violation of this section may be executed pursuant to § 19.2-76.2. Toll facility  
484 personnel or their agents mailing such summons shall be considered conservators of the peace for the  
485 sole and limited purpose of mailing such summons. Notwithstanding the provisions of § 19.2-76, a  
486 summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to  
487 the address of the driver of a motor vehicle as shown on the written promise to pay executed pursuant  
488 to subsection C or records of the Department of Motor Vehicles. If the summoned person fails to appear  
489 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.

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

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

A. For purposes of this section:

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

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

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

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

"Owner" means the registered owner of a vehicle on record with the Department or on record with the entity authorized to issue vehicle registrations in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.8 or, in the case of a vehicle where the owner of the vehicle is a vehicle leasing entity, the lessee. "Owner" does not mean a vehicle rental or vehicle leasing company.

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

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

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

If a vehicle uses a toll facility without paying the toll, the *registered* owner or operator shall be in violation of this section if he refuses to pay the toll within 30 days of notification. The toll facility operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. Such fee shall not be levied upon the owner or operator of the vehicle unless the toll has not been paid by the owner or operator within 30 days after receipt of the invoice for the unpaid toll, which nonpayment for 30 days shall constitute

the violation of this section. Once such a violation has occurred, the owner or operator of the vehicle shall pay the unpaid tolls and any administrative fee detailed in the invoice for the unpaid toll issued by a toll facility operator. If paid within 30 days of the toll violation, the administrative fee shall not exceed \$25.

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

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

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

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

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

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

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

Upon a finding by a court of competent jurisdiction that the vehicle described in the summons issued pursuant to subsection ~~K~~ G was in violation of this section, the court shall impose a civil penalty upon

the registered owner or operator of such vehicle in accordance with the amounts specified in subsection *E D*, together with applicable court costs, the operator's administrative fee, and the toll due. Penalties assessed as the result of action initiated by the Virginia Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the Virginia Department of Transportation's Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by an operator of a toll facility other than the Virginia Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator.

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

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

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

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

*G. I. 1. Upon a finding by a court that a person has two or more unpaid tolls and such person fails to pay the required penalties, fees, and unpaid tolls, then the court or toll facility operator shall notify the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for the vehicle driven in the commission of the offense or, when the vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant § 46.2-819.8, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment. If it is proven that the vehicle owner was not the operator at the time of the offense and upon a finding by a court that the person identified in an affidavit pursuant to subsection F H as the operator violated this section and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for any vehicle owned or co-owned by such person or, when such vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.8, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment. Such funds representing payment of unpaid tolls and all administrative fees of the toll facility operator shall be transferred from the court to the Virginia Department of Transportation's Toll Facilities Revolving Account or, in the case of an action initiated by an operator of a toll facility other than the Virginia Department of Transportation, to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator. The Commissioner shall collect a \$40 administrative fee from the registered owner or operator of the vehicle to defray the cost of processing and removing an order to deny registration or registration renewal.*

2. If an owner of a vehicle has received at least one invoice for two or more unpaid tolls in accordance with § 46.2-819.6 by certified mail and has (i) failed to pay the unpaid tolls and administrative fees and (ii) failed to file a notice to contest liability for a toll violation, then the toll facility operator may notify the Commissioner, who shall, if no form contesting liability has been timely

674 filed with the toll facility operator pursuant to this section, refuse to issue or renew the vehicle  
675 registration certificate of any applicant therefor or the license plate issued for any vehicle driven in the  
676 commission of the offense until the toll facility operator has notified the Commissioner that such fees  
677 and unpaid tolls have been paid.

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

687 The Commissioner may only refuse to issue or renew any vehicle registration pursuant to this  
688 subsection upon the request of a toll facility operator if such toll facility operator has entered into an  
689 agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle  
690 registration of any applicant therefor who owes unpaid tolls and administrative fees to the toll facility  
691 operator. The toll facility operator seeking to collect unpaid tolls and administrative fees through the  
692 withholding of registration or renewal thereof by the Commissioner as provided for in this subsection  
693 shall notify the Commissioner in the manner provided for in his agreement with the Commissioner and  
694 supply to the Commissioner information necessary to identify the violator whose registration or renewal  
695 is to be denied. The Commissioner shall charge a \$40 fee to defray the cost of processing and  
696 withholding the registration or registration renewal, and the toll facility operator may add this fee to the  
697 amount of the unpaid tolls and administrative fees. Any agreement entered into pursuant to the  
698 provisions of this subsection shall provide for the Department to send the violator notice of the intent to  
699 deny renewal of registration at least 30 days prior to the expiration date of a current vehicle registration  
700 and such notice shall include a form, as required under subsection B of § 46.2-819.6, to contest liability  
701 of the underlying toll violation. The notice provided by the Commissioner shall include instructions for  
702 filing the form to contest liability with the toll facility operator within 21 days after the date of mailing  
703 of the Commissioner's notice. Upon timely receipt of the form, the toll facility operator shall notify the  
704 Commissioner, who shall refrain from withholding the registration or renewal thereof, after which the  
705 toll facility operator may proceed to issue a summons for unpaid toll. For the purposes of this  
706 subsection, notice by first-class mail to the registrant's address as maintained in the records of the  
707 Department shall be deemed sufficient.

