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HOUSE BILL NO. 1070

AMENDMENT IN THE NATURE OF A SUBSTITUTE

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

(Patron Prior to Substitute—Delegate Jones)

A BILL to amend and reenact §§ 33.2-503, 33.2-504, 46.2-208, 46.2-819, 46.2-819.1, 46.2-819.3, 46.2-819.3:1, 46.2-819.5, and 46.2-819.6 of the Code of Virginia, to amend the Code of Virginia by adding in 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.

Be it enacted by the General Assembly of Virginia:

1. That §§ 33.2-503, 33.2-504, 46.2-208, 46.2-819, 46.2-819.1, 46.2-819.3, 46.2-819.3:1, 46.2-819.5, and 46.2-819.6 of the Code of Virginia 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. A summons for a violation of this subdivision may set forth multiple violations occurring within one jurisdiction in one summons. 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, which shall be signed either originally or by electronic signature as authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). 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 the equivalent agency in another state 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 subsection, 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.

HOUSE SUBSTITUTE

HB1070H1

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

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

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

78 *Records obtained from the Department of Motor Vehicles pursuant to § 33.2-504 and certified in*  
79 *accordance with § 46.2-215 identifying the registered owner of such vehicle shall give rise to a*  
80 *rebuttable presumption that the registered owner of the vehicle is the person named in the summons.*

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

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

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

107 *c. Upon a finding by a court that a ~~person~~ resident of the Commonwealth has violated this section, in*  
108 *the event such person fails to pay the required penalties, fees, and costs, the court shall notify the*  
109 *Commissioner of the Department of Motor Vehicles, who shall suspend all of the registration certificates*  
110 *and license plates issued for any motor vehicles registered solely in the name of such person and shall*  
111 *not issue any registration certificate or license plate for any other vehicle that such person seeks to*  
112 *register solely in his name until the court has notified the Commissioner of the Department of Motor*  
113 *Vehicles that such penalties, fees, and costs have been paid. Upon a finding by a court that a*  
114 *nonresident of the Commonwealth has violated this section, in the event that such person fails to pay the*  
115 *required penalties, fees, and costs, the court shall notify the Commissioner of the Department of Motor*  
116 *Vehicles, who shall, when the vehicle is registered in a state with which the Commonwealth has entered*  
117 *into an agreement to enforce tolling violations pursuant to § 46.2-819.8, provide to the entity authorized*  
118 *to issue vehicle registration certificates or license plates in the state in which the vehicle is registered*  
119 *sufficient evidence of the court's finding to take action against the vehicle registration certificate or*  
120 *license plates in accordance with the terms of the agreement, until the court has notified the*  
121 *Commissioner of the Department of Motor Vehicles that such penalties, fees, and costs have been paid.*

122 Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles  
 123 shall notify the state where the vehicle is registered of such payment. The HOT lanes operator and the  
 124 Commissioner of the Department of Motor Vehicles may enter into an agreement whereby the HOT  
 125 lanes operator may reimburse the Department of Motor Vehicles for its reasonable costs to develop,  
 126 implement, and maintain this enforcement mechanism, and that specifies that the Commissioner of the  
 127 Department of Motor Vehicles shall have an obligation to suspend such registration certificates *or to*  
 128 *provide notice to such entities in other states* so long as the HOT lanes operator makes the required  
 129 reimbursements in a timely manner in accordance with the agreement.

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

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

142 b. Any person driving an unauthorized vehicle on the designated HOT lanes is guilty of a traffic  
 143 infraction, which shall not be a moving violation, and shall be punishable as follows: for a first offense,  
 144 by a fine of \$125; for a second offense within a period of five years from a first offense, by a fine of  
 145 \$250; for a third offense within a period of five years from a first offense, by a fine of \$500; and for a  
 146 fourth and subsequent offense within a period of five years from a first offense, by a fine of \$1,000.

147 Upon a conviction under this subdivision, the court shall furnish to the Commissioner of the  
 148 Department of Motor Vehicles, in accordance with § 46.2-383, an abstract of the record of such  
 149 conviction, which shall become a part of the person's driving record. Notwithstanding the provisions of  
 150 § 46.2-492, no driver demerit points shall be assessed for any violation of this subdivision, except that  
 151 persons convicted of a second, third, fourth, or subsequent violation within five years of a first offense  
 152 shall be assessed three demerit points for each such violation.

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

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

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

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

166 **§ 33.2-504. Release of personal information to or by HOT lanes operators; penalty.**

167 A. The HOT lanes operator may enter into an agreement with the Department of Motor Vehicles, in  
 168 accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information  
 169 regarding the registered owners of vehicles that use HOT lanes and with the Department of  
 170 Transportation to obtain any information that is necessary to conduct electronic toll collection and  
 171 otherwise operate HOT lanes. *Such agreement may include any information that may be obtained by the*  
 172 *Department of Motor Vehicles in accordance with any agreement entered into pursuant to § 46.2-819.8.*  
 173 No HOT lanes operator shall disclose or release any personal information received from the Department  
 174 of Motor Vehicles or the Department of Transportation to any third party, except in the issuance of a  
 175 summons and institution of court proceedings in accordance with § 33.2-503. Information in the  
 176 possession of a HOT lanes operator under this section shall be exempt from disclosure under the  
 177 Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

178 B. Information collected by a photo-enforcement system shall be limited exclusively to that  
 179 information that is necessary for the collection of unpaid tolls. Notwithstanding any other provision of  
 180 law, all photographs, microphotographs, electronic images, or other data collected by a  
 181 photo-enforcement system shall be used exclusively for the collection of unpaid tolls and shall not be (i)  
 182 open to the public; (ii) sold or used for sales, solicitation, or marketing purposes; (iii) disclosed to any

183 other entity except as may be necessary for the collection of unpaid tolls or to a vehicle owner or  
184 operator as part of a challenge to the imposition of a toll; or (iv) used in a court in a pending action or  
185 proceeding unless the action or proceeding relates to a violation of § 33.2-503 or upon order from a  
186 court of competent jurisdiction. Information collected under this section shall be purged and not retained  
187 later than 30 days after the collection and reconciliation of any unpaid tolls, administrative fees, or civil  
188 penalties. Any entity operating a photo-enforcement system shall annually certify compliance with this  
189 section and make all records pertaining to such system available for inspection and audit by the  
190 Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or their designee.  
191 Any violation of this subsection constitutes a Class 1 misdemeanor. In addition to any fines or other  
192 penalties provided for by law, any money or other thing of value obtained as a result of a violation of  
193 this section shall be forfeited to the Commonwealth.

