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SENATE BILL NO. 861

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation
on February 16, 2023)

(Patron Prior to Substitute—Senator Locke)

A BILL to amend and reenact §§ 15.2-968.1 and 46.2-208 of the Code of Virginia, relating to traffic control device violation monitoring systems.

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-968.1 and 46.2-208 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-968.1. Use of violation monitoring systems to enforce traffic light signals and certain traffic control devices.

A. For purposes of this section:

"Owner" means the registered owner on record with the Department of Motor Vehicles.

"Traffic control device" has the same meaning as set forth in § 46.2-100.

"Traffic control device violation monitoring system" means equipment that produces one or more photographs, microphotographs, video, or other recorded images of vehicles used or operated in violation of signs or markings placed in accordance with § 46.2-830. Traffic control device violation monitoring systems shall not be used to enforce violations of traffic light signals or speed limits.

"Traffic light signal violation monitoring system" means a vehicle sensor installed to work in conjunction with a traffic light that automatically produces two or more photographs, two or more microphotographs, video, or other recorded images of each vehicle at the time it is used or operated in violation of § 46.2-833, 46.2-835, or 46.2-836. For each such vehicle, at least one recorded image shall be of the vehicle before it has illegally entered the intersection, and at least one recorded image shall be of the same vehicle after it has illegally entered the intersection.

B. 1. The governing body of any county, city, or town may provide by ordinance for the establishment of a traffic signal enforcement program imposing monetary liability on the operator of a motor vehicle for failure to comply with traffic light signals in such locality in accordance with the provisions of this section. Each such locality may install and operate traffic light signal ~~photo-monitoring~~ violation monitoring systems at no more than one intersection for every 10,000 residents within each county, city, or town at any one time, provided, however, that within planning District 8, each such locality may install and operate traffic light signal ~~photo-monitoring~~ violation monitoring systems at no more than 10 intersections, or at no more than one intersection for every 10,000 residents within each county, city, or town, whichever is greater, at any one time.

2. In addition to the authority provided in subdivision B 1, the governing body of any locality in Planning District 23 may provide by ordinance for the establishment of a traffic control device violation monitoring system imposing monetary liability on the operator of a motor vehicle for failure to comply with traffic control devices in such locality in accordance with the provisions of this section. Such governing body may install and operate a traffic control device violation monitoring system at any intersection deemed by the governing body to be negatively impacted by traffic due to the Hampton Roads Bridge-Tunnel Express Lanes Hampton Segment (4C) Project (HREL-P).

~~B.~~ C. The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this section if such vehicle is found, (i) as evidenced by information obtained from a traffic light signal violation monitoring system, to have failed to comply with a traffic light signal within such locality or (ii) as evidenced by information obtained from a traffic control device violation monitoring system, to have failed to comply with a traffic control device within such locality. No operator shall be liable for a penalty pursuant to clause (i) and a penalty pursuant to clause (ii) arising out of the same act. No monetary penalty shall be imposed pursuant to this section for a first offense of failing to comply with a traffic control device, as evidenced by information obtained from a traffic control device violation monitoring system, and such operator shall be issued a written warning.

~~C.~~ D. Proof of a violation of this section shall be evidenced by information obtained from a traffic light signal violation monitoring system or traffic control device violation monitoring system authorized pursuant to this section. 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 photographs, microphotographs, videotape, or other recorded images produced by a traffic light signal violation monitoring system or traffic control device violation monitoring 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 pursuant to an ordinance adopted pursuant to this section.

~~D.~~ E. In the prosecution for a violation of any local ordinance adopted as provided in this section,

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

E. For purposes of this section, "owner" means the registered owner of such vehicle on record with the Department of Motor Vehicles. For purposes of this section, "traffic light signal violation monitoring system" means a vehicle sensor installed to work in conjunction with a traffic light that automatically produces two or more photographs, two or more microphotographs, video, or other recorded images of each vehicle at the time it is used or operated in violation of § 46.2-833, 46.2-835, or 46.2-836. For each such vehicle, at least one recorded image shall be of the vehicle before it has illegally entered the intersection, and at least one recorded image shall be of the same vehicle after it has illegally entered that intersection.

