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HOUSE BILL NO. 1069

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations on February 12, 2016)

(Patrons Prior to Substitute—Delegates Jones and Albo [HB 169])

A BILL to amend and reenact §§ 33.2-309, 33.2-500, 33.2-503, 46.2-208, 46.2-819.1, 46.2-819.3, 46.2-819.3:1, and 46.2-819.6 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 1 of Title 33.2 a section numbered 33.2-118, by adding in Article 3 of Chapter 2 of Title 33.2 a section numbered 33.2-255.1, and by adding in Article 1 of Chapter 8 of Title 46.2 a section numbered 46.2-819.8; and to repeal § 46.2-819.7 of the Code of Virginia and the eleventh enactment of Chapter 766 of the Acts of Assembly of 2013, relating to limitations on tolling; toll collection fees and penalties; period of nonpayment; notice of nonpayment.

Be it enacted by the General Assembly of Virginia:

1. That §§ 33.2-309, 33.2-500, 33.2-503, 46.2-208, 46.2-819.1, 46.2-819.3, 46.2-819.3:1, and 46.2-819.6 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 1 of Title 33.2 a section numbered 33.2-118, by adding in Article 3 of Chapter 2 of Title 33.2 a section numbered 33.2-255.1, and by adding in Article 1 of Chapter 8 of Title 46.2 a section numbered 46.2-819.8 as follows:

§ 33.2-118. Limitation on tolling.

A. For purposes of this section, "auxiliary lane" means the portion of the roadway adjoining the traveled way for speed change, turning, weaving, truck climbing, or maneuvering of entering and leaving traffic.

B. Notwithstanding any other provision of this title, no toll may be imposed or collected on un-tolled lanes or components of a highway, bridge, or tunnel without approval from the General Assembly. However, such prohibition shall not apply to (i) reconstruction with additional lanes of a highway, provided that the number of un-tolled, non-high-occupancy vehicle lanes, excluding auxiliary lanes, after the reconstruction is not less than the number of un-tolled, non-high-occupancy vehicle lanes, excluding auxiliary lanes, prior to such reconstruction; (ii) new construction that is opened to the public as a tolled facility; (iii) new construction that is opened to the public as high-occupancy vehicle lanes or existing high-occupancy vehicle lanes; (iv) auxiliary lanes; or (v) an existing lane of traffic on a segment of highway between an interchange and an interchange or an interchange and a bridge where the highway has or will have toll lanes on the portions of the highway adjacent to such segment, provided that (a) the number of general purpose lanes after such conversion on the segment is equal to the number of general purpose lanes on the highway adjacent to such segment and (b) the length of such segment does not exceed 10 miles.

C. Notwithstanding the provisions of subsection B, prior approval of the General Assembly shall be required prior to the imposition and collection of any toll for use of all or any portion of (i) a non-limited access highway except for a bridge, tunnel, or the approaches to a bridge or tunnel or (ii) Interstate 81.

§ 33.2-255.1. Electronic notification of toll violations.

For the purpose of electronic notification of unpaid tolls, the Department shall request email addresses and personal cell phone numbers from all holders of an account for an electronic toll collection device that is property of the Commonwealth.

The Department shall electronically notify within 108 hours of an unpaid toll a holder of an account for an electronic toll collection device that is property of the Commonwealth of each unpaid toll associated with the account and each unpaid toll for a vehicle whose license plate is associated with an account. The Department shall provide a second electronic notification on the eighth day after the unpaid toll. Such notification requirements shall only apply to accounts where the account holder has provided the Department with an email address or cell phone number. Such notification shall be for informational purposes only and the notice, or lack thereof, shall not alter or amend the requirement that an owner or operator pay all required tolls, fines, penalties, and fees.

All toll operators in the Commonwealth shall notify the Department of an unpaid toll on a facility it operates related to an account for an electronic toll collection device that is the property of the Commonwealth within 96 hours of such violation.

§ 33.2-309. Tolls for use of Interstate System components.

A. Notwithstanding any contrary provision of this title Subject to the limitations provided in § 33.2-118 and in accordance with all applicable federal and state statutes and requirements, the Board may impose and collect tolls from all classes of vehicles in amounts established by the Board for the use of any component of the Interstate System within the Commonwealth. However, prior approval of

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60 the General Assembly shall be required prior to the imposition and collection of any toll for use of all
61 or any portion of Interstate 81. Prior approval of the General Assembly shall also be required prior to
62 the imposition or collection of any toll for use of Interstate 95 south of Fredericksburg pursuant to the
63 Interstate System Reconstruction or Rehabilitation Pilot Program. Such funds so collected shall be
64 deposited into the Transportation Trust Fund established pursuant to § 33.2-1524, subject to allocation
65 by the Board as provided in this section.

66 B. The toll facilities authorized by this section shall be subject to the provisions of federal law for
67 the purpose of tolling motor vehicles to finance interstate construction and reconstruction, promote
68 efficiency in the use of highways, reduce traffic congestion, and improve air quality and for such other
69 purposes as may be permitted by federal law.

70 C. In order to mitigate traffic congestion in the vicinity of the toll facilities, no toll facility shall be
71 operated without high-speed automated toll collection technology designed to allow motorists to travel
72 through the toll facilities without stopping to make payments. Nothing in this subsection shall be
73 construed to prohibit a toll facility from retaining means of nonautomated toll collection in some lanes
74 of the facility. The Board shall also consider traffic congestion and mitigation thereof and the impact on
75 local traffic movement as factors in determining the location of the toll facilities authorized pursuant to
76 this section.

77 D. The revenues collected from each toll facility established pursuant to this section shall be
78 deposited into segregated subaccounts in the Transportation Trust Fund and may be allocated by the
79 Board as the Board deems appropriate to:

80 1. Pay or finance all or part of the costs of programs or projects, including the costs of planning,
81 operation, maintenance, and improvements incurred in connection with the toll facility, provided that
82 such allocations shall be limited to programs and projects that are reasonably related to or benefit the
83 users of the toll facility. The priorities of metropolitan planning organizations, planning district
84 commissions, local governments, and transportation corridors shall be considered by the Board in
85 making project allocations from such revenues deposited into the Transportation Trust Fund.

86 2. Repay funds from the Toll Facilities Revolving Account or the Transportation Partnership
87 Opportunity Fund.

88 3. Pay the Board's reasonable costs and expenses incurred in the administration and management of
89 the toll facility.