708 H. For purposes of this section, "operator" means a person who was driving a vehicle that was the  
709 subject of a toll violation but who is not the owner of the vehicle; "operator of a toll facility other than  
710 the Virginia Department of Transportation" means any agency, political subdivision, authority, or other  
711 entity that operates a toll facility; "owner" means the registered owner of a vehicle on record with the  
712 Department or, in the case of a vehicle where the owner of the vehicle is a vehicle leasing entity, the  
713 lessee. For purposes of this section, "owner" does not mean a vehicle rental or vehicle leasing company;  
714 "video-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection  
715 device that automatically produces one or more photographs, one or more microphotographs, a  
716 videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this  
717 section; "automatic vehicle identification system" means an electronic vehicle identification system  
718 installed to work in conjunction with a toll collection device that automatically produces an electronic  
719 record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility;  
720 and "automatic vehicle identification device" means an electronic device that communicates by wireless  
721 transmission with an automatic vehicle identification system.

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

735 J. K. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an

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

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

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

M. The operator of a toll facility may enter into an agreement with the Department, 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 fail to pay tolls required for the use of toll facilities and with the Virginia Department of Transportation to obtain any information that is necessary to conduct electronic toll collection. Such agreement may include any information that may be obtained by the Department of Motor Vehicles in accordance with any agreement entered into pursuant to § 46.2-819.8. Information provided to the operator of a toll facility shall be used only for the collection of unpaid tolls, and the operator of the toll facility shall be subject to the same conditions and penalties regarding release of the information as contained in subsection B C.

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

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

A. For purposes of this section:

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

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

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

"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles.

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

B. A photo-monitoring system or automatic vehicle identification system established at locations along the Dulles Access Highway, in order to identify vehicles that are using the Dulles Access Highway in violation of the Metropolitan Washington Airports Authority (Authority) regulation regarding usage, which makes violations of the regulation subject to civil penalties, shall be administered in accordance with this section. The civil penalties for violations of such regulation may not exceed the following: \$50 for the first violation; \$100 for a second violation within one year from the first violation; \$250 for a third violation within two years from the second violation; and \$500 for a fourth and any subsequent violation within three years from the second violation. In the event a violation of the Authority regulation is identified via the photo-monitoring system or automatic vehicle identification system, the operator of the Dulles Access Highway shall send a notice of the violation, of the applicable civil penalty and of any administrative fee calculated in accordance with subsection C D to the registered owner of the vehicle identified by the system prior to seeking further remedies under this section. Upon receipt of the notice, the registered owner of the vehicle may elect to avoid any action by the operator to enforce the violation in court by waiving his right to a court hearing, pleading guilty to

797 the violation, and paying a reduced civil penalty along with any applicable administrative fee to the  
798 operator. Should the recipient of the notice make such an election, the amount of the reduced civil  
799 penalty shall be as follows: \$30 for the first violation; \$50 for a second violation within one year from  
800 the first violation; \$125 for a third violation within two years from the second violation; and \$250 for a  
801 fourth and any subsequent violations within three years from the second violation.