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 D 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 traffic light signal violation monitoring system *or traffic control device violation monitoring system* in connection with the violation.

H. Information collected by a traffic light signal violation monitoring system *or traffic control device violation monitoring system* installed and operated pursuant to subsection A B shall be limited exclusively to that information that is necessary for the enforcement of traffic light *or traffic control device* violations. On behalf of a locality, a private entity that operates a traffic light signal violation monitoring system *or traffic control device violation 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 fail to comply with a traffic light signal *or traffic control device*. Information provided to the operator of a traffic light signal violation monitoring system *or traffic control device violation 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 traffic light signal violation monitoring system *or traffic control device violation monitoring system* shall be used exclusively for enforcing traffic light *or traffic control device* violations 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 traffic light *or traffic control device* 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 violation of § 46.2-830, 46.2-833, 46.2-835, or 46.2-836 or 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 traffic light signal violation monitoring system *or traffic control device violation 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 traffic light signal violation monitoring system or equipment *or traffic control device violation monitoring system or equipment*, and all related support services, to include consulting, operations and administration. However, only a law-enforcement officer employed by a locality may swear to or affirm the certificate required by subsection *C D*. No locality shall enter into an agreement for compensation based on the number of violations or monetary penalties imposed.

J. When selecting potential intersections for a traffic light signal violation monitoring system, a locality shall consider factors such as (i) the accident rate for the intersection, (ii) the rate of red light violations occurring at the intersection (number of violations per number of vehicles), (iii) the difficulty experienced by law-enforcement officers in patrol cars or on foot in apprehending violators, and (iv) the ability of law-enforcement officers to apprehend violators safely within a reasonable distance from the violation. Localities may consider the risk to pedestrians as a factor, if applicable.

K. 1. Before the implementation of a traffic light signal violation monitoring system at an intersection, the locality shall complete an engineering safety analysis that addresses signal timing and other location-specific safety features. The length of the yellow phase shall be established based on the recommended methodology of the Institute of Transportation Engineers. No traffic light signal violation monitoring system shall be implemented or utilized for a traffic signal having a yellow signal phase length of less than three seconds. All traffic light signal violation monitoring systems shall provide a minimum 0.5-second grace period between the time the signal turns red and the time the first violation is recorded. If recommended by the engineering safety analysis, the locality shall make reasonable location-specific safety improvements, including signs and pavement markings.

2. Before the implementation of a traffic control device violation monitoring system at an intersection, the governing body of the implementing locality shall complete an engineering safety analysis that addresses the impact of the HREL-P on congestion, accident rates, and driver disregard for traffic control devices. If recommended by the engineering safety analysis, the locality shall make reasonable location-specific safety improvements, including signs and pavement markings.

L. Any locality that uses a traffic light signal violation monitoring system *or traffic control device violation monitoring system* shall evaluate the system on a monthly basis to ensure all cameras and traffic signals are functioning properly. Evaluation results shall be made available to the public.

M. Any locality that uses a traffic light signal violation monitoring system to enforce traffic light signals shall place conspicuous signs within 500 feet of the intersection approach at which a traffic light signal violation monitoring system is used. There shall be a rebuttable presumption that such signs were in place at the time of the commission of the traffic light signal violation.

N. Prior to or coincident with the implementation or expansion of a traffic light signal violation monitoring system *or traffic control device violation monitoring system*, a locality shall conduct a public awareness program, advising the public that the locality is implementing or expanding a traffic light signal violation monitoring system *or traffic control device violation monitoring system*.

O. Notwithstanding any other provision of this section, if a vehicle depicted in images recorded by a traffic light signal ~~photo-monitoring system~~ *violation monitoring system or traffic control device violation monitoring system* is owned, leased, or rented by a county, city, or town, then the county, city, or town may access and use the recorded images and associated information for employee disciplinary purposes.

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

A. The following information shall be considered privileged and unless otherwise provided for in this title shall not be released except as provided in subsection B:

1. Personal information as defined in § 2.2-3801;
2. Driver information, defined as all data that relates to driver's license status and driver activity;
3. Special identification card information, defined as all data that relates to identification card status; and
4. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle activity data, but excluding crash data.