90 **§ 33.2-500. Definitions.**

91 As used in this chapter, unless the context requires a different meaning:

92 "High-occupancy requirement" means the number of persons required to be traveling in a vehicle for
93 the vehicle to use HOT lanes without the payment of a toll. Emergency vehicles, law-enforcement
94 vehicles being used in HOT lanes in the performance of law-enforcement duties, which shall not include
95 the use of such vehicles for commuting to and from the workplace or for any purpose other than
96 responding to an emergency incident, patrolling HOT lanes pursuant to an agreement by a state agency
97 with the HOT lanes operator, or the time-sensitive investigation, active surveillance, or actual pursuit of
98 persons known or suspected to be engaged in or with knowledge of criminal activity, and mass transit
99 vehicles and commuter buses shall meet the high-occupancy requirement for HOT lanes, regardless of
100 the number of occupants in the vehicle.

101 "High-occupancy toll lanes" or "HOT lanes" means a *highway or* portion of a highway containing
102 one or more travel lanes separated from other lanes that has an electronic toll collection system,
103 provides for free passage by vehicles that meet the high-occupancy requirement, *including mass transit*
104 *vehicles and commuter buses*, and contains a photo-enforcement system for use in such electronic toll
105 collection. HOT lanes shall not be a "toll facility" or "HOV lanes" for the purposes of any other
106 provision of law or regulation.

107 "High-occupancy vehicle lanes" or "HOV lanes" means a *highway or* portion of a highway
108 containing one or more travel lanes for the travel of high-occupancy vehicles or buses as designated
109 pursuant to § 33.2-501.

110 "HOT lanes operator" means the operator of the facility containing HOT lanes, which may include
111 the Department of Transportation or some other entity.

112 "Mass transit vehicles" and "commuter buses" means vehicles providing a scheduled transportation
113 service to the general public. Such vehicles shall comprise nonprofit, publicly or privately owned or
114 operated transportation services, programs, or systems that may be funded pursuant to § 58.1-638.

115 "Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles
116 or with the equivalent agency in another state. "Owner" does not mean a vehicle rental or vehicle
117 leasing company.

118 "Photo-enforcement system" means a sensor installed in conjunction with a toll collection device to
119 detect the presence of a vehicle that automatically produces one or more photographs, one or more
120 microphotographs, a videotape, or other recorded images of each vehicle's license plate at the time it is
121 detected by the toll collection device.

122 "Unauthorized vehicle" means a motor vehicle that is restricted from use of the HOT lanes pursuant
123 to subdivision 4 a of § 33.2-503 *or does not meet the high-occupancy requirement and indicates with its*
124 *electronic toll collection device that it meets the applicable high-occupancy requirements.*

125 **§ 33.2-503. HOT lanes enforcement.**

126 Any person operating a motor vehicle on designated HOT lanes shall make arrangements with the
127 HOT lanes operator for payment of the required toll prior to entering such HOT lanes. The driver of a
128 vehicle who enters the HOT lanes in an unauthorized vehicle, in violation of the conditions for use of
129 such HOT lanes established pursuant to § 33.2-502, without payment of the required toll or without
130 having made arrangements with the HOT lanes operator for payment of the required toll shall have
131 committed a violation of this section, which may be enforced in the following manner:

132 1. On a form prescribed by the Supreme Court, a summons for civil violation of this section may be
133 executed by a law-enforcement officer, when such violation is observed by such officer. The form shall
134 contain the option for the driver of the vehicle to prepay the unpaid toll and all penalties, administrative
135 fees, and costs.

136 2. a. A HOT lanes operator shall install and operate, or cause to be installed or operated, a
137 photo-enforcement system at locations where tolls are collected for the use of such HOT lanes.

138 b. A summons for civil violation of this section may be executed pursuant to this subdivision, when
139 such violation is evidenced by information obtained from a photo-enforcement system as defined in this
140 chapter. A certificate, sworn to or affirmed by a technician employed or authorized by the HOT lanes
141 operator, or a facsimile of such a certificate, based on inspection of photographs, microphotographs,
142 videotapes, or other recorded images produced by a photo-enforcement system, shall be prima facie
143 evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other
144 recorded images evidencing such a violation shall be available for inspection in any proceeding to
145 adjudicate the liability for such violation under this subdivision. Any vehicle rental or vehicle leasing
146 company, if named in a summons, shall be released as a party to the action if it provides to the HOT
147 lanes operator a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or
148 lessee prior to the date of hearing set forth in the summons. Upon receipt of such rental agreement,
149 lease, or affidavit, a summons shall be issued for the renter or lessee identified therein. Release of this
150 information shall not be deemed a violation of any provision of the Government Data Collection and
151 Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act
152 (§ 38.2-600 et seq.).

153 c. On a form prescribed by the Supreme Court, a summons issued under this subdivision may be
154 executed pursuant to ~~as provided in~~ § 19.2-76.2. Such form shall contain the option for the driver or
155 registered owner to prepay the unpaid toll and all penalties, administrative fees, and costs. HOT lanes
156 operator personnel or their agents mailing such summons shall be considered conservators of the peace
157 for the sole and limited purpose of mailing such summons. Notwithstanding the provisions of § 19.2-76,
158 a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof
159 to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles
160 or, if the registered owner has named and provided a valid address for the operator of the vehicle at the
161 time of the violation in an affidavit executed pursuant to this subdivision, such named operator of the
162 vehicle. If the summoned person fails to appear on the date of return set out in the summons mailed
163 pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

164 d. The registered owner of such vehicle shall be given reasonable notice by way of a summons as
165 provided in this subdivision that his vehicle had been used in violation of this section, and such owner
166 shall be given notice of the time and place of the hearing and notice of the civil penalty and costs for
167 such offense.

168 Upon the filing of an affidavit with the court at least 14 days prior to the hearing date by the
169 registered owner of the vehicle stating that he was not the driver of the vehicle on the date of the
170 violation and providing the legal name and address of the driver of the vehicle at the time of the
171 violation, a summons will also be issued to the alleged driver of the vehicle at the time of the offense.
172 The affidavit shall constitute prima facie evidence that the person named in the affidavit was driving the
173 vehicle at all the relevant times relating to the matter named in the affidavit.

174 If the registered owner of the vehicle produces a certified copy of a police report showing that the
175 vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained
176 stolen at the time of the alleged offense, then the court shall dismiss the summons issued to the
177 registered owner of the vehicle.