194 **§ 46.2-208. Records of Department; when open for inspection; release of privileged information.**

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

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

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

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

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

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

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

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

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

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

239 8. On the written request of any motor vehicle rental or leasing company or its designated agent, the  
240 Commissioner shall (i) compare personal information supplied by the company or agent with that  
241 contained in the Department's records and, when the information supplied by the company or agent is  
242 different from that contained in the Department's records, provide the company or agent with correct  
243 information as contained in the Department's records and (ii) provide the company or agent with driver  
244 information in the form of an abstract of any person subject to the provisions of this title. Such abstract

245 shall include any record of any conviction of a violation of any provision of any statute or ordinance  
246 relating to the operation or ownership of a motor vehicle or of any injury or damage in which the  
247 subject of the abstract was involved and a report of which is required by § 46.2-372. No such abstract  
248 shall include any record of any conviction or accident more than 60 months after the date of such  
249 conviction or accident unless the Commissioner or court used the conviction or accident as a reason for  
250 the suspension or revocation of a driver's license or driving privilege, in which case the revocation or  
251 suspension and any conviction or accident pertaining thereto shall cease to be included in such abstract  
252 after 60 months from the date on which the driver's license or driving privilege was reinstated. No  
253 abstract released under this subdivision shall be admissible in evidence in any court proceedings.

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

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

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

283 12. On the written request of any member of or applicant for membership in a volunteer fire  
284 company or any volunteer emergency medical services personnel or applicant to serve as volunteer  
285 emergency medical services personnel, the Commissioner shall (i) compare personal information  
286 supplied by the volunteer fire company or volunteer emergency medical services agency with that  
287 contained in the Department's records and, when the information supplied by the volunteer fire company  
288 or volunteer emergency medical services agency is different from that contained in the Department's  
289 records, provide the volunteer fire company or volunteer emergency medical services agency with  
290 correct information as contained in the Department's records and (ii) provide driver information in the  
291 form of an abstract of the member's, personnel, or applicant's record showing all convictions, accidents,  
292 license suspensions or revocations, and any type of driver's license that the individual currently  
293 possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate  
294 written evidence that the person is a member of or applicant for membership in a volunteer fire  
295 company or a volunteer emergency medical services agency to serve as a member of a volunteer  
296 emergency medical services agency and the abstract is needed by a volunteer fire company or volunteer  
297 emergency medical services agency to establish the qualifications of the member, volunteer, or applicant  
298 to operate equipment owned by the volunteer fire company or volunteer emergency medical services  
299 agency.

300 13. On the written request of any person who has applied to be a volunteer with a Virginia affiliate  
301 of Big Brothers/Big Sisters of America, the Commissioner shall (i) compare personal information  
302 supplied by a Virginia affiliate of Big Brothers/Big Sisters of America with that contained in the  
303 Department's records and, when the information supplied by a Virginia affiliate of Big Brothers/Big  
304 Sisters of America is different from that contained in the Department's records, provide the Virginia  
305 affiliate of Big Brothers/Big Sisters of America with correct information as contained in the

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

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

317 15. Upon the request of any employer, prospective employer, or authorized representative of either,  
318 the Commissioner shall (i) compare personal information supplied by the employer, prospective  
319 employer, or agent with that contained in the Department's records and, when the information supplied  
320 by the employer, prospective employer, or agent is different from that contained in the Department's  
321 records, provide the employer, prospective employer, or agent with correct information as contained in  
322 the Department's records and (ii) provide driver information in the form of an abstract of the driving  
323 record of any individual who has been issued a commercial driver's license, provided that the  
324 individual's position or the position that the individual is being considered for involves the operation of  
325 a commercial motor vehicle. Such abstract shall show all convictions, accidents, license suspensions,  
326 revocations, or disqualifications, and any type of driver's license that the individual currently possesses.

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

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

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

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

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

349 21. Upon the request of the operator of a toll facility or traffic light photo-monitoring system acting  
350 on behalf of a government entity, or of the Dulles Access Highway, or an authorized agent or employee  
351 of a toll facility operator or traffic light photo-monitoring system operator acting on behalf of a  
352 government entity or the Dulles Access Highway, for the purpose of obtaining vehicle owner data under  
353 subsection E M of § 46.2-819.1 or subsection H of § 15.2-968.1 or subsection N of § 46.2-819.5.  
354 Information released pursuant to this subdivision shall be limited to the name and address of the  
355 registered owner of the vehicle having failed to pay a toll or having failed to comply with a traffic light  
356 signal or having improperly used the Dulles Access Highway and the vehicle information, including all  
357 descriptive vehicle data and title and registration data of the same vehicle.

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

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

371 24. On the written request of any person who has applied to be a volunteer vehicle operator with a  
 372 Virginia chapter of the American Red Cross, the Commissioner shall (i) compare personal information  
 373 supplied by a Virginia chapter of the American Red Cross with that contained in the Department's  
 374 records and, when the information supplied by a Virginia chapter of the American Red Cross is different  
 375 from that contained in the Department's records, provide the Virginia chapter of the American Red Cross  
 376 with correct information as contained in the Department's records and (ii) provide driver information in  
 377 the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions  
 378 or revocations, and any type of driver's license that the individual currently possesses. Such abstract  
 379 shall be provided at a fee that is one-half the normal charge if the request is accompanied by  
 380 appropriate written evidence that the person has applied to be a volunteer vehicle operator with a  
 381 Virginia chapter of the American Red Cross.

382 25. On the written request of any person who has applied to be a volunteer vehicle operator with a  
 383 Virginia chapter of the Civil Air Patrol, the Commissioner shall (i) compare personal information  
 384 supplied by a Virginia chapter of the Civil Air Patrol with that contained in the Department's records  
 385 and, when the information supplied by a Virginia chapter of the Civil Air Patrol is different from that  
 386 contained in the Department's records, provide the Virginia chapter of the Civil Air Patrol with correct  
 387 information as contained in the Department's records and (ii) provide driver information in the form of  
 388 an abstract of the applicant's record showing all convictions, accidents, license suspensions or  
 389 revocations, and any type of driver's license that the individual currently possesses. Such abstract shall  
 390 be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate  
 391 written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of  
 392 the Civil Air Patrol.

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

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

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

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

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

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

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

428 G. The Department may promulgate regulations to govern the means by which personal, vehicle, and

429 driver information is requested and disseminated.