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

1. Notwithstanding other provisions of this section, medical information included in personal information shall be released only to a physician, physician assistant, or nurse practitioner in accordance with a proceeding under §§ 46.2-321 and 46.2-322.

2, 3. [Repealed.]

4. Upon the request of (i) the subject of the information, (ii) the parent of a minor who is the subject of the information, (iii) the guardian of the subject of the information, (iv) the authorized agent or representative of the subject of the information, or (v) 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 of a minor who is the subject of the information, (c) the guardian of the subject of the information, (d) the authorized agent or representative of the subject of the information, or (e) 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, special identification card, or vehicle information. If the requester is requesting such information in the scope of his official business as counsel from a public defender's office or as counsel appointed by a court, such records shall be provided free of charge.

5. Upon the written request of any insurance carrier or surety, or authorized agent of either, the Commissioner shall furnish to such requester information in the record of any person subject to the provisions of this title. The transcript 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 filed pursuant to § 46.2-373. No such report of any conviction or crash shall be made after 60 months from the date of the conviction or crash unless the Commissioner or court used the conviction or crash 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 crash pertaining thereto shall not be reported after 60 months from the date that the driver's license or driving privilege has been reinstated. The response of the Commissioner under this subdivision shall not be admissible in evidence in any court proceedings.

6. Upon the written request of any business organization or its authorized agent, in the conduct of its business, the Commissioner shall compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester 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. Upon the written request of any business organization or its authorized agent, the Commissioner shall provide vehicle information to the requester. Disclosures made under this subdivision shall not include any personal information, driver information, or special identification card information and shall not be subject to the limitations contained in subdivision 6.

8. Upon the written request of any motor vehicle rental or leasing company or its authorized agent, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records and (ii) provide the requester with driver information of any person subject to the provisions of this title. Such information 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 the subject of the information was involved and a report of which was filed pursuant to § 46.2-373. No such information shall include any record of any conviction or crash more than 60 months after the date of such conviction or crash unless the Commissioner or court used the conviction or crash 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 crash pertaining thereto shall cease to be included in such information after 60 months from the date on which the driver's license or driving privilege was reinstated. The response of the Commissioner under this subdivision shall not be admissible in evidence in any court proceedings.

9. Upon the request of any federal, state, or local governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, or court, or the authorized agent of any of the foregoing, the Commissioner shall compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records. The Commissioner shall also provide driver, special identification card, and vehicle information as requested pursuant to this subdivision. The

Commissioner may release other appropriate information to the governmental entity upon request. Upon request in accordance with this subdivision, the Commissioner shall furnish a certificate, under seal of the Department, setting forth a distinguishing number or license plate of a motor vehicle, trailer, or semitrailer, together with the name and address of its owner. The certificate shall be prima facie evidence in any court in the Commonwealth of the ownership of the vehicle, trailer, or semitrailer to which the distinguishing number or license plate has been assigned by the Department. However, the Commissioner shall not release any photographs pursuant to this subdivision unless the requester provides the depicted individual's name and other sufficient identifying information contained on such individual's record. The information in this subdivision shall be provided free of charge.

The Department shall release to a requester information that is required for a requester to carry out the requester's official functions in accordance with this subdivision. If the requester has entered into an agreement with the Department, such agreement shall be in a manner prescribed by the Department, and such agreement shall contain the legal authority that authorizes the performance of the requester's official functions and a description of how such information will be used to carry out such official functions. If the Commissioner determines that sufficient authority has not been provided by the requester to show that the purpose for which the information shall be used is one of the requester's official functions, the Commissioner shall refuse to enter into any agreement. If the requester submits a request for information in accordance with this subdivision without an existing agreement to receive the information, the request shall be in a manner prescribed by the Department, and such request shall contain the legal authority that authorizes the performance of the requester's official functions and a description of how such information will be used to carry out such official functions. If the Commissioner determines that sufficient authority has not been provided by the requester to show that the purpose for which such information shall be used is one of the requester's official functions, the Commissioner shall deny such request.