802 ~~B.~~ C. Information collected by the photo-monitoring system or automatic vehicle identification  
803 system referenced in subsection ~~A B~~ shall be limited exclusively to that information that is necessary for  
804 identifying those ~~drivers~~ operators who improperly use the Dulles Access Highway in violation of the  
805 Authority regulation. Notwithstanding any other provision of law, all photographs, microphotographs,  
806 electronic images, or other data collected by a photo-monitoring system or automatic vehicle  
807 identification system shall be used exclusively for the identification of violators and shall not (i) be open  
808 to the public; (ii) be sold or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any  
809 other entity except as may be necessary for the identification of violators or to a vehicle owner or  
810 operator as part of a challenge to the imposition of a civil penalty; or (iv) be used in a court in a  
811 pending action or proceeding unless the action or proceeding relates to a violation of the Authority  
812 regulation governing usage of the Dulles Access Highway or upon order from a court of competent  
813 jurisdiction. Information collected by the system shall be protected in a database with security  
814 comparable to that of the Department of Motor Vehicles' system, and be purged and not retained later  
815 than 30 days after the collection and reconciliation of any civil penalties and administrative fees. The  
816 operator of the Dulles Access Highway shall annually certify compliance with this subsection and make  
817 all records pertaining to such system available for inspection and audit by the Commissioner of  
818 Highways or the Commissioner of the Department of Motor Vehicles or their designee. Any violation of  
819 this subsection shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties  
820 provided for by law, any money or other thing of value obtained as a result of a violation of this  
821 subsection shall be forfeited to the Commonwealth.

822 ~~C.~~ D. The operator of the Dulles Access Highway may impose and collect an administrative fee, in  
823 addition to the civil penalty established by regulation, so as to recover the expenses of collecting the  
824 civil penalty, which administrative fee shall be reasonably related to the actual cost of collecting the  
825 civil penalty and shall not exceed \$100 per violation. Such fee shall not be levied upon the operator of  
826 the vehicle until a second violation has been documented within 12 months of an initial violation, in  
827 which case the fee shall apply to such second violation and to any additional violation occurring  
828 thereafter. If the recipient of the notice referenced in subsection ~~A B~~ makes the election provided by that  
829 subsection, the administrative fee shall not exceed \$25.

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

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

842 ~~F.~~ G. Proof of a violation of the Authority regulation governing the use of the Dulles Access  
843 Highway shall be evidenced by information obtained from the photo-monitoring system or automatic  
844 vehicle identification system referenced in subsection ~~A B~~. A certificate, sworn to or affirmed by a  
845 technician employed or authorized by the operator of the Dulles Access Highway, or a facsimile of such  
846 a certificate, that is based on inspection of photographs, microphotographs, videotapes, or other recorded  
847 images or electronic data produced by the photo-monitoring system shall be prima facie evidence of the  
848 facts contained therein. Any photographs, microphotographs, videotape, or other recorded images or  
849 electronic data evidencing such a violation shall be available for inspection in any proceeding to  
850 adjudicate the liability for such violation under this section.

851 ~~G.~~ H. A summons issued under this section, which describes a vehicle that, on the basis of a  
852 certificate referenced in subsection ~~F G~~, is alleged to have been operated in violation of the Authority  
853 regulation governing usage of the Dulles Access Highway, shall be prima facie evidence that such  
854 vehicle was operated in violation of the Authority regulation.

855 *I. On a form prescribed by the Supreme Court, a summons for a violation of the Authority regulation*  
856 *governing the use of the Dulles Access Highway may be executed as provided in § 19.2-76.2. The*  
857 *operator of the Dulles Access Highway or its personnel or agents mailing such summons shall be*  
858 *considered conservators of the peace for the sole and limited purpose of mailing such summons. As*

provided in § 19.2-76.2, the summons for a violation of the Authority regulation governing usage of the Dulles Access Highway may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles or, if the registered owner or rental or leasing company has named and provided a valid address for the operator of the vehicle at the time of the violation as provided in this section, to the address of such named operator of the vehicle. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

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

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

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

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

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

J. For purposes of this section, "operator of the Dulles Access Highway" means the Metropolitan Washington Airports Authority; "owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles; "photo-monitoring system" means equipment that produces one or more photographs, microphotographs, videotapes, or other recorded images of vehicles at the time they are used or operated in violation of the Authority regulation governing the use of the Dulles Access Highway; "automatic vehicle identification system" means an electronic vehicle identification system that automatically produces an electronic record of each vehicle equipped with an automatic vehicle identification device that uses monitored portions of the Dulles Access Highway; and "automatic vehicle identification device" means an electronic device that communicates by wireless transmission with an automatic vehicle identification system.

K. L. Any vehicle rental or vehicle leasing company, if named in a summons, shall be released as a party to the action if it provides the operator of the Dulles Access Highway with a copy of the vehicle rental agreement or lease, or an affidavit that identifies the renter or lessee, prior to the date of hearing set forth in the summons. Upon receipt of such rental agreement, lease, or affidavit, a summons shall be issued to such renter or lessee. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.). In any action against the renter or lessee, a copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the vehicle at the time of the violation shall be prima facie evidence that the person named in the rental agreement, lease, or affidavit was operating the vehicle at all the relevant times relating to the matter named in the summons.