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

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

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

443 *Article 1.1.*

444 *Toll Violations and Enforcement.*

445 **§ 46.2-819. Use of toll facility without payment of toll; circumstances to be considered in**  
446 **assessing penalty.**

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

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

458 **§ 46.2-819.1. Installation and use of photo-monitoring system or automatic vehicle identification**  
459 **system in conjunction with electronic or manual toll facilities; penalty.**

460 A. *For purposes of this section:*

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

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

466 "Debt collection" means (i) retention of a third-party debt collector or (ii) collection practices  
467 undertaken by employees of a toll facility operator that are materially similar to a third-party debt  
468 collector, to collect the unpaid toll and applicable administrative fee.

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

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

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

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

485 B- C. Information collected by a photo-monitoring system or automatic vehicle identification system  
486 installed and operated pursuant to subsection A B shall be limited exclusively to that information that is  
487 necessary for the collection of unpaid tolls. Notwithstanding any other provision of law, all photographs,  
488 microphotographs, electronic images, or other data collected by a photo-monitoring system or automatic  
489 vehicle identification system shall be used exclusively for the collection of unpaid tolls and shall not (i)  
490 be open to the public; (ii) be sold and/or used for sales, solicitation, or marketing purposes; (iii) be

591 disclosed to any other entity except as may be necessary for the collection of unpaid tolls or to a vehicle  
 592 owner or operator as part of a challenge to the imposition of a toll; and (iv) be used in a court in a  
 593 pending action or proceeding unless the action or proceeding relates to a violation of this section or  
 594 upon order from a court of competent jurisdiction. Information collected under this section shall be  
 595 purged and not retained later than 30 days after the collection and reconciliation of any unpaid tolls,  
 596 administrative fees, and/or civil penalties. Any entity operating a photo-monitoring system or automatic  
 597 vehicle identification system shall annually certify compliance with this section and make all records  
 598 pertaining to such system available for inspection and audit by the Commissioner of Highways or the  
 599 Commissioner of the Department of Motor Vehicles or their designee. Any violation of this subsection  
 500 shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law,  
 501 any money or other thing of value obtained as a result of a violation of this section shall be forfeited to  
 502 the Commonwealth.

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

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

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

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

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

542 *H. On a form prescribed by the Supreme Court, a summons for a violation of this section may be*  
 543 *executed as provided in § 19.2-76.2. A summons for a violation of this subdivision may set forth multiple*  
 544 *violations occurring within one jurisdiction in one summons. Toll facility personnel or their agents*  
 545 *mailing such summons shall be considered conservators of the peace for the sole and limited purpose of*  
 546 *mailing such summons. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this*  
 547 *section may be executed by mailing by first-class mail a copy thereof to the address of the owner of the*  
 548 *vehicle as shown on the records of the Department of Motor Vehicles or, if the registered owner has*  
 549 *named and provided a valid address for the operator of the vehicle at the time of the violation in an*  
 550 *affidavit executed pursuant to subsection I, such named operator of the vehicle. If the summoned person*  
 551 *fails to appear on the date of return set out in the summons mailed pursuant to this section, the*

552 *summons shall be executed in the manner set out in § 19.2-76.3.*

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

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

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

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

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

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

591 ~~G. J.~~ Upon a finding by a court that a person has two or more unpaid tolls and such person fails to  
592 pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner of the  
593 Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of  
594 any applicant or the license plate issued for the vehicle driven in the commission of the offense *or,*  
595 *when the vehicle is registered in a state with which the Commonwealth has entered into an agreement*  
596 *to enforce tolling violations pursuant to § 46.2-819.8, who shall provide to the entity authorized to issue*  
597 *vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient*  
598 *evidence of the court's finding to take action against the vehicle registration certificate or license plates*  
599 *in accordance with the terms of the agreement, until the court has notified the Commissioner that such*  
600 *penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the*  
601 *Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered*  
602 *of such payment.* If it is proven that the vehicle owner was not the operator at the time of the offense  
603 and upon a finding by a court that the person identified in an affidavit pursuant to subsection ~~F I~~ as the  
604 operator violated this section and such person fails to pay the required penalties, fees, and unpaid tolls,  
605 the court shall notify the Commissioner, who shall refuse to issue or renew any vehicle registration  
606 certificate of any applicant or the license plate issued for any vehicle owned or co-owned by such  
607 person *or, when such vehicle is registered in a state with which the Commonwealth has entered into an*  
608 *agreement to enforce tolling violations pursuant to § 46.2-819.8, who shall provide to the entity*  
609 *authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is*  
610 *registered sufficient evidence of the court's finding to take action against the vehicle registration*  
611 *certificate or license plates in accordance with the terms of the agreement, until the court has notified*  
612 the Commissioner that such penalties, fees, and unpaid tolls have been paid. *Upon receipt of such*  
613 *notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state*

614 *where the vehicle is registered of such payment.* Such funds representing payment of unpaid tolls and all  
 615 administrative fees of the toll facility operator shall be transferred from the court to the Virginia  
 616 Department of Transportation's Toll Facilities Revolving Account or, in the case of an action initiated by  
 617 an operator of a toll facility other than the Virginia Department of Transportation, to the treasurer or  
 618 director of finance of the county or city in which the violation occurred for payment to the toll facility  
 619 operator. The Commissioner shall collect a \$40 administrative fee from the registered owner or operator  
 620 of the vehicle to defray the cost of processing and removing an order to deny registration or registration  
 621 renewal.

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

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

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

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

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

671 M. N. No person shall be subject to both the provisions of this section and to prosecution under  
 672 § 46.2-819 for actions arising out of the same transaction or occurrence.

673 **§ 46.2-819.3. Use of toll facility without payment of toll; enforcement; penalty.**

674 A. *For purposes of this section:*

675 *"Debt collection" means (i) retention of a third-party debt collector or (ii) collection practices*  
 676 *undertaken by employees of a toll facility operator that are materially similar to a third-party debt*  
 677 *collector, to collect the unpaid toll and applicable administrative fee.*

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

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

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

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

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

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

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

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

725 *F. H. The toll facility operator may offer to the registered owner an option to pay the unpaid toll*  
 726 *and fees plus a reduced civil penalty of not more than \$25 for a first or second offense or not more*  
 727 *than \$50 for a third, fourth, or subsequent offense, as specified on the summons, provided the owner*  
 728 *actually pays to the toll facility operator the entire amount so calculated at least 14 days prior to the*  
 729 *hearing date specified on the summons. If the owner accepts such offer and such amount is actually*  
 730 *received by the toll facility operator at least 14 days prior to the hearing date specified on the summons,*  
 731 *the toll facility operator shall move the court at least five business days prior to the date set for trial to*  
 732 *dismiss the summons issued to the registered owner of the vehicle, and the court shall dismiss upon*  
 733 *such motion.*

734 *I. A summons for a violation of this section may be executed as provided in § 19.2-76.2. A summons*  
 735 *for a violation of this subdivision may set forth multiple violations occurring within one jurisdiction in*  
 736 *one summons. Toll facility personnel or their agents mailing such summons shall be considered*

737 conservators of the peace for the sole and limited purpose of mailing such summons. Notwithstanding  
738 the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by  
739 first-class mail a copy thereof to the address of the driver of a motor vehicle as shown on the written  
740 promise to pay executed pursuant to subsection E or records of the Department of Motor Vehicles. If  
741 the summoned person fails to appear on the date of return set out in the summons mailed pursuant to  
742 this section, the summons shall be executed in the manner set out in § 19.2-76.3.