Notwithstanding the provisions of this subdivision, the Department shall not disseminate to any federal, state, or local government entity, law-enforcement officer, or law-enforcement agency any privileged information for any purposes related to civil immigration enforcement unless (i) the subject of the information provides consent or (ii) the requesting agency presents a lawful judicial order, judicial subpoena, or judicial warrant. When responding to a lawful judicial order, judicial subpoena, or judicial warrant, the Department shall disclose only those records or information specifically requested. Within three business days of receiving a request for information for the purpose of civil immigration enforcement, the Commissioner shall send a notification to the individual about whom such information was requested that such a request was made and the identity of the entity that made such request.

The Department shall not enter into any agreement pursuant to subsection E with a requester pursuant to this subdivision unless the requester certifies that the information obtained will not be used for civil immigration purposes or knowingly disseminated to any third party for any purpose related to civil immigration enforcement.

10. Upon the request of the driver licensing authority in any foreign country, the Commissioner shall provide whatever driver and vehicle information the requesting authority shall require to carry out its official functions. The information shall be provided free of charge.

11. a. For the purpose of obtaining information regarding noncommercial driver's license holders, upon the written request of any employer, prospective employer, or authorized agent of either, and with the written consent of the individual concerned, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records and (ii) provide the requester with driver information in the form of a transcript of an individual's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all driver's license suspensions, revocations, cancellations, or forfeiture, provided that such individual's position or the position that the individual is being considered for involves the operation of a motor vehicle.

b. For the purpose of obtaining information regarding commercial driver's license holders, upon the written request of any employer, prospective employer, or authorized agent of either, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records and (ii) provide the requester with driver information in the form of a transcript of such individual's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all driver's license suspensions, revocations, cancellations, forfeitures, or disqualifications, provided that such individual's position or the position that the individual is being considered for involves the operation of a commercial motor vehicle.

306 12. Upon the written request of any member of a volunteer fire company or volunteer emergency
307 medical services agency and with written consent of the individual concerned, or upon the request of an
308 applicant for membership in a volunteer fire company or to serve as volunteer emergency medical
309 services personnel, the Commissioner shall (i) compare personal information supplied by the requester
310 with that contained in the Department's records and, when the information supplied by the requester is
311 different from that contained in the Department's records, provide the requester with correct information
312 as contained in the Department's records and (ii) provide driver information in the form of a transcript
313 of the individual's record, including all convictions, all crashes, any type of driver's license that the
314 individual currently possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such
315 transcript shall be provided free of charge if the request is accompanied by appropriate written evidence
316 that the person is a member of or applicant for membership in a volunteer fire company or a volunteer
317 emergency medical services agency and the transcript is needed by the requester to establish the
318 qualifications of the member, volunteer, or applicant to operate equipment owned by the volunteer fire
319 company or volunteer emergency medical services agency.

320 13. Upon the written request of a Virginia affiliate of Big Brothers Big Sisters of America, a
321 Virginia affiliate of Compeer, or the Virginia Council of the Girl Scouts of the USA, and with the
322 consent of the individual who is the subject of the information and has applied to be a volunteer with
323 the requester, or on the written request of a Virginia chapter of the American Red Cross, a Virginia
324 chapter of the Civil Air Patrol, or Faith in Action, and with the consent of the individual who is the
325 subject of the information and applied to be a volunteer vehicle operator with the requester, the
326 Commissioner shall (i) compare personal information supplied by the requester with that contained in
327 the Department's records and, when the information supplied by the requester is different from that
328 contained in the Department's records, provide the requester with correct information as contained in the
329 Department's records and (ii) provide driver information in the form of a transcript of the applicant's
330 record, including all convictions, all crashes, any type of driver's license that the individual currently
331 possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such transcript shall be
332 provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written
333 evidence that the person has applied to be a volunteer or volunteer vehicle operator with the requester as
334 provided in this subdivision.

335 14. On the written request of any person who has applied to be a volunteer with a court-appointed
336 special advocate program pursuant to § 9.1-153, the Commissioner shall provide a transcript of the
337 applicant's record, including all convictions, all crashes, any type of driver's license that the individual
338 currently possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such transcript
339 shall be provided free of charge if the request is accompanied by appropriate written evidence that the
340 person has applied to be a volunteer with a court-appointed special advocate program pursuant to
341 § 9.1-153.

