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## SENATE BILL NO. 1165

Offered January 11, 2023

Prefiled January 10, 2023

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

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Patron—Lewis

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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, upon the request of a locality or its chief law-enforcement officer, authorizing the use of devices on such highways for law-enforcement 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 any device that records and stores videos, images, or any other data or information for law-enforcement purposes shall require that all data or information collected by such device be purged and not retained later than 30 days after collection unless (a) such data is being used in an active law-enforcement investigation or (b) another provision of law establishes a different data retention requirement or limitation. Notwithstanding any other provision of law, all videos, images, or other data or information collected by the device shall be used exclusively for law-enforcement purposes and shall not be (1) open to the public; (2) sold or used for sales, solicitation, or marketing purposes; (3) disclosed to any other entity except as may be necessary for law enforcement; or (4) used in a court in a pending action or proceeding unless the action or proceeding relates to a criminal violation or such data or information is requested upon order from a court of competent jurisdiction.*

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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