743 ~~G.~~ J. Upon a finding by a court that a person has three or more unpaid tolls and such person fails to  
744 pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner of the  
745 Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of  
746 any applicant or the license plate issued for any vehicle owned or co-owned by the offender or, when  
747 the vehicle is registered in a state with which the Commonwealth has entered into an agreement to  
748 enforce tolling violations pursuant to § 46.2-819.8, who shall provide to the entity authorized to issue  
749 vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient  
750 evidence of the court's finding to take action against the vehicle registration certificate or license plates  
751 in accordance with the terms of the agreement. Upon receipt of such notification from the court, the  
752 Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered  
753 of such payment. The Commissioner shall collect a \$40 administrative fee from the registered owner or  
754 operator of the vehicle to defray the cost of processing and removing an order to deny registration or  
755 registration renewal.

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

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

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

772 ~~K.~~ L. No person shall be subject to both the provisions of this section and to prosecution under  
773 § 46.2-819 for actions arising out of the same transaction or occurrence.

774 **§ 46.2-819.3:1. Installation and use of video-monitoring system and automatic vehicle**  
775 **identification system in conjunction with all-electronic toll facilities; penalty.**

776 A. For purposes of this section:

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

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

782 "Debt collection" means (i) retention of a third-party debt collector or (ii) collection practices  
783 undertaken by employees of a toll facility operator that are materially similar to a third-party debt  
784 collector, to collect the unpaid toll and applicable administrative fee.

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

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

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

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

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

807 B. C. Information collected by a video-monitoring system in conjunction with an automatic vehicle  
808 identification system installed and operated pursuant to subsection A B shall be limited exclusively to  
809 that information that is necessary for the collection of unpaid tolls and establishing when violations  
810 occur, including use in any proceeding to determine whether a violation occurred. Notwithstanding any  
811 other provision of law, all images or other data collected by a video-monitoring system in conjunction  
812 with an automatic vehicle identification system shall be protected in a database with security comparable  
813 to that of the Department of Motor Vehicles' system and used exclusively for the collection of unpaid  
814 tolls and for efforts to pursue violators of this section and shall not (i) be open to the public; (ii) be sold  
815 and/or used for sales, solicitation, or marketing purposes other than those of the toll facility operator to  
816 facilitate toll payment; (iii) be disclosed to any other entity except as may be necessary for the  
817 collection of unpaid tolls or to a vehicle owner or operator as part of a challenge to the imposition of a  
818 toll; and/or (iv) be used in a court in a pending action or proceeding unless the action or proceeding  
819 relates to a violation of this section or upon order from a court of competent jurisdiction. Except as  
820 provided above, information collected under this section shall be purged and not retained later than 30  
821 days after the collection and reconciliation of any unpaid tolls, administrative fees, and/or civil penalties.  
822 Any entity operating a video-monitoring system in conjunction with an automatic vehicle identification  
823 system shall annually certify compliance with this section and make all records pertaining to such  
824 system available for inspection and audit by the Commissioner of Highways or the Commissioner of the  
825 Department of Motor Vehicles or their designee. Any violation of this subsection shall constitute a Class  
826 1 misdemeanor. In addition to any fines or other penalties provided for by law, any money or other  
827 thing of value obtained as a result of a violation of this section shall be forfeited to the Commonwealth.

828 If a vehicle uses a toll facility without paying the toll, the *registered* owner or operator shall be in  
829 violation of this section if he refuses to pay the toll within 30 days of notification. The toll facility  
830 operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the  
831 expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual  
832 cost of collecting the unpaid toll and not exceed \$100 per violation. Such fee shall not be levied upon  
833 the owner or operator of the vehicle unless the toll has not been paid by the owner or operator within  
834 30 days after receipt of the invoice for the unpaid toll, which nonpayment for 30 days shall constitute  
835 the violation of this section. Once such a violation has occurred, the owner or operator of the vehicle  
836 shall pay the unpaid tolls and any administrative fee detailed in the invoice for the unpaid toll issued by  
837 a toll facility operator. If paid within 30 days of the toll violation, the administrative fee shall not  
838 exceed \$25.

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

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

856 C. D. If the matter proceeds to court, the registered owner or operator of a vehicle shall be liable for  
857 a civil penalty as follows: for a first offense, \$50; for a second offense within one year from the first  
858 offense, \$100; for a third offense within two years from the second offense, \$250; and for a fourth and  
859 any subsequent offense within three years from the second offense, \$500; plus, in each case, the unpaid

860 toll, all accrued administrative fees imposed by the toll facility operator, and applicable court costs if the  
861 vehicle is found, as evidenced by information obtained from a video-monitoring system in conjunction  
862 with an automatic vehicle identification system as provided in this section, to have used such a toll  
863 facility without payment of the required toll within 30 days of receipt of the invoice for the toll.

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

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

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

888 *H. On a form prescribed by the Supreme Court, a summons for a violation of this section may be*  
889 *executed as provided in § 19.2-76.2. A summons for a violation of this subdivision may set forth multiple*  
890 *violations occurring within one jurisdiction in one summons. Toll facility personnel or their agents*  
891 *mailing such summons shall be considered conservators of the peace for the sole and limited purpose of*  
892 *mailing such summons. Notwithstanding the provisions of § 19.2-76, a summons for a violation of*  
893 *unpaid tolls may be executed by mailing by first-class mail a copy thereof to the address of the owner*  
894 *of the vehicle as shown on the records of the Department or, if the registered owner has named and*  
895 *provided a valid address for the operator of the vehicle at the time of the violation in an affidavit*  
896 *executed pursuant to subsection I, such named operator of the vehicle. If the summoned person fails to*  
897 *appear on the date of return set out in the summons mailed pursuant to this section, the summons shall*  
898 *be executed in the manner set out in § 19.2-76.3.*

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

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

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

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

920 In any action against a vehicle operator, an affidavit made by the registered owner providing the

921 name and address of the vehicle operator at the time of the violation shall constitute prima facie  
922 evidence that the person named in the affidavit was operating the vehicle at all the relevant times  
923 relating to the matter named in the affidavit.