178 3. a. The HOT lanes operator may impose and collect an administrative fee in addition to the unpaid
179 toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be
180 reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. The
181 operator of the vehicle shall pay the unpaid tolls and any administrative fee detailed in a notice or
182 invoice issued by a HOT lanes operator. If paid within 30 60 days of notification, the administrative fee

183 shall not exceed \$25.

184 b. Upon a finding by a court of competent jurisdiction that the driver of the vehicle observed by a
185 law-enforcement officer under subdivision 1 or the vehicle described in the summons for civil violation
186 issued pursuant to evidence obtained by a photo-enforcement system under subdivision 2 was in
187 violation of this section, the court shall impose a civil penalty upon the driver of such vehicle issued a
188 summons under subdivision 1, or upon the driver or registered owner of such vehicle issued a summons
189 under subdivision 2, payable to the HOT lanes operator as follows: for a first offense, \$50; for a second
190 offense, ~~\$250~~ \$100; for a third offense within a period of two years of the second offense, ~~\$500~~ \$250;
191 and for a fourth and subsequent offense within a period of three years of the second offense, ~~\$1,000~~
192 \$500, together with, in each case, the unpaid toll, all accrued administrative fees imposed by the HOT
193 lanes operator as authorized by this section, and applicable court costs. The court shall remand penalties,
194 the unpaid toll, and administrative fees assessed for violation of this section to the treasurer or director
195 of finance of the county or city in which the violation occurred for payment to the HOT lanes operator
196 for expenses associated with operation of the HOT lanes and payments against any bonds or other liens
197 issued as a result of the construction of the HOT lanes. No person shall be subject to prosecution under
198 both subdivisions 1 and 2 for actions arising out of the same transaction or occurrence.

199 c. *Notwithstanding subdivisions a and b, for a first conviction of a driver or registered owner of a*
200 *vehicle under this section the total amount for the first conviction shall not exceed \$2,200, including*
201 *civil penalties and administrative fees regardless of the total number of offenses the driver or registered*
202 *owner of a vehicle is convicted of on that date.*

203 d. Upon a finding by a court that a person has violated this section, in the event such person fails to
204 pay the required penalties, fees, and costs, the court shall notify the Commissioner of the Department of
205 Motor Vehicles, who shall suspend all of the registration certificates and license plates issued for any
206 motor vehicles registered solely in the name of such person and shall not issue any registration
207 certificate or license plate for any other vehicle that such person seeks to register solely in his name
208 until the court has notified the Commissioner of the Department of Motor Vehicles that such penalties,
209 fees, and costs have been paid. The HOT lanes operator and the Commissioner of the Department of
210 Motor Vehicles may enter into an agreement whereby the HOT lanes operator may reimburse the
211 Department of Motor Vehicles for its reasonable costs to develop, implement, and maintain this
212 enforcement mechanism, and that specifies that the Commissioner of the Department of Motor Vehicles
213 shall have an obligation to suspend such registration certificates so long as the HOT lanes operator
214 makes the required reimbursements in a timely manner in accordance with the agreement.

215 ~~e.~~ e. Except as provided in subdivisions 4 and 5, imposition of a civil penalty pursuant to this
216 section shall not be deemed a conviction as an operator of a motor vehicle under Title 46.2 and shall
217 not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall
218 it be used for insurance purposes in the provision of motor vehicle insurance coverage.

219 4. a. The HOT lanes operator may restrict the usage of the HOT lanes to designated vehicle
220 classifications pursuant to an interim or final comprehensive agreement executed pursuant to § 33.2-1808
221 or 33.2-1809. Notice of any such vehicle classification restrictions shall be provided through the
222 placement of signs or other markers prior to and at all HOT lanes entrances.

223 b. Any person driving an unauthorized vehicle on the designated HOT lanes is guilty of a traffic
224 infraction, which shall not be a moving violation, and shall be punishable as follows: for a first offense,
225 by a fine of \$125; for a second offense within a period of five years from a first offense, by a fine of
226 \$250; for a third offense within a period of five years from a first offense, by a fine of \$500; and for a
227 fourth and subsequent offense within a period of five years from a first offense, by a fine of \$1,000. *No*
228 *person shall be subject to prosecution under both this subdivision and subdivision 1 or 2 for actions*
229 *arising out of the same transaction or occurrence.*

230 Upon a conviction under this subdivision, the court shall furnish to the Commissioner of the
231 Department of Motor Vehicles, in accordance with § 46.2-383, an abstract of the record of such
232 conviction, which shall become a part of the person's driving record. Notwithstanding the provisions of
233 § 46.2-492, no driver demerit points shall be assessed for any violation of this subdivision, except that
234 persons convicted of a second, third, fourth, or subsequent violation within five years of a first offense
235 shall be assessed three demerit points for each such violation.

236 5. The driver of a vehicle who enters the HOT lanes by crossing through any barrier, buffer, or other
237 area separating the HOT lanes from other lanes of travel is guilty of a violation of § 46.2-852, unless
238 the vehicle is a state or local law-enforcement vehicle, firefighting truck, or emergency medical services
239 vehicle used in the performance of its official duties. No person shall be subject to prosecution both
240 under this subdivision and under subdivision 1, 2, or 4 for actions arising out of the same transaction or
241 occurrence.

242 Upon a conviction under this subdivision, the court shall furnish to the Commissioner of the
243 Department of Motor Vehicles in accordance with § 46.2-383 an abstract of the record of such
244 conviction, which shall become a part of the convicted person's driving record.

245 6. No person shall be subject to prosecution both under this section and under § 33.2-501, 46.2-819,
246 or 46.2-819.1 for actions arising out of the same transaction or occurrence.

247 7. Any action under this section shall be brought in the general district court of the county or city in
248 which the violation occurred.

249 **§ 46.2-208. Records of Department; when open for inspection; release of privileged information.**

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

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

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

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

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

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

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

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

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

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

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

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

294 8. On the written request of any motor vehicle rental or leasing company or its designated agent, the
295 Commissioner shall (i) compare personal information supplied by the company or agent with that
296 contained in the Department's records and, when the information supplied by the company or agent is
297 different from that contained in the Department's records, provide the company or agent with correct
298 information as contained in the Department's records and (ii) provide the company or agent with driver
299 information in the form of an abstract of any person subject to the provisions of this title. Such abstract
300 shall include any record of any conviction of a violation of any provision of any statute or ordinance
301 relating to the operation or ownership of a motor vehicle or of any injury or damage in which the
302 subject of the abstract was involved and a report of which is required by § 46.2-372. No such abstract
303 shall include any record of any conviction or accident more than 60 months after the date of such
304 conviction or accident unless the Commissioner or court used the conviction or accident as a reason for
305 the suspension or revocation of a driver's license or driving privilege, in which case the revocation or

306 suspension and any conviction or accident pertaining thereto shall cease to be included in such abstract
307 after 60 months from the date on which the driver's license or driving privilege was reinstated. No
308 abstract released under this subdivision shall be admissible in evidence in any court proceedings.