920 L. M. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an  
921 operator and shall not be made a part of the driving record of the person upon whom such civil penalty  
922 is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance  
923 coverage. The provisions of § 46.2-395 shall not be applicable to any civil penalty, administrative fee, or  
924 cost imposed or ordered paid under this section.

925 M. On a form prescribed by the Supreme Court, a summons for a violation of the Authority  
926 regulation governing the use of the Dulles Access Highway may be executed pursuant to ~~§ 19.2-76.2~~.  
927 The operator of the Dulles Access Highway or its personnel or agents mailing such summons shall be  
928 considered conservators of the peace for the sole and limited purpose of mailing such summons.  
929 Pursuant to ~~§ 19.2-76.2~~, the summons for a violation of the Authority regulation governing usage of the  
930 Dulles Access Highway may be executed by mailing by first-class mail a copy thereof to the address of  
931 the owner of the vehicle as shown on the records of the Department of Motor Vehicles or, if the  
932 registered owner or rental or leasing company has named and provided a valid address for the operator  
933 of the vehicle at the time of the violation as provided in this section, to the address of such named  
934 operator of the vehicle. If the summoned person fails to appear on the date of return set out in the  
935 summons mailed pursuant to this section, the summons shall be executed in the manner set out in  
936 ~~§ 19.2-76.3~~.

937 N. The operator of the Dulles Access Highway may enter into an agreement with the Department of  
938 Motor Vehicles, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle  
939 owner information regarding the registered owners of vehicles that improperly use the Dulles Access  
940 Highway. Information provided to the operator of the Dulles Access Highway shall only be used in the  
941 enforcement of the Authority regulation governing use of the Dulles Access Highway, and the operator  
942 shall be subject to the same conditions and penalties regarding release of the information as contained in  
943 subsection B C.

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

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

951 **§ 46.2-819.6. Invoice for unpaid toll.**

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

- 955 1. The name and address of the registered owner alleged to be liable under this section;
- 956 2. The registration number of the motor vehicle involved in such violation or information obtained  
957 from an automatic vehicle identification system if the vehicle is identified by an automatic vehicle  
958 identification system for the purpose of violation detection;
- 959 3. The location where such violation took place;
- 960 4. The date and time of such violation;
- 961 5. The amount of the toll not paid;
- 962 6. The amount of the administrative fee;
- 963 7. The date by which the toll and administrative fee must be paid;
- 964 8. The statutory defenses available under this chapter;
- 965 9. A warning describing the penalties for nonpayment of the invoice for the unpaid toll or failure to  
966 file a notice to contest liability for the toll violation; and
- 967 10. The procedures and time limits for filing a notice to contest liability for a toll violation as  
968 provided in *subsection B C* of § 46.2-819.3:1.

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

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

975 **§ 46.2-819.8. Agreements for enforcement of tolling violations against nonresidents.**

976 A. *The Secretary of Transportation or his designee may enter into an agreement on behalf of the*  
977 *Commonwealth with another state that provides for reciprocal enforcement of HOT lanes violations or*  
978 *toll violations, in accordance with this article and Chapter 5 (§ 33.2-500 et seq.) of Title 33.2, between*  
979 *the Commonwealth and the other state.*

980 B. *Any agreement made under this section shall provide that drivers and vehicles licensed or*  
981 *registered in the Commonwealth, while operating on the highways and bridges of another state, shall*



receive benefits, privileges, and exemptions of a similar kind with regard to toll enforcement as are extended to the drivers and vehicles licensed or registered in the other state while they are operating on the highways and bridges of the Commonwealth.

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

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

**§ 46.2-819.9. Withholding of vehicle registration for enforcement of out-of-state toll violations.**

A. Upon receipt of notice from a state that has entered into an agreement with the Commonwealth pursuant to § 46.2-819.8 that a resident of Virginia owes unpaid tolls, administrative fees, or penalties to that state, the Commissioner shall refuse to issue or renew the vehicle registration certificate or the license plate issued for a vehicle or vehicles owned by such resident in accordance with this section until such state has notified the Commissioner that such tolls, fees, or penalties have been paid.

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

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

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

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

**2. That § 46.2-819.7 of the Code of Virginia is repealed.**