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**HOUSE BILL NO. 1437**

Offered January 11, 2023

Prefiled December 19, 2022

A *BILL to amend and reenact § 33.2-210 of the Code of Virginia, relating to Commonwealth Transportation Board; regulation authority.*

Patrons—Wiley, Tata and Wachsmann

Referred to Committee on Transportation

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

**1. That § 33.2-210 of the Code of Virginia is amended and reenacted as follows:**

**§ 33.2-210. Highway regulations; penalty.**

A. The Board shall have the power and duty to make regulations that are not in conflict with the laws of the Commonwealth (i) for the protection of and covering traffic on *the systems of state highways* and (ii) for the use of systems of state highways, *including authorizing the use of such highways for public safety purposes and the use of devices on such highways for public safety purposes whether related or unrelated to transportation safety*, and shall have the authority to add to, amend, or repeal such regulations. *However, any regulation authorizing the use of a device that records and stores videos or images for public safety purposes shall require that all data collected by such device be purged and not retained later than 30 days after collection unless such data is being used in an active law-enforcement investigation.*

B. The regulations, together with any additions or amendments thereto, prescribed by the Board under the authority of this section shall have the force and effect of law, and any person, firm, or corporation violating any such regulation or any addition or amendment thereto is guilty of a misdemeanor punishable by a fine of not less than \$5 nor more than \$100 for each offense. Such person shall be civilly liable to the Commonwealth for the actual damage sustained by the Commonwealth by reason of his wrongful act. Such damages may be recovered at the suit of the Board and, when collected, paid into the state treasury to the credit of the Department. Any regulations promulgated by the Board shall be developed in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) except when specifically exempted by law.

INTRODUCED

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