309 9. On the request of any federal, state, or local governmental entity, local government group
310 self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized
311 agent of any of the foregoing, the Commissioner shall (i) compare personal information supplied by the
312 governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for
313 the Commonwealth, court, or the authorized agent of any of the foregoing, with that contained in the
314 Department's records and, when the information supplied by the governmental entity, local government
315 group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the
316 authorized agent of any of the foregoing, is different from that contained in the Department's records,
317 provide the governmental entity, local government group self-insurance pool, law-enforcement officer,
318 attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, with correct
319 information as contained in the Department's records and (ii) provide driver and vehicle information in
320 the form of an abstract of the record showing all convictions, accidents, driver's license suspensions or
321 revocations, and other appropriate information as the governmental entity, local government group
322 self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized
323 agent of any of the foregoing, may require in order to carry out its official functions. The abstract shall
324 be provided free of charge.

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

328 11. On the written request of any employer, prospective employer, or authorized agent of either, and
329 with the written consent of the individual concerned, the Commissioner shall (i) compare personal
330 information supplied by the employer, prospective employer, or agent with that contained in the
331 Department's records and, when the information supplied by the employer, prospective employer, or
332 agent is different from that contained in the Department's records, provide the employer, prospective
333 employer, or agent with correct information as contained in the Department's records and (ii) provide the
334 employer, prospective employer, or agent with driver information in the form of an abstract of an
335 individual's record showing all convictions, accidents, driver's license suspensions or revocations, and
336 any type of driver's license that the individual currently possesses, provided that the individual's position
337 or the position that the individual is being considered for involves the operation of a motor vehicle.

338 12. On the written request of any member of or applicant for membership in a volunteer fire
339 company or any volunteer emergency medical services personnel or applicant to serve as volunteer
340 emergency medical services personnel, the Commissioner shall (i) compare personal information
341 supplied by the volunteer fire company or volunteer emergency medical services agency with that
342 contained in the Department's records and, when the information supplied by the volunteer fire company
343 or volunteer emergency medical services agency is different from that contained in the Department's
344 records, provide the volunteer fire company or volunteer emergency medical services agency with
345 correct information as contained in the Department's records and (ii) provide driver information in the
346 form of an abstract of the member's, personnel, or applicant's record showing all convictions, accidents,
347 license suspensions or revocations, and any type of driver's license that the individual currently
348 possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate
349 written evidence that the person is a member of or applicant for membership in a volunteer fire
350 company or a volunteer emergency medical services agency to serve as a member of a volunteer
351 emergency medical services agency and the abstract is needed by a volunteer fire company or volunteer
352 emergency medical services agency to establish the qualifications of the member, volunteer, or applicant
353 to operate equipment owned by the volunteer fire company or volunteer emergency medical services
354 agency.

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

366 14. On the written request of any person who has applied to be a volunteer with a court-appointed
367 special advocate program pursuant to § 9.1-153, the Commissioner shall provide an abstract of the

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

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

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

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

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

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

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

404 21. Upon the request of the operator of a toll facility or traffic light photo-monitoring system acting
 405 on behalf of a government entity, or of the Dulles Access Highway, or an authorized agent or employee
 406 of a toll facility operator or traffic light photo-monitoring system operator acting on behalf of a
 407 government entity or the Dulles Access Highway, for the purpose of obtaining vehicle owner data under
 408 subsection L M of § 46.2-819.1 or subsection H of § 15.2-968.1 or subsection N of § 46.2-819.5.
 409 Information released pursuant to this subdivision shall be limited to the name and address of the
 410 registered owner of the vehicle having failed to pay a toll or having failed to comply with a traffic light
 411 signal or having improperly used the Dulles Access Highway and the vehicle information, including all
 412 descriptive vehicle data and title and registration data of the same vehicle.

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

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

426 24. On the written request of any person who has applied to be a volunteer vehicle operator with a
 427 Virginia chapter of the American Red Cross, the Commissioner shall (i) compare personal information
 428 supplied by a Virginia chapter of the American Red Cross with that contained in the Department's

429 records and, when the information supplied by a Virginia chapter of the American Red Cross is different
430 from that contained in the Department's records, provide the Virginia chapter of the American Red Cross
431 with correct information as contained in the Department's records and (ii) provide driver information in
432 the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions
433 or revocations, and any type of driver's license that the individual currently possesses. Such abstract
434 shall be provided at a fee that is one-half the normal charge if the request is accompanied by
435 appropriate written evidence that the person has applied to be a volunteer vehicle operator with a
436 Virginia chapter of the American Red Cross.

437 25. On the written request of any person who has applied to be a volunteer vehicle operator with a
438 Virginia chapter of the Civil Air Patrol, the Commissioner shall (i) compare personal information
439 supplied by a Virginia chapter of the Civil Air Patrol with that contained in the Department's records
440 and, when the information supplied by a Virginia chapter of the Civil Air Patrol is different from that
441 contained in the Department's records, provide the Virginia chapter of the Civil Air Patrol with correct
442 information as contained in the Department's records and (ii) provide driver information in the form of
443 an abstract of the applicant's record showing all convictions, accidents, license suspensions or
444 revocations, and any type of driver's license that the individual currently possesses. Such abstract shall
445 be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate
446 written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of
447 the Civil Air Patrol.

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

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

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

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

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

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

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

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

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

489 I. The Department shall maintain the records of persons convicted of violations of § 18.2-36.2,
490 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

491 every general district court or circuit court or the clerk thereof, pursuant to § 46.2-383. Such records
 492 shall be electronically available to any law-enforcement officer as provided for under clause (ii) of
 493 subdivision B 9.

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

498 **§ 46.2-819.1. Installation and use of photo-monitoring system or automatic vehicle identification**
 499 **system in conjunction with electronic or manual toll facilities; penalty.**

500 A. For purposes of this section:

501 "Automatic vehicle identification device" means an electronic device that communicates by wireless
 502 transmission with an automatic vehicle identification system.