342 15, 16. [Repealed.]

343 17. Upon the request of an attorney representing a person involved in a motor vehicle crash, the
344 Commissioner shall provide the vehicle information for any vehicle involved in the crash and the name
345 and address of the owner of any such vehicle.

346 18. Upon the request, in the course of business, of any authorized agent of an insurance company or
347 of any not-for-profit entity organized to prevent and detect insurance fraud, or perform rating and
348 underwriting activities, the Commissioner shall provide (i) all vehicle information, the owner's name and
349 address, descriptive data and title, registration, and vehicle activity data, as requested, or (ii) the driver
350 name, license number and classification, date of birth, and address information for each driver under the
351 age of 22 licensed in the Commonwealth, provided that such request includes the driver's license number
352 or address information of such driver. Use of such information shall be limited to use in connection with
353 insurance claims investigation activities, antifraud activities, rating, or underwriting.

354 19. [Repealed.]

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

359 21. Upon the request of the operator of a toll facility, a traffic light ~~photo-monitoring~~ *signal violation*
360 *monitoring* system acting on behalf of a government entity, ~~a traffic control device violation monitoring~~
361 ~~system acting on behalf of a government entity~~, or the Dulles Access Highway, or an authorized agent or
362 employee of a toll facility operator ~~or, a traffic light photo-monitoring signal violation monitoring~~
363 ~~system operator acting on behalf of a government entity, a traffic control device violation monitoring~~
364 ~~system operator acting on behalf of a government entity~~, or the Dulles Access Highway, for the purpose
365 of obtaining vehicle owner data under ~~subsection M of § 46.2-819.1 or subsection H of § 15.2-968.1,~~
366 ~~subsection M of § 46.2-819.1, or subsection N of § 46.2-819.5.~~ Information released pursuant to this
367 subdivision shall be limited to (i) the name and address of the owner of the vehicle having failed to pay

a toll or ~~having failed to~~, comply with a traffic light signal, *or comply with a traffic control device* or having improperly used the Dulles Access Highway and (ii) the vehicle information, including all descriptive vehicle data and title and registration data of the same vehicle.

22-26. [Repealed.]

27. Upon the written request of the executor or 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 requester with a hard copy image of any photograph of the deceased person kept in the Department's records.

28. [Repealed.]

29. a. 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 another organization approved by the Commissioner.

b. Upon written agreement, the Commissioner may release minimum information as needed in the Department's record through any American Association of Motor Vehicle Administrators service program created for the purpose of the exchange of information to any business, government agency, or authorized agent who would otherwise be authorized to receive the information requested pursuant to this section.

30. Upon the request of the operator of a video-monitoring system as defined in § 46.2-844 acting on behalf of a government entity, the Commissioner shall provide vehicle owner data pursuant to subsection B of § 46.2-844. Information released pursuant to this subdivision shall be limited to the name and address of the owner of the vehicle having passed a stopped school bus and the vehicle information, including all descriptive vehicle data and title and registration data for such vehicle.

31. Upon the request of the operator of a photo speed monitoring device as defined in § 46.2-882.1 acting on behalf of a government entity, the Commissioner shall provide vehicle owner data pursuant to subsection B of § 46.2-882.1. Information released pursuant to this subdivision shall be limited to the name and address of the owner of the vehicle having committed a violation of § 46.2-873 or 46.2-878.1 and the vehicle information, including all descriptive vehicle data and title and registration data, for such vehicle.

32. Notwithstanding the provisions of this section other than subdivision 33, the Department shall not release, except upon request by the subject of the information, the guardian of the subject of the information, the parent of a minor who is the subject of the information, or the authorized agent of the subject of the information, or pursuant to a court order, (i) proof documents submitted for the purpose of obtaining a driving credential or a special identification card, (ii) the information in the Department's records indicating the type of proof documentation that was provided, or (iii) applications relating to the issuance of a driving credential or a special identification card. As used in this subdivision, "proof document" means any document not originally created by the Department that is submitted to the Department for the issuance of any driving credential or special identification card. "Proof document" does not include any information contained on a driving credential or special identification card.