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

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

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

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

977 The Commissioner may only refuse to issue or renew any vehicle registration pursuant to this  
978 subsection upon the request of a toll facility operator if such toll facility operator has entered into an  
979 agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle  
980 registration of any applicant therefor who owes unpaid tolls and administrative fees to the toll facility  
981 operator. The toll facility operator seeking to collect unpaid tolls and administrative fees through the  
982 withholding of registration or renewal thereof by the Commissioner as provided for in this subsection

983 shall notify the Commissioner in the manner provided for in his agreement with the Commissioner and  
 984 supply to the Commissioner information necessary to identify the violator whose registration or renewal  
 985 is to be denied. The Commissioner shall charge a \$40 fee to defray the cost of processing and  
 986 withholding the registration or registration renewal, and the toll facility operator may add this fee to the  
 987 amount of the unpaid tolls and administrative fees. Any agreement entered into pursuant to the  
 988 provisions of this subsection shall provide for the Department to send the violator notice of the intent to  
 989 deny renewal of registration at least 30 days prior to the expiration date of a current vehicle registration  
 990 and such notice shall include a form, as required under subsection B of § 46.2-819.6, to contest liability  
 991 of the underlying toll violation. The notice provided by the Commissioner shall include instructions for  
 992 filing the form to contest liability with the toll facility operator within 21 days after the date of mailing  
 993 of the Commissioner's notice. Upon timely receipt of the form, the toll facility operator shall notify the  
 994 Commissioner, who shall refrain from withholding the registration or renewal thereof, after which the  
 995 toll facility operator may proceed to issue a summons for unpaid toll. For the purposes of this  
 996 subsection, notice by first-class mail to the registrant's address as maintained in the records of the  
 997 Department shall be deemed sufficient.

998 H. For purposes of this section, "operator" means a person who was driving a vehicle that was the  
 999 subject of a toll violation but who is not the owner of the vehicle; "operator of a toll facility other than  
 1000 the Virginia Department of Transportation" means any agency, political subdivision, authority, or other  
 1001 entity that operates a toll facility; "owner" means the registered owner of a vehicle on record with the  
 1002 Department or, in the case of a vehicle where the owner of the vehicle is a vehicle leasing entity, the  
 1003 lessee. For purposes of this section, "owner" does not mean a vehicle rental or vehicle leasing company;  
 1004 "video-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection  
 1005 device that automatically produces one or more photographs, one or more microphotographs, a  
 1006 videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this  
 1007 section; "automatic vehicle identification system" means an electronic vehicle identification system  
 1008 installed to work in conjunction with a toll collection device that automatically produces an electronic  
 1009 record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility;  
 1010 and "automatic vehicle identification device" means an electronic device that communicates by wireless  
 1011 transmission with an automatic vehicle identification system.

1012 I. K. Any vehicle rental or vehicle leasing company, if it receives an invoice for unpaid toll or is  
 1013 named in a summons, shall be released as a party to the action if it provides the operator of the toll  
 1014 facility a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee  
 1015 within 30 days of receipt of the invoice or summons. Upon receipt of such rental agreement, lease, or  
 1016 affidavit, an invoice for unpaid toll shall be mailed to the renter or lessee identified therein. Release of  
 1017 this information shall not be deemed a violation of any provision of the Government Data Collection  
 1018 and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection  
 1019 Act (§ 38.2-600 et seq.). The toll facility operator shall allow at least 30 days from the date of such  
 1020 mailing before pursuing other remedies under this section. In any action against the vehicle operator, a  
 1021 copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the vehicle at  
 1022 the time of the violation is prima facie evidence that the person named in the rental agreement, lease, or  
 1023 affidavit was operating the vehicle at all the relevant times relating to the matter named in the summons.

1024 J. L. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an  
 1025 operator and shall not be made part of the driving record of the person upon whom such civil penalty is  
 1026 imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance  
 1027 coverage. The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine,  
 1028 or cost imposed or ordered paid under this section for a violation of this section.

1029 K. On a form prescribed by the Supreme Court, a summons for a violation of this section may be  
 1030 executed pursuant to ~~§ 19.2-76.2~~. Toll facility personnel or their agents mailing such summons shall be  
 1031 considered conservators of the peace for the sole and limited purpose of mailing such summons.  
 1032 Notwithstanding the provisions of ~~§ 19.2-76~~, a summons or summonses for a violation of unpaid tolls  
 1033 may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle  
 1034 as shown on the records of the Department or, if the registered owner has named and provided a valid  
 1035 address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to  
 1036 subsection F, such named operator of the vehicle. If the summoned person fails to appear on the date of  
 1037 return set out in the summons mailed pursuant to this section, the summons shall be executed in the  
 1038 manner set out in ~~§ 19.2-76.3~~.

1039 L. M. The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus  
 1040 a reduced civil penalty of \$25 for a first or second offense or \$50 for a third, fourth, or subsequent  
 1041 offense, as specified on the summons, provided the owner actually pays to the toll facility operator the  
 1042 entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the  
 1043 owner accepts such offer and such amount is actually received by the toll facility operator at least 14

1044 days prior to the hearing date specified on the summons, the toll facility operator shall move the court  
 1045 at least five business days prior to the date set for trial to dismiss the summons issued to the registered  
 1046 owner of the vehicle, and the court shall dismiss upon such motion.

1047 **M. N.** The operator of a toll facility may enter into an agreement with the Department, in accordance  
 1048 with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the  
 1049 registered owners of vehicles that fail to pay tolls required for the use of toll facilities and with the  
 1050 Virginia Department of Transportation to obtain any information that is necessary to conduct electronic  
 1051 toll collection. *Such agreement may include any information that may be obtained by the Department of*  
 1052 *Motor Vehicles in accordance with any agreement entered into pursuant to § 46.2-819.8.* Information  
 1053 provided to the operator of a toll facility shall be used only for the collection of unpaid tolls, and the  
 1054 operator of the toll facility shall be subject to the same conditions and penalties regarding release of the  
 1055 information as contained in subsection B C.

1056 **N. O.** No person shall be subject to both the provisions of this section and to prosecution under  
 1057 § 46.2-819 for actions arising out of the same transaction or occurrence.

