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**HOUSE BILL NO. 341**

Offered January 13, 2016

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*A BILL to amend and reenact §§ 46.2-208 and 46.2-844 of the Code of Virginia, relating to passing stopped school bus; video-monitoring system.*

Patron—Miller

Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:****1. That §§ 46.2-208 and 46.2-844 of the Code of Virginia are amended and reenacted as follows:****§ 46.2-208. Records of Department; when open for inspection; release of privileged information.**

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

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

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

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

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

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

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

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

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

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

8. On the written request of any motor vehicle rental or leasing company or its designated agent, the Commissioner shall (i) compare personal information supplied by the company or agent with that

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

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

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

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

101 12. On the written request of any member of or applicant for membership in a volunteer fire  
102 company or any volunteer emergency medical services personnel or applicant to serve as volunteer  
103 emergency medical services personnel, the Commissioner shall (i) compare personal information  
104 supplied by the volunteer fire company or volunteer emergency medical services agency with that  
105 contained in the Department's records and, when the information supplied by the volunteer fire company  
106 or volunteer emergency medical services agency is different from that contained in the Department's  
107 records, provide the volunteer fire company or volunteer emergency medical services agency with  
108 correct information as contained in the Department's records and (ii) provide driver information in the  
109 form of an abstract of the member's, personnel, or applicant's record showing all convictions, accidents,  
110 license suspensions or revocations, and any type of driver's license that the individual currently  
111 possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate  
112 written evidence that the person is a member of or applicant for membership in a volunteer fire  
113 company or a volunteer emergency medical services agency to serve as a member of a volunteer  
114 emergency medical services agency and the abstract is needed by a volunteer fire company or volunteer  
115 emergency medical services agency to establish the qualifications of the member, volunteer, or applicant  
116 to operate equipment owned by the volunteer fire company or volunteer emergency medical services  
117 agency.

118 13. On the written request of any person who has applied to be a volunteer with a Virginia affiliate  
119 of Big Brothers/Big Sisters of America, the Commissioner shall (i) compare personal information  
120 supplied by a Virginia affiliate of Big Brothers/Big Sisters of America with that contained in the

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

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

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

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

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

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

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

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

21. Upon the request of the operator of a toll facility ~~or~~, traffic light photo-monitoring system, *or video-monitoring system* acting on behalf of a government entity, or of the Dulles Access Highway, or an authorized agent or employee of a toll facility operator ~~or~~, traffic light photo-monitoring system operator, *or video-monitoring system operator* acting on behalf of a government entity or the Dulles Access Highway, for the purpose of obtaining vehicle owner data under subsection L of § 46.2-819.1 ~~or~~, subsection H of § 15.2-968.1 ~~or~~, subsection N of § 46.2-819.5, *or subsection G of § 46.2-844*. Information released pursuant to this subdivision shall be limited to the name and address of the registered owner of the vehicle having (i) failed to pay a toll ~~or having~~, (ii) failed to comply with a traffic light signal ~~or having~~, (iii) improperly used the Dulles Access Highway, *or* (iv) *unlawfully passed a stopped school bus* and the vehicle information, including all descriptive vehicle data and title and registration data of the same vehicle.

22. On the written request of any person who has applied to be a volunteer with a Virginia affiliate of Compeer, the Commissioner shall (i) compare personal information supplied by a Virginia affiliate of Compeer with that contained in the Department's records and, when the information supplied by a Virginia affiliate of Compeer is different from that contained in the Department's records, provide the

182 Virginia affiliate of Compeer with correct information as contained in the Department's records and (ii)  
183 provide driver information in the form of an abstract of the applicant's record showing all convictions,  
184 accidents, license suspensions or revocations, and any type of driver's license that the individual  
185 currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the  
186 request is accompanied by appropriate written evidence that the person has applied to be a volunteer  
187 with a Virginia affiliate of Compeer.

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

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

202 25. On the written request of any person who has applied to be a volunteer vehicle operator with a  
203 Virginia chapter of the Civil Air Patrol, the Commissioner shall (i) compare personal information  
204 supplied by a Virginia chapter of the Civil Air Patrol with that contained in the Department's records  
205 and, when the information supplied by a Virginia chapter of the Civil Air Patrol is different from that  
206 contained in the Department's records, provide the Virginia chapter of the Civil Air Patrol with correct  
207 information as contained in the Department's records and (ii) provide driver information in the form of  
208 an abstract of the applicant's record showing all convictions, accidents, license suspensions or  
209 revocations, and any type of driver's license that the individual currently possesses. Such abstract shall  
210 be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate  
211 written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of  
212 the Civil Air Patrol.

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

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

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

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

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

242 E. Whenever the Commissioner takes any licensing action pursuant to the provisions of the Virginia  
243 Commercial Driver's License Act (§ 46.2-341.1 et seq.), he may provide information to the Commercial

Driver License Information System, or any similar national commercial driver information system, regarding such action.