503 "Automatic vehicle identification system" means an electronic vehicle identification system installed
 504 to work in conjunction with a toll collection device that automatically produces an electronic record of
 505 each vehicle equipped with an automatic vehicle identification device that uses a toll facility.

506 "Operator of a toll facility other than the Department of Transportation" means any agency, political
 507 subdivision, authority, or other entity that operates a toll facility.

508 "Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles.
 509 For purposes of this section, "owner" does not mean a vehicle rental or vehicle leasing company.

510 "Photo-monitoring system" means a vehicle sensor installed to work in conjunction with a toll
 511 collection device that automatically produces one or more photographs, one or more microphotographs,
 512 a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of
 513 this section.

514 B. The operator of any toll facility or the locality within which such toll facility is located may
 515 install and operate or cause to be installed and operated a photo-monitoring system or automatic vehicle
 516 identification system, or both, at locations where tolls are collected for the use of such toll facility. The
 517 operator of a toll facility shall send an invoice or bill for unpaid tolls to the registered owner of a
 518 vehicle as part of an electronic or manual toll collection process, prior to seeking remedies under this
 519 section.

520 B. C. Information collected by a photo-monitoring system or automatic vehicle identification system
 521 installed and operated pursuant to subsection A B shall be limited exclusively to that information that is
 522 necessary for the collection of unpaid tolls. Notwithstanding any other provision of law, all photographs,
 523 microphotographs, electronic images, or other data collected by a photo-monitoring system or automatic
 524 vehicle identification system shall be used exclusively for the collection of unpaid tolls and shall not (i)
 525 be open to the public; (ii) be sold and/or used for sales, solicitation, or marketing purposes; (iii) be
 526 disclosed to any other entity except as may be necessary for the collection of unpaid tolls or to a vehicle
 527 owner or operator as part of a challenge to the imposition of a toll; and (iv) be used in a court in a
 528 pending action or proceeding unless the action or proceeding relates to a violation of this section or
 529 upon order from a court of competent jurisdiction. Information collected under this section shall be
 530 purged and not retained later than 30 days after the collection and reconciliation of any unpaid tolls,
 531 administrative fees, and/or civil penalties. Any entity operating a photo-monitoring system or automatic
 532 vehicle identification system shall annually certify compliance with this section and make all records
 533 pertaining to such system available for inspection and audit by the Commissioner of Highways or the
 534 Commissioner of the Department of Motor Vehicles or their designee. Any violation of this subsection
 535 shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law,
 536 any money or other thing of value obtained as a result of a violation of this section shall be forfeited to
 537 the Commonwealth.

538 The toll facility operator may impose and collect an administrative fee in addition to the unpaid toll
 539 so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably
 540 related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. Such fee may
 541 be levied upon the operator of the vehicle after the first unpaid toll has been documented. The operator
 542 of the vehicle shall pay the unpaid toll and any administrative fee detailed in an invoice for the unpaid
 543 toll issued by a toll facility operator. If paid within ~~30~~ 60 days of notification, the administrative fee
 544 shall not exceed \$25.

545 C. D. If the matter proceeds to court, the registered owner or operator of a vehicle shall be liable for
 546 a civil penalty as follows: for a first offense, \$50; for a second offense within one year from the first
 547 offense, \$100; for a third offense within two years from the second offense, \$250; and for a fourth and
 548 any subsequent offense within three years from the second offense, \$500 plus, in each case, the unpaid
 549 toll, all accrued administrative fees imposed by the toll facility operator, and applicable court costs if the
 550 vehicle is found, as evidenced by information obtained from a photo-monitoring system or automatic
 551 vehicle identification system as provided in this section, to have used such a toll facility without

552 payment of the required toll.

553 *E. Notwithstanding subsections C and D, for a first conviction of a driver or registered owner of a*
554 *vehicle under this section the total amount for the first conviction shall not exceed \$2,200, including*
555 *civil penalties and administrative fees regardless of the total number of offenses the driver or registered*
556 *owner of a vehicle is convicted of on that date.*

557 ~~D.~~ *F. Any action under this section shall be brought in the General District Court general district*
558 *court of the city or county or city in which the toll facility is located. Such action shall be considered a*
559 *traffic infraction but shall be tried as a civil case. The attorney for the Commonwealth may represent the*
560 *interests of the toll facility operator. Any authorized agent or employee of a toll facility operator acting*
561 *on behalf of a governmental entity shall be allowed the privileges accorded by § 16.1-88.03 in such*
562 *cases.*

563 *E. G. Proof of a violation of this section shall be evidenced by information obtained from a*
564 *photo-monitoring system or automatic vehicle identification system as provided in this section. A*
565 *certificate, sworn to or affirmed by a technician employed or authorized by the operator of a toll facility*
566 *or by the locality wherein the toll facility is located, or a facsimile of such a certificate, based on*
567 *inspection of photographs, microphotographs, videotapes, or other recorded images produced by a*
568 *photo-monitoring system, or of electronic data collected by an automatic vehicle identification system,*
569 *shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs,*
570 *videotape, or other recorded images or electronic data evidencing such a violation shall be available for*
571 *inspection in any proceeding to adjudicate the liability for such violation under this section. A record of*
572 *communication by an automatic vehicle identification device with the automatic vehicle identification*
573 *system at the time of a violation of this section shall be prima facie evidence that the automatic vehicle*
574 *identification device was located in the vehicle registered to use such device in the records of the*
575 *Virginia Department of Transportation.*

576 *F. H. It shall be prima facie evidence that the vehicle described in the summons issued pursuant to*
577 *subsection ~~K~~ L was operated in violation of this section.*

578 Upon a finding by a court of competent jurisdiction that the vehicle described in the summons issued
579 pursuant to subsection ~~K~~ L was in violation of this section, the court shall impose a civil penalty upon
580 the registered owner or operator of such vehicle in accordance with the amounts specified in subsection
581 ~~C~~ D, together with applicable court costs, the operator's administrative fee and the toll due. Penalties
582 assessed as the result of action initiated by the Virginia Department of Transportation shall be remanded
583 by the clerk of the court which adjudicated the action to the Virginia Department of Transportation's
584 Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by an operator of a
585 toll facility other than the Virginia Department of Transportation shall be remanded by the clerk of the
586 court which adjudicated the action to the treasurer or director of finance of the county or city in which
587 the violation occurred for payment to the toll facility operator.