1058 **§ 46.2-819.5. Enforcement through use of photo-monitoring system or automatic vehicle**  
 1059 **identification system in conjunction with usage of Dulles Access Highway.**

1060 **A.** For purposes of this section:

1061 *"Automatic vehicle identification device" means an electronic device that communicates by wireless*  
 1062 *transmission with an automatic vehicle identification system.*

1063 *"Automatic vehicle identification system" means an electronic vehicle identification system that*  
 1064 *automatically produces an electronic record of each vehicle equipped with an automatic vehicle*  
 1065 *identification device that uses monitored portions of the Dulles Access Highway.*

1066 *"Operator of the Dulles Access Highway" means the Metropolitan Washington Airports Authority*  
 1067 *(§ 5.1-152 et seq.).*

1068 *"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles.*

1069 *"Photo-monitoring system" means equipment that produces one or more photographs,*  
 1070 *microphotographs, videotapes, or other recorded images of vehicles at the time they are used or*  
 1071 *operated in violation of the Authority regulation governing the use of the Dulles Access Highway.*

1072 **B.** A photo-monitoring system or automatic vehicle identification system established at locations  
 1073 along the Dulles Access Highway, in order to identify vehicles that are using the Dulles Access  
 1074 Highway in violation of the Metropolitan Washington Airports Authority (Authority) regulation  
 1075 regarding usage, which makes violations of the regulation subject to civil penalties, shall be administered  
 1076 in accordance with this section. The civil penalties for violations of such regulation may not exceed the  
 1077 following: \$50 for the first violation; \$100 for a second violation within one year from the first  
 1078 violation; \$250 for a third violation within two years from the second violation; and \$500 for a fourth  
 1079 and any subsequent violation within three years from the second violation. In the event a violation of  
 1080 the Authority regulation is identified via the photo-monitoring system or automatic vehicle identification  
 1081 system, the operator of the Dulles Access Highway shall send a notice of the violation, of the applicable  
 1082 civil penalty and of any administrative fee calculated in accordance with subsection C D to the  
 1083 registered owner of the vehicle identified by the system prior to seeking further remedies under this  
 1084 section. Upon receipt of the notice, the registered owner of the vehicle may elect to avoid any action by  
 1085 the operator to enforce the violation in court by waiving his right to a court hearing, pleading guilty to  
 1086 the violation, and paying a reduced civil penalty along with any applicable administrative fee to the  
 1087 operator. Should the recipient of the notice make such an election, the amount of the reduced civil  
 1088 penalty shall be as follows: \$30 for the first violation; \$50 for a second violation within one year from  
 1089 the first violation; \$125 for a third violation within two years from the second violation; and \$250 for a  
 1090 fourth and any subsequent violations within three years from the second violation.

1091 **B. C.** Information collected by the photo-monitoring system or automatic vehicle identification  
 1092 system referenced in subsection A B shall be limited exclusively to that information that is necessary for  
 1093 identifying those ~~drivers~~ operators who improperly use the Dulles Access Highway in violation of the  
 1094 Authority regulation. Notwithstanding any other provision of law, all photographs, microphotographs,  
 1095 electronic images, or other data collected by a photo-monitoring system or automatic vehicle  
 1096 identification system shall be used exclusively for the identification of violators and shall not (i) be open  
 1097 to the public; (ii) be sold or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any  
 1098 other entity except as may be necessary for the identification of violators or to a vehicle owner or  
 1099 operator as part of a challenge to the imposition of a civil penalty; or (iv) be used in a court in a  
 1100 pending action or proceeding unless the action or proceeding relates to a violation of the Authority  
 1101 regulation governing usage of the Dulles Access Highway or upon order from a court of competent  
 1102 jurisdiction. Information collected by the system shall be protected in a database with security  
 1103 comparable to that of the Department of Motor Vehicles' system, and be purged and not retained later  
 1104 than 30 days after the collection and reconciliation of any civil penalties and administrative fees. The  
 1105 operator of the Dulles Access Highway shall annually certify compliance with this subsection and make

1106 all records pertaining to such system available for inspection and audit by the Commissioner of  
1107 Highways or the Commissioner of the Department of Motor Vehicles or their designee. Any violation of  
1108 this subsection shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties  
1109 provided for by law, any money or other thing of value obtained as a result of a violation of this  
1110 subsection shall be forfeited to the Commonwealth.

1111 ~~€.~~ D. The operator of the Dulles Access Highway may impose and collect an administrative fee, in  
1112 addition to the civil penalty established by regulation, so as to recover the expenses of collecting the  
1113 civil penalty, which administrative fee shall be reasonably related to the actual cost of collecting the  
1114 civil penalty and shall not exceed \$100 per violation. Such fee shall not be levied upon the operator of  
1115 the vehicle until a second violation has been documented within 12 months of an initial violation, in  
1116 which case the fee shall apply to such second violation and to any additional violation occurring  
1117 thereafter. If the recipient of the notice referenced in subsection A B makes the election provided by that  
1118 subsection, the administrative fee shall not exceed \$25.

1119 ~~Đ.~~ E. If the election provided for in subsection A B is not made, the operator of the Dulles Access  
1120 Highway may proceed to enforce the violation in court. If the matter proceeds to court, the registered  
1121 owner or operator of a vehicle shall be liable for the civil penalty set out in the Authority regulation  
1122 governing usage of the Dulles Access Highway, any applicable administrative fees calculated in  
1123 accordance with subsection € D and applicable court costs if the vehicle is found, as evidenced by  
1124 information obtained from a photo-monitoring system or automatic vehicle identification system as  
1125 provided in this section, to have used the Dulles Access Highway in violation of the Authority  
1126 regulation; provided, that the civil penalty may not exceed the amount of the penalty identified in  
1127 subsection A B.

1128 ~~Ɖ.~~ F. Any action under this section shall be brought in the ~~General District Court~~ *general district*  
1129 *court of the county or city in which the violation occurred and shall be commenced within two years*  
1130 *from the commission of the offense. Such action shall be considered a traffic infraction.*

1131 ~~Ƒ.~~ G. Proof of a violation of the Authority regulation governing the use of the Dulles Access  
1132 Highway shall be evidenced by information obtained from the photo-monitoring system or automatic  
1133 vehicle identification system referenced in subsection A B. A certificate, sworn to or affirmed by a  
1134 technician employed or authorized by the operator of the Dulles Access Highway, or a facsimile of such  
1135 a certificate, that is based on inspection of photographs, microphotographs, videotapes, or other recorded  
1136 images or electronic data produced by the photo-monitoring system shall be prima facie evidence of the  
1137 facts contained therein. Any photographs, microphotographs, videotape, or other recorded images or  
1138 electronic data evidencing such a violation shall be available for inspection in any proceeding to  
1139 adjudicate the liability for such violation under this section.