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

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

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

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

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

**§ 46.2-844. Passing stopped school buses; penalty; prima facie evidence.**

A. The driver of a motor vehicle approaching from any direction a clearly marked school bus which is stopped on any highway, private road or school driveway for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons, who, in violation of § 46.2-859, fails to stop and remain stopped until all such persons are clear of the highway, private road or school driveway, is subject to a civil penalty of \$250 and any prosecution shall be instituted and conducted in the same manner as prosecutions for traffic infractions.

A prosecution or proceeding under § 46.2-859 is a bar to a prosecution or proceeding under this section for the same act and a prosecution or proceeding under this section is a bar to a prosecution or proceeding under § 46.2-859 for the same act.

In any prosecution for which a summons charging a violation of this section was issued within ten days of the alleged violation, proof that the motor vehicle described in the summons was operated in violation of this section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.) of this title shall give rise to a rebuttable presumption that the registered owner of the vehicle was the person who operated the vehicle at the place where, and for the time during which, the violation occurred.

The testimony of the school bus driver, the supervisor of school buses or a law-enforcement officer that the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning devices as prescribed in § 46.2-1090 is prima facie evidence that the vehicle is a school bus.

B. A locality may, by ordinance, authorize the school division of the locality to install and operate a video-monitoring system in or on the school buses operated by the division or to contract with a private vendor to do so on behalf of the school division for the purpose of recording violations of subsection A. Such ordinance may direct that any civil penalty levied for a violation of subsection A shall be payable to the local school division. *The operator of a vehicle shall be liable for such civil penalty if such vehicle is found, as evidenced by information obtained from a video-monitoring system, to have violated the provisions of such ordinance within such locality.*

C. *Proof of a violation of an ordinance adopted pursuant to subsection B shall be evidenced by information obtained from a video-monitoring system authorized pursuant to subsection B. A certificate, sworn to or affirmed by a law-enforcement officer employed by a locality authorized to impose penalties pursuant to this section, or a facsimile thereof, based upon inspection of recorded images produced by a video-monitoring system, shall be prima facie evidence of the facts contained therein. Any recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to an ordinance adopted pursuant to this section.*

D. *In the prosecution for a violation of any ordinance adopted pursuant to subsection B, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of such ordinance, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police*

305 report, showing that the vehicle had been reported to the police as stolen prior to the time of the  
306 alleged violation of this section, is presented prior to the return date established on the summons issued  
307 pursuant to this section to the court adjudicating the alleged violation.

308 E. Imposition of a penalty pursuant to an ordinance adopted pursuant to subsection B shall not be  
309 deemed a conviction as an operator and shall not be made part of the operating record of the person  
310 upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of  
311 motor vehicle insurance coverage. No monetary penalty imposed under such ordinance shall include  
312 court costs.

313 F. A summons for a violation of an ordinance adopted pursuant to subsection B may be executed  
314 pursuant to § 19.2-76.2. Notwithstanding the provisions of § 19.2-76, a summons for a violation of such  
315 ordinance may be executed by mailing by first-class mail a copy thereof to the owner, lessee, or renter  
316 of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the  
317 records of the Department of Motor Vehicles; in the case of a vehicle lessee or renter, the copy shall be  
318 mailed to the address contained in the records of the lessor or renter. Every such mailing shall include,  
319 in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that  
320 he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit  
321 as provided in subsection D and (ii) instructions for filing such affidavit, including the address to which  
322 the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the  
323 summons mailed pursuant to this section, the summons shall be executed in the manner set out in  
324 § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted  
325 for failure to appear on the return date of the summons. Any summons executed for a violation of such  
326 ordinance shall provide to the person summoned at least 30 business days from the mailing of the  
327 summons to inspect information collected by a video-monitoring system in connection with the violation.

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

353 H. A private entity may enter into an agreement with a locality to be compensated for providing the  
354 video-monitoring system and all related support services, to include consulting, operations, and  
355 administration. However, only a law-enforcement officer employed by a locality may swear to or affirm  
356 the certificate required by subsection C. No locality shall enter into an agreement for compensation  
357 based on the number of violations or monetary penalties imposed.

358 I. Any locality that uses a video-monitoring system shall evaluate the system on a monthly basis to  
359 ensure all cameras are functioning properly. Evaluation results shall be made available to the public.

360 J. Notwithstanding any other provision of this section, if a vehicle depicted in images recorded by a  
361 video-monitoring system is owned, leased, or rented by a county, city, or town, then the county, city, or  
362 town may access and use the recorded images and associated information for employee disciplinary  
363 purposes.

364 K. For purposes of this subsection, "video-monitoring section:

365 "Owner" means the registered owner of such vehicle on record with the Department of Motor  
366 Vehicles.

367 "Video-monitoring system" means a system with one or more camera sensors and computers installed  
368 and operated on a school bus that produces live digital and recorded video of motor vehicles being  
369 operated in violation of § 46.2-859. All such systems installed shall, at a minimum, produce a recorded  
370 image of the license plate and shall record the activation status of at least one warning device as  
371 prescribed in § 46.2-1090 and the time, date, and location of the vehicle when the image is recorded.

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