588 The registered owner of such vehicle shall be given reasonable notice by way of a summons as
589 provided in subsection ~~K~~ L that his vehicle had been used in violation of this section and such owner
590 shall be given notice of the time and place of the hearing as well as the civil penalty and costs for such
591 offense. The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus
592 a reduced civil penalty of \$25 for a first or second offense or \$50 for a third, fourth, or subsequent
593 offense, as specified on the summons, provided the owner actually pays to the toll facility operator the
594 entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the
595 owner accepts such offer and such amount is actually received by the toll facility operator at least 14
596 days prior to the hearing date specified on the summons, the toll facility operator shall move the court
597 at least five business days prior to the date set for trial to dismiss the summons issued to the registered
598 owner of the vehicle, and the court shall dismiss upon such motion.

599 Upon either (i) the filing of an affidavit with the toll facility operator within 14 days of receipt of an
600 invoice for an unpaid toll from the toll facility operator or (ii) the filing of an affidavit with the court at
601 least 14 days prior to the hearing date by the registered owner of the vehicle stating that he was not the
602 ~~driver~~ operator of the vehicle on the date of the violation and providing the legal name and address of
603 the operator of the vehicle at the time of the violation, an invoice and/or summons, as appropriate, will
604 also be issued to the alleged operator of the vehicle at the time of the offense.

605 In any action against a vehicle operator, an affidavit made by the registered owner providing the
606 name and address of the vehicle operator at the time of the violation shall constitute prima facie
607 evidence that the person named in the affidavit was operating the vehicle at all the relevant times
608 relating to the matter named in the affidavit.

609 If the registered owner of the vehicle produces for the toll facility operator or the court a certified
610 copy of a police report showing that the vehicle had been reported to the police as stolen prior to the
611 time of the alleged offense and remained stolen at the time of the alleged offense, then the toll facility
612 operator shall not pursue the owner for the unpaid toll and, if a summons has been issued, the court
613 shall dismiss the summons issued to the registered owner of the vehicle.

614 G. I. Upon a finding by a court that a person has two or more unpaid tolls and such person fails to
 615 pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner of the
 616 Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of
 617 any applicant or the license plate issued for the vehicle driven in the commission of the offense until the
 618 court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. If it is
 619 proven that the vehicle owner was not the operator at the time of the offense and upon a finding by a
 620 court that the person identified in an affidavit pursuant to subsection F H as the operator violated this
 621 section and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify
 622 the Commissioner, who shall refuse to issue or renew any vehicle registration certificate of any applicant
 623 or the license plate issued for any vehicle owned or co-owned by such person until the court has
 624 notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Such funds
 625 representing payment of unpaid tolls and all administrative fees of the toll facility operator shall be
 626 transferred from the court to the Virginia Department of Transportation's Toll Facilities Revolving
 627 Account or, in the case of an action initiated by an operator of a toll facility other than the Virginia
 628 Department of Transportation, to the treasurer or director of finance of the county or city in which the
 629 violation occurred for payment to the toll facility operator. The Commissioner shall collect a \$40
 630 administrative fee from the registered owner or operator of the vehicle to defray the cost of processing
 631 and removing an order to deny registration or registration renewal.

632 H. For purposes of this section, "operator of a toll facility other than the Virginia Department of
 633 Transportation" means any agency, political subdivision, authority, or other entity that operates a toll
 634 facility; "owner" means the registered owner of a vehicle on record with the Department of Motor
 635 Vehicles. For purposes of this section, "owner" does not mean a vehicle rental or vehicle leasing
 636 company; "photo-monitoring system" means a vehicle sensor installed to work in conjunction with a toll
 637 collection device that automatically produces one or more photographs, one or more microphotographs, a
 638 videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this
 639 section; "automatic vehicle identification system" means an electronic vehicle identification system
 640 installed to work in conjunction with a toll collection device that automatically produces an electronic
 641 record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility;
 642 and "automatic vehicle identification device" means an electronic device that communicates by wireless
 643 transmission with an automatic vehicle identification system.

644 I. J. Any vehicle rental or vehicle leasing company, if it receives an invoice or is named in a
 645 summons, shall be released as a party to the action if it provides the operator of the toll facility a copy
 646 of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee within 30 days of
 647 receipt of the invoice or at least 14 days prior to the date of hearing set forth in the summons. Upon
 648 receipt of such rental agreement, lease, or affidavit, a notice shall be mailed to the renter or lessee
 649 identified therein. Release of this information shall not be deemed a violation of any provision of the
 650 Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance
 651 Information and Privacy Protection Act (§ 38.2-600 et seq.). The toll facility operator shall allow at least
 652 30 days from the date of such mailing before pursuing other remedies under this section. In any action
 653 against the vehicle operator, a copy of the vehicle rental agreement, lease, or affidavit identifying the
 654 renter or lessee of the vehicle at the time of the violation is prima facie evidence that the person named
 655 in the rental agreement, lease, or affidavit was operating the vehicle at all the relevant times relating to
 656 the matter named in the summons.

657 J. K. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an
 658 operator and shall not be made part of the driving record of the person upon whom such civil penalty is
 659 imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance
 660 coverage. The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine
 661 or cost imposed or ordered paid under this section for a violation of this section.

662 K. L. On a form prescribed by the Supreme Court, a summons for a violation of this section may be
 663 executed pursuant to ~~as provided in~~ § 19.2-76.2. Toll facility personnel or their agents mailing such
 664 summons shall be considered conservators of the peace for the sole and limited purpose of mailing such
 665 summons. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may
 666 be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as
 667 shown on the records of the Department of Motor Vehicles or, if the registered owner has named and
 668 provided a valid address for the operator of the vehicle at the time of the violation in an affidavit
 669 executed pursuant to subsection F H, such named operator of the vehicle. If the summoned person fails
 670 to appear on the date of return set out in the summons mailed pursuant to this section, the summons
 671 shall be executed in the manner set out in § 19.2-76.3.

672 L. M. The operator of a toll facility may enter into an agreement with the Department of Motor
 673 Vehicles, in accordance with the provisions of subdivision B 21 of subsection B of § 46.2-208, to obtain
 674 vehicle owner information regarding the registered owners of vehicles that fail to pay tolls required for

675 the use of toll facilities and with the ~~Virginia~~ Department of Transportation to obtain any information
 676 that is necessary to conduct electronic toll collection. Information provided to the operator of a toll
 677 facility shall only be used for the collection of unpaid tolls and the operator of the toll facility shall be
 678 subject to the same conditions and penalties regarding release of the information as contained in
 679 subsection ~~B C~~.