1140 ~~Ɠ.~~ H. A summons issued under this section, which describes a vehicle that, on the basis of a  
1141 certificate referenced in subsection Ƒ G, is alleged to have been operated in violation of the Authority  
1142 regulation governing usage of the Dulles Access Highway, shall be prima facie evidence that such  
1143 vehicle was operated in violation of the Authority regulation.

1144 *I. On a form prescribed by the Supreme Court, a summons for a violation of the Authority regulation*  
1145 *governing the use of the Dulles Access Highway may be executed as provided in § 19.2-76.2. The*  
1146 *operator of the Dulles Access Highway or its personnel or agents mailing such summons shall be*  
1147 *considered conservators of the peace for the sole and limited purpose of mailing such summons. As*  
1148 *provided in § 19.2-76.2, the summons for a violation of the Authority regulation governing usage of the*  
1149 *Dulles Access Highway may be executed by mailing by first-class mail a copy thereof to the address of*  
1150 *the owner of the vehicle as shown on the records of the Department of Motor Vehicles or, if the*  
1151 *registered owner or rental or leasing company has named and provided a valid address for the operator*  
1152 *of the vehicle at the time of the violation as provided in this section, to the address of such named*  
1153 *operator of the vehicle. If the summoned person fails to appear on the date of return set out in the*  
1154 *summons mailed pursuant to this section, the summons shall be executed in the manner set out in*  
1155 *§ 19.2-76.3.*

1156 ~~Ɣ.~~ J. Upon a finding by a court that the vehicle described in the summons issued under this section  
1157 was in violation of the Authority regulation, the court shall impose a civil penalty upon the registered  
1158 owner or operator of such vehicle in accordance with the penalty amounts specified in subsection Đ E,  
1159 together with any applicable court costs and applicable administrative fees calculated in accordance with  
1160 subsection € D. Civil penalties and administrative fees assessed as a result of an action initiated under  
1161 this section and collected by the court shall be remanded by the clerk of the court that adjudicated the  
1162 action to the treasurer or director of finance of the county or city in which the violation occurred for  
1163 payment to the operator of the Dulles Access Highway.

1164 The registered owner of a vehicle shall be given reasonable notice of an enforcement action in court  
1165 by way of a summons that informs the owner that his vehicle has been used in violation of the  
1166 Authority regulation governing the use of the Dulles Access Highway and of the time and place of the

1167 court hearing, as well as of the civil penalty and court costs for the violation. Upon the filing of an  
1168 affidavit with the court at least 14 days prior to the hearing date by the registered owner of the vehicle  
1169 stating that he was not the ~~driver~~ operator of the vehicle on the date of the violation and providing the  
1170 legal name and address of the operator of the vehicle at the time of the violation, a summons shall be  
1171 issued to such alleged operator of the vehicle.

1172 In any action against such a vehicle operator, an affidavit made by the registered owner providing  
1173 the name and address of the vehicle operator at the time of the violation shall constitute prima facie  
1174 evidence that the person named in the affidavit was operating the vehicle at all the relevant times  
1175 relating to the matter addressed in the affidavit.

1176 If the registered owner of the vehicle produces a certified copy of a police report showing that the  
1177 vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained  
1178 stolen at the time of the alleged offense, then the court shall dismiss the summons issued to the  
1179 registered owner of the vehicle.

1180 ~~F.~~ K. Upon a finding by a court that a person has three or more violations of the Authority regulation  
1181 governing the use of the Dulles Access Highway and has failed to pay the required civil penalties,  
1182 administrative fees and court costs into the court, the court shall notify the Commissioner of the  
1183 Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate to  
1184 or for such person or the license plate for the vehicle owned by such person until the court has notified  
1185 the Commissioner that such civil penalties, fees, and costs have been paid. The Commissioner shall  
1186 collect a \$40 administrative fee from such person to defray the cost of responding to court notices given  
1187 pursuant to this subsection.

1188 ~~J.~~ For purposes of this section, "operator of the Dulles Access Highway" means the Metropolitan  
1189 Washington Airports Authority; "owner" means the registered owner of a vehicle on record with the  
1190 Department of Motor Vehicles; "photo-monitoring system" means equipment that produces one or more  
1191 photographs, microphotographs, videotapes, or other recorded images of vehicles at the time they are  
1192 used or operated in violation of the Authority regulation governing the use of the Dulles Access  
1193 Highway; "automatic vehicle identification system" means an electronic vehicle identification system that  
1194 automatically produces an electronic record of each vehicle equipped with an automatic vehicle  
1195 identification device that uses monitored portions of the Dulles Access Highway; and "automatic vehicle  
1196 identification device" means an electronic device that communicates by wireless transmission with an  
1197 automatic vehicle identification system.

1198 ~~K.~~ L. Any vehicle rental or vehicle leasing company, if named in a summons, shall be released as a  
1199 party to the action if it provides the operator of the Dulles Access Highway with a copy of the vehicle  
1200 rental agreement or lease, or an affidavit that identifies the renter or lessee, prior to the date of hearing  
1201 set forth in the summons. Upon receipt of such rental agreement, lease, or affidavit, a summons shall be  
1202 issued to such renter or lessee. Release of this information shall not be deemed a violation of any  
1203 provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the  
1204 Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.). In any action against the renter or  
1205 lessee, a copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the  
1206 vehicle at the time of the violation shall be prima facie evidence that the person named in the rental  
1207 agreement, lease, or affidavit was operating the vehicle at all the relevant times relating to the matter  
1208 named in the summons.

1209 ~~L.~~ M. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an  
1210 operator and shall not be made a part of the driving record of the person upon whom such civil penalty  
1211 is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance  
1212 coverage. The provisions of § 46.2-395 shall not be applicable to any civil penalty, administrative fee, or  
1213 cost imposed or ordered paid under this section.

1214 ~~M.~~ On a form prescribed by the Supreme Court, a summons for a violation of the Authority  
1215 regulation governing the use of the Dulles Access Highway may be executed pursuant to ~~§ 19.2-76.2.~~  
1216 The operator of the Dulles Access Highway or its personnel or agents mailing such summons shall be  
1217 considered conservators of the peace for the sole and limited purpose of mailing such summons.  
1218 Pursuant to ~~§ 19.2-76.2,~~ the summons for a violation of the Authority regulation governing usage of the  
1219 Dulles Access Highway may be executed by mailing by first-class mail a copy thereof to the address of  
1220 the owner of the vehicle as shown on the records of the Department of Motor Vehicles or, if the  
1221 registered owner or rental or leasing company has named and provided a valid address for the operator  
1222 of the vehicle at the time of the violation as provided in this section, to the address of such named  
1223 operator of the vehicle. If the summoned person fails to appear on the date of return set out in the  
1224 summons mailed pursuant to this section, the summons shall be executed in the manner set out in  
1225 ~~§ 19.2-76.3.~~

1226 N. The operator of the Dulles Access Highway may enter into an agreement with the Department of  
1227 Motor Vehicles, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle  
1228 owner information regarding the registered owners of vehicles that improperly use the Dulles Access

1229 Highway. Information provided to the operator of the Dulles Access Highway shall only be used in the  
 1230 enforcement of the Authority regulation governing use of the Dulles Access Highway, and the operator  
 1231 shall be subject to the same conditions and penalties regarding release of the information as contained in  
 1232 subsection B C.