33. Notwithstanding the provisions of this section, the Department may release the information in the Department's records that it deems reasonable and necessary for the purpose of federal compliance audits.

C. Information disclosed or furnished shall be assessed a fee as specified in § 46.2-214, unless as otherwise provided in this section.

D. 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.

E. The Department shall not release any privileged information pursuant to this title unless the Department has entered into a written agreement authorizing such release. The Department shall require the requesting entity to specify the purpose authorized pursuant to this title that forms the basis for the request and provide the permissible purpose as defined under 18 U.S.C. § 2721(b). Privileged information requested by an entity that has been altered or aggregated may be used only for the original purposes specified in the written agreement consistent with this title. The requesting entity shall disseminate privileged information only to third parties subject to the original purpose specified in the written agreement consistent with this title. Any agreement that does not allow third-party distribution shall include a statement that such distribution is prohibited. Such agreement may limit the scope of any authorized distribution consistent with this title. Privileged information distributed to any third party shall only be further distributed by such third party subject to the original purpose specified and consistent with this title, or unless such third party is the subject of the information, the parent of a minor who is the subject of the information, the guardian of the subject of the information, the authorized agent or representative of the subject of the information, or the owner of the vehicle that is

429 the subject of the information.

430 Any agreement entered into pursuant to this subsection between the Department and the Department
431 of State Police shall specify (i) that privileged information shall be distributed only to authorized
432 personnel of an entity meeting the definition of a criminal justice agency as defined in § 9.1-101 and
433 other comparable local, state, and federal criminal justice agencies and entities issued a Virginia
434 S-Originating Agency Identification (S-ORI) status; (ii) that privileged information shall be accessed,
435 used, and disseminated only for the administration of criminal justice as defined in § 9.1-101; and (iii)
436 that no local, state, or federal government entity, through the Virginia Criminal Information Network
437 (VCIN) or any other method of dissemination controlled by the Department of State Police, has access
438 to information stored by the Department in violation of the protections contained in this section. The
439 Department of State Police shall notify the Department prior to when a new entity is to be granted
440 S-ORI status and provide a copy of the S-ORI application to the Department. The Department of State
441 Police shall not allow any entity to access Department data through VCIN if the Department objects in
442 writing to the entity obtaining such data.

443 The provisions of this subsection shall not apply to (a) requests for information made pursuant to
444 subdivision B 4; (b) a request made by an entity authorized to receive privileged information pursuant to
445 subsection B, provided that such request is made on a form provided by the Department, other than a
446 written agreement, that requires the requester to certify that such entity is entitled to receive such
447 information pursuant to this title, state the purpose authorized pursuant to subsection B that forms the
448 basis for the request, explain why the information requested is necessary to accomplish the stated
449 purpose, and certify that the information will be used only for the stated purpose and the information
450 received shall not be disseminated to third parties unless there is authorization to do so; or (c) the
451 release of information to a law-enforcement officer or agency during an emergency situation, provided
452 that (1) the requesting entity is authorized to receive such information pursuant to subdivision B 9, (2)
453 the timely release of such information is in the interest of public safety, and (3) the requesting entity
454 completes the form required pursuant to clause (b) within 48 hours of the release of such information.

455 F. Any person that receives any privileged information that such person knows or has reason to
456 know was received in violation of this title shall not disseminate any such information and shall notify
457 the Department of the receipt of such privileged information.

458 G. The Department shall conduct audits annually based on a risk assessment to ensure that privileged
459 information released by the Department pursuant to this title is being used as authorized by law and
460 pursuant to the agreements entered into by the Department. If the Department finds that privileged
461 information has been used in a manner contrary to law or the relevant agreement, the Department may
462 revoke access.

463 H. Any request for privileged information by an authorized agent of a governmental entity shall be
464 governed by the provisions of subdivision B 9.

465 **2. That the provisions of this act shall expire on July 1, 2027, or upon certification by the**
466 **Secretary of Transportation that the Hampton Roads Express Lanes Hampton Segment (4C) is**
467 **complete, whichever is earlier.**