680 ~~M. N.~~ No person shall be subject to both the provisions of this section and to prosecution under
 681 § 46.2-819 for actions arising out of the same transaction or occurrence.

682 **§ 46.2-819.3. Use of toll facility without payment of toll; enforcement; penalty.**

683 *A. For purposes of this section:*

684 *"Operator of a toll facility other than the Department of Transportation" means any agency, political*
 685 *subdivision, authority, or other entity that operates a toll facility.*

686 *"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles.*
 687 *For purposes of this section, "owner" does not mean a vehicle rental or vehicle leasing company.*

688 *B.* The toll facility operator may impose and collect an administrative fee in addition to the unpaid
 689 toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be
 690 reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation.
 691 Such fee shall not be levied on a first unpaid toll unless the written promise to pay executed pursuant to
 692 subsection ~~E~~ remains unpaid after 30 days. The person who executed the written promise to pay
 693 pursuant to subsection ~~E~~ shall pay the unpaid toll and any administrative fee detailed in an invoice or
 694 bill issued by a toll facility operator. If paid within ~~30~~ 60 days of notification, the administrative fee
 695 shall not exceed \$25.

696 *B. C.* If the matter proceeds to court, the owner or operator of the vehicle shall be liable for a civil
 697 penalty as follows: for a first offense, \$50; for a second offense within one year from the first offense,
 698 \$100; for a third offense within two years from the second offense, \$250; and for a fourth and any
 699 subsequent offense within three years from the second offense, \$500 plus, in each case, the unpaid toll,
 700 all accrued administrative fees imposed by the toll facility operator and applicable court costs if the
 701 vehicle operator is found, as evidenced by information obtained from the toll facility operator, to have
 702 used such a toll facility without payment of the required toll.

703 *D. Notwithstanding subsections B and C, for a first conviction of a driver or registered owner of a*
 704 *vehicle under this section the total amount for the first conviction shall not exceed \$2,200, including*
 705 *civil penalties and administrative fees regardless of the total number of offenses the driver or registered*
 706 *owner of a vehicle is convicted of on that date.*

707 *~~E. E.~~* A written promise to pay an unpaid toll within a specified period of time executed by the
 708 driver of a motor vehicle, accompanied by a certificate sworn to or affirmed by an authorized agent of
 709 the toll facility that the unpaid toll was not paid within such specified period, shall be prima facie
 710 evidence of the facts contained therein.

711 *~~D. F.~~* The operator of a toll facility may send an invoice or bill to the driver of a motor vehicle
 712 using a toll facility without payment of the specified toll as part of an electronic or manual toll
 713 collection process prior to seeking remedies under this section. Any action under this section shall be
 714 brought in the general district court of the ~~city or~~ county *or city* in which the toll facility is located.
 715 Such an action shall be considered a traffic infraction but shall be tried as a civil case. The attorney for
 716 the Commonwealth may represent the interests of the toll facility operator. Any authorized agent or
 717 employee of a toll facility operator acting on behalf of a governmental entity shall be allowed the
 718 privileges accorded by § 16.1-88.03 in such cases.

719 *~~E. G.~~* Upon a finding by a court of competent jurisdiction that the driver of a motor vehicle
 720 identified in the summons issued pursuant to subsection ~~I K~~ was in violation of this section, the court
 721 shall impose a civil penalty upon the driver of a motor vehicle in accordance with the amounts specified
 722 in subsection ~~B C~~, together with applicable court costs, the operator's administrative fee, and the toll
 723 due. Penalties assessed as the result of action initiated by the ~~Virginia~~ Department of Transportation
 724 shall be remanded by the clerk of the court which adjudicated the action to the ~~Virginia~~ Department of
 725 Transportation's Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by
 726 an operator of a toll facility other than the ~~Virginia~~ Department of Transportation shall be remanded by
 727 the clerk of the court which adjudicated the action to the treasurer or director of finance of the county
 728 or city in which the violation occurred for payment to the toll facility operator.

729 *~~F. H.~~* The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus
 730 a reduced civil penalty of \$25 for a first or second offense or \$50 for a third, fourth, or subsequent
 731 offense, as specified on the summons, provided the owner actually pays to the toll facility operator the
 732 entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the
 733 owner accepts such offer and such amount is actually received by the toll facility operator at least 14
 734 days prior to the hearing date specified on the summons, the toll facility operator shall move the court
 735 at least five business days prior to the date set for trial to dismiss the summons issued to the registered
 736 owner of the vehicle, and the court shall dismiss upon such motion.

737 ~~G. I.~~ Upon a finding by a court that a person has three or more unpaid tolls and such person fails to
 738 pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner of the
 739 Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of
 740 any applicant or the license plate issued for any vehicle owned or co-owned by the offender. The
 741 Commissioner shall collect a \$40 administrative fee from the owner or operator of the vehicle to defray
 742 the cost of processing and removing an order to deny registration or registration renewal.

743 ~~H.~~ For purposes of this section, "operator of a toll facility other than the Virginia Department of
 744 Transportation" means any agency, political subdivision, authority, or other entity that operates a toll
 745 facility.

746 ~~I.~~ *J.* Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an
 747 operator and shall not be made part of the driving record of the person upon whom such civil penalty is
 748 imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance
 749 coverage. The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine,
 750 or cost imposed or ordered paid under this section for a violation of this section.

751 ~~J.~~ *K.* A summons for a violation of this section may be executed pursuant to ~~as provided in~~
 752 § 19.2-76.2. Toll facility personnel or their agents mailing such summons shall be considered
 753 conservators of the peace for the sole and limited purpose of mailing such summons. Notwithstanding
 754 the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by
 755 first-class mail a copy thereof to the address of the driver of a motor vehicle as shown on the written
 756 promise to pay executed pursuant to subsection ~~C~~ *E* or records of the Department of Motor Vehicles. If
 757 the summoned person fails to appear on the date of return set out in the summons mailed pursuant to
 758 this section, the summons shall be executed in the manner set out in § 19.2-76.3.

759 ~~K.~~ *L.* No person shall be subject to both the provisions of this section and to prosecution under
 760 § 46.2-819 for actions arising out of the same transaction or occurrence.