1233 O. Should other vehicle recognition technology become available that is appropriate to be used for  
 1234 the purpose of monitoring improper usage of the Dulles Access Highway, the operator of the Dulles  
 1235 Access Highway shall be permitted to use any such technology that has been approved for use by the  
 1236 Virginia State Police, the Commonwealth of Virginia, or any of its localities.

1237 P. All civil penalties paid to the operator of the Dulles Access Highway pursuant to this section shall  
 1238 be used by the operator of the Dulles Access Highway only for the operation and improvement of the  
 1239 Dulles Corridor, including the Dulles Toll Road.

1240 **§ 46.2-819.6. Invoice for unpaid toll.**

1241 A. The operator of a toll facility shall send an invoice for the unpaid toll pursuant to ~~§ 46.2-819.7~~  
 1242 *subsection C* to the registered owner of the vehicle. An invoice for the unpaid toll shall contain the  
 1243 following:

- 1244 1. The name and address of the registered owner alleged to be liable under this section;
- 1245 2. The registration number of the motor vehicle involved in such violation or information obtained  
 1246 from an automatic vehicle identification system if the vehicle is identified by an automatic vehicle  
 1247 identification system for the purpose of violation detection;
- 1248 3. The location where such violation took place;
- 1249 4. The date and time of such violation;
- 1250 5. The amount of the toll not paid;
- 1251 6. The amount of the administrative fee;
- 1252 7. The date by which the toll and administrative fee must be paid;
- 1253 8. The statutory defenses available under this chapter;
- 1254 9. A warning describing the penalties for nonpayment of the invoice for the unpaid toll or failure to  
 1255 file a notice to contest liability for the toll violation; and
- 1256 10. The procedures and time limits for filing a notice to contest liability for a toll violation as  
 1257 provided in subsection B C of § 46.2-819.3:1.

1258 B. The toll facility operator shall include with the invoice a form to be used by the registered owner  
 1259 or operator of the vehicle to contest liability for a toll violation. This form shall include the mailing  
 1260 address to which it should be sent.

1261 C. *Whenever an invoice for an unpaid toll is to be provided to any person by the toll facility  
 1262 operator, it may be executed by mailing by first-class mail a copy of the invoice to the address of the  
 1263 owner of the vehicle as shown on the records of the Department.*

1264 **§ 46.2-819.8. Agreements for enforcement of tolling violations against nonresidents.**

1265 A. *The Governor or his designee may enter into an agreement on behalf of the Commonwealth with  
 1266 another state that provides for reciprocal enforcement of HOT lanes violations or toll violations, in  
 1267 accordance with this article and Chapter 5 (§ 33.2-500 et seq.) of Title 33.2, between the  
 1268 Commonwealth and the other state.*

1269 B. *Any agreement made under this section shall provide that drivers and vehicles licensed or  
 1270 registered in the Commonwealth, while operating on the highways and bridges of another state, shall  
 1271 receive benefits, privileges, and exemptions of a similar kind with regard to toll enforcement as are  
 1272 extended to the drivers and vehicles licensed or registered in the other state while they are operating on  
 1273 the highways and bridges of the Commonwealth.*

1274 C. *Any agreement made under this section shall provide for enforcement of HOT lanes violations or  
 1275 toll violations by refusal or suspension of the registration of the owner's or operator's motor vehicle in  
 1276 accordance with the provisions of this article and Chapter 5 (§ 33.2-500 et seq.) of Title 33.2 for  
 1277 Virginia residents and enforcement of HOT lanes violations or toll violations in accordance with the  
 1278 laws of the state in which the vehicle is registered for nonresidents. Furthermore, such agreement shall  
 1279 provide that any notice required to be sent between the Commonwealth and the other state for  
 1280 enforcement under the provisions of the agreement shall be sent via electronic means.*

1281 D. *Any agreement made under this section shall provide that any vehicle owner or operator  
 1282 identified as a violator pursuant to the terms of the agreement shall be afforded the opportunity to  
 1283 challenge or otherwise contest liability for the unpaid toll in accordance with the laws or regulations of  
 1284 the state in which the violation occurred.*

1285 **§ 46.2-819.9. Withholding of vehicle registration for enforcement of out-of-state toll violations.**

1286 A. *Upon receipt of notice from a state that has entered into an agreement with the Commonwealth  
 1287 pursuant to § 46.2-819.8 that a resident of Virginia owes unpaid tolls, administrative fees, or penalties  
 1288 to that state, the Commissioner shall refuse to issue or renew the vehicle registration certificate or the  
 1289 license plate issued for a vehicle or vehicles owned by such resident in accordance with this section*

1290 *until such state has notified the Commissioner that such tolls, fees, or penalties have been paid.*  
1291 *If the resident is the owner and operator of the vehicle used in the commission of the offense, the*  
1292 *Commissioner shall refuse to issue or renew the vehicle registration certificate or the license plate*  
1293 *issued for that vehicle. If the resident was the operator of the vehicle, but not the owner, the*  
1294 *Commissioner shall refuse to issue or renew any vehicle registration certificate or license plates for any*  
1295 *vehicle owned by the resident.*  
1296 *B. The Department shall send each resident identified pursuant to subsection A notice of the intent to*  
1297 *deny renewal of registration at least 30 days prior to the expiration date of a current vehicle*  
1298 *registration. Such notice shall include instructions for contacting the state to which the unpaid tolls,*  
1299 *administrative fees, or penalties are owed by the resident and indicate that such contact information is*  
1300 *provided for the purpose of payment of the amounts owed.*  
1301 *C. Upon receipt of notice from the applicable state that the resident has satisfied all outstanding*  
1302 *obligations to that state, the Commissioner shall release the hold on the vehicle registrations and permit*  
1303 *the same to be issued or renewed.*  
1304 *D. The Commissioner shall charge a \$40 fee to defray the cost of processing and withholding the*  
1305 *registration or registration renewal under this section.*  
1306 **2. That § 46.2-819.7 of the Code of Virginia is repealed.**