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SENATE BILL NO. 678

Offered January 10, 2018

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

Patrons—Deeds and McClellan

Referred to Committee on Transportation**Be it enacted by the General Assembly of Virginia:**

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

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

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

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

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

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

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

1. Personal information, including all data defined as "personal information" in § 2.2-3801;

2. Driver information, including all data that relates to driver's license status and driver activity; and

3. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle activity data.

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

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

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

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

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

5. On the written request of any insurance carrier, surety, or representative of an insurance carrier or surety, the Commissioner shall furnish such insurance carrier, surety, or representative an abstract of the record of any person subject to the provisions of this title. The abstract shall include any record of any

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59 conviction of a violation of any provision of any statute or ordinance relating to the operation or
60 ownership of a motor vehicle or of any injury or damage in which he was involved and a report of
61 which is required by § 46.2-372. No such report of any conviction or accident shall be made after 60
62 months from the date of the conviction or accident unless the Commissioner or court used the
63 conviction or accident as a reason for the suspension or revocation of a driver's license or driving
64 privilege, in which case the revocation or suspension and any conviction or accident pertaining thereto
65 shall not be reported after 60 months from the date that the driver's license or driving privilege has been
66 reinstated. This abstract shall not be admissible in evidence in any court proceedings.

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

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

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

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

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

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

12. On the written request of any member of or applicant for membership in a volunteer fire company or any volunteer emergency medical services personnel or applicant to serve as volunteer emergency medical services personnel, the Commissioner shall (i) compare personal information supplied by the volunteer fire company or volunteer emergency medical services agency with that contained in the Department's records and, when the information supplied by the volunteer fire company or volunteer emergency medical services agency is different from that contained in the Department's records, provide the volunteer fire company or volunteer emergency medical services agency with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the member's, personnel, or 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 is a member of or applicant for membership in a volunteer fire company or a volunteer emergency medical services agency to serve as a member of a volunteer emergency medical services agency and the abstract is needed by a volunteer fire company or volunteer emergency medical services agency to establish the qualifications of the member, volunteer, or applicant to operate equipment owned by the volunteer fire company or volunteer emergency medical services agency.

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

182 shall provide vehicle information, including the owner's name and address.

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

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

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

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

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

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

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

242 27. On the written request of the surviving spouse or child of a deceased person or the executor or
243 administrator of a deceased person's estate, the Department shall, if the deceased person had been issued

a driver's license or special identification card by the Department, supply the requestor with a hard copy image of any photograph of the deceased person kept in the Department's records.

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

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

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

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

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

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

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

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

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

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

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

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

In any court or legal proceeding in which any question arises about the calibration or accuracy of any laser speed determination device, radar, ~~or~~ microcomputer device, *or speed monitoring system* as described in this section used to determine the speed of any motor vehicle, a certificate, or a true copy thereof, showing the calibration or accuracy of (i) the speedometer of any vehicle, (ii) any tuning fork employed in calibrating or testing the radar or other speed determination device, or (iii) any other method employed in calibrating or testing any laser speed determination device *or speed monitoring system*, and when and by whom the calibration was made, shall be admissible as evidence of the facts

305 therein stated. No calibration or testing of such device *or system* shall be valid for longer than six
306 months.

307 The driver of any such motor vehicle may be arrested without a warrant under this section if the
308 arresting officer is in uniform and displays his badge of authority and if the officer has observed the
309 registration of the speed of such motor vehicle by the laser speed determination device, radar, or
310 microcomputer device as described in this section, or has received a radio message from the officer who
311 observed the speed of the motor vehicle registered by the laser speed determination device, radar, or
312 microcomputer device as described in this section. However, in case of an arrest based on such a
313 message, such radio message shall have been dispatched immediately after the speed of the motor
314 vehicle was registered and furnished the license number or other positive identification of the vehicle
315 and the registered speed to the arresting officer.

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

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

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

330 ***§ 46.2-882.1. Use of speed monitoring systems.***

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

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

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

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

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

F. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. No monetary penalty imposed under this section shall exceed \$50, nor shall it include court costs. Any finding in a district court that an operator has violated an ordinance adopted as provided in this section shall be appealable to the circuit court in a civil proceeding.

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

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

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

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

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

L. Prior to or coincident with the implementation or expansion of a speed monitoring system, a

428 locality shall conduct a public awareness program, which shall include publishing a notice of the
429 location of the speed monitoring system on the locality's website and in a newspaper having general
430 circulation in the locality, advising the public that the locality is implementing or expanding a speed
431 monitoring system.

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