761 **§ 46.2-819.3:1. Installation and use of video-monitoring system and automatic vehicle**
 762 **identification system in conjunction with all-electronic toll facilities; penalty.**

763 *A. For purposes of this section:*

764 *"Automatic vehicle identification device" means an electronic device that communicates by wireless*
 765 *transmission with an automatic vehicle identification system.*

766 *"Automatic vehicle identification system" means an electronic vehicle identification system installed*
 767 *to work in conjunction with a toll collection device that automatically produces an electronic record of*
 768 *each vehicle equipped with an automatic vehicle identification device that uses a toll facility.*

769 *"Operator" means a person who was driving a vehicle that was the subject of a toll violation but*
 770 *who is not the owner of the vehicle.*

771 *"Operator of a toll facility other than the Department of Transportation" means any agency, political*
 772 *subdivision, authority, or other entity that operates a toll facility.*

773 *"Owner" means the registered owner of a vehicle on record with the Department or, in the case of a*
 774 *vehicle where the owner of the vehicle is a vehicle leasing entity, the lessee. For purposes of this*
 775 *section, "owner" does not mean a vehicle rental or vehicle leasing company.*

776 *"Video-monitoring system" means a vehicle sensor installed to work in conjunction with a toll*
 777 *collection device that automatically produces one or more photographs, one or more microphotographs,*
 778 *a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of*
 779 *this section.*

780 *B.* The operator of any toll facility or the locality within which such toll facility is located may
 781 install and operate or cause to be installed and operated a video-monitoring system in conjunction with
 782 an automatic vehicle identification system on facilities for which tolls are collected for the use of such
 783 toll facility and that do not offer manual toll collection. A video-monitoring system shall include, but
 784 not be limited to, electronic systems that monitor and capture images of vehicles using a toll facility to
 785 enable toll collection for vehicles that do not pay using a toll collection device. The operator of a toll
 786 facility shall send an invoice for unpaid tolls in accordance with the requirements of § 46.2-819.6 to the
 787 registered owner of a vehicle as part of a video-monitoring toll collection process, prior to seeking
 788 remedies under this section.

789 ~~B.~~ *C.* Information collected by a video-monitoring system in conjunction with an automatic vehicle
 790 identification system installed and operated pursuant to subsection ~~A~~ *B* shall be limited exclusively to
 791 that information that is necessary for the collection of unpaid tolls and establishing when violations
 792 occur, including use in any proceeding to determine whether a violation occurred. Notwithstanding any
 793 other provision of law, all images or other data collected by a video-monitoring system in conjunction
 794 with an automatic vehicle identification system shall be protected in a database with security comparable
 795 to that of the Department of Motor Vehicles' system and used exclusively for the collection of unpaid
 796 tolls and for efforts to pursue violators of this section and shall not (i) be open to the public; (ii) be sold
 797 and/or used for sales, solicitation, or marketing purposes other than those of the toll facility operator to

798 facilitate toll payment; (iii) be disclosed to any other entity except as may be necessary for the
799 collection of unpaid tolls or to a vehicle owner or operator as part of a challenge to the imposition of a
800 toll; and/or (iv) be used in a court in a pending action or proceeding unless the action or proceeding
801 relates to a violation of this section or upon order from a court of competent jurisdiction. Except as
802 provided above, information collected under this section shall be purged and not retained later than 30
803 days after the collection and reconciliation of any unpaid tolls, administrative fees, and/or civil penalties.
804 Any entity operating a video-monitoring system in conjunction with an automatic vehicle identification
805 system shall annually certify compliance with this section and make all records pertaining to such
806 system available for inspection and audit by the Commissioner of Highways or the Commissioner of the
807 Department of Motor Vehicles or their designee. Any violation of this subsection shall constitute a Class
808 1 misdemeanor. In addition to any fines or other penalties provided for by law, any money or other
809 thing of value obtained as a result of a violation of this section shall be forfeited to the Commonwealth.

810 If a vehicle uses a toll facility without paying the toll, the owner or operator shall be in violation of
811 this section if he refuses to pay the toll within 30 days of notification. The toll facility operator may
812 impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of
813 collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of
814 collecting the unpaid toll and not exceed \$100 per violation. Such fee shall not be levied upon the
815 owner or operator of the vehicle unless the toll has not been paid by the owner or operator within 30
816 days after receipt of the invoice for the unpaid toll, which nonpayment for 30 days shall constitute the
817 violation of this section. Once such a violation has occurred, the owner or operator of the vehicle shall
818 pay the unpaid tolls and any administrative fee detailed in the invoice for the unpaid toll issued by a toll
819 facility operator. If paid within ~~30~~ 60 days of the toll violation, the administrative fee shall not exceed
820 \$25.

821 The toll facility operator may levy charges for the direct cost of use of and processing for a
822 video-monitoring system and to cover the cost of the invoice, which are in addition to the toll and may
823 not exceed double the amount of the base toll, provided that potential toll facility users are provided
824 notice before entering the facility by conspicuous signs that clearly indicate that the toll for use of the
825 facility could be tripled for any vehicle that does not have an active, functioning automatic vehicle
826 identification device registered for and in use in the vehicle using the toll facility, and such signs are
827 posted at a location where the driver can still choose to avoid the use of the toll facility if he chooses
828 not to pay the toll.

829 A person receiving an invoice for an unpaid toll under this section may (a) pay the toll and
830 administrative fees directly to the toll facility operator or (b) file with the toll facility operator a notice,
831 on a form provided by the toll facility operator as required under subsection B of § 46.2-819.6, to
832 contest liability for a toll violation. The notice to contest liability for a toll violation may be filed by
833 any person receiving an invoice for an unpaid toll by mailing or delivering the notice to the toll facility
834 operator within 60 days of receiving such invoice for unpaid toll. Upon receipt of such notice, the toll
835 facility operator may issue a summons pursuant to subsection ~~K~~ L and may not seek withholding of
836 registration or renewal thereof under subsection ~~G~~ I until a court of competent jurisdiction has found the
837 alleged violator liable for tolls under this section.

838 *C. D.* If the matter proceeds to court, the registered owner or operator of a vehicle shall be liable for
839 a civil penalty as follows: for a first offense, \$50; for a second offense within one year from the first
840 offense, \$100; for a third offense within two years from the second offense, \$250; and for a fourth and
841 any subsequent offense within three years from the second offense, \$500; plus, in each case, the unpaid
842 toll, all accrued administrative fees imposed by the toll facility operator, and applicable court costs if the
843 vehicle is found, as evidenced by information obtained from a video-monitoring system in conjunction
844 with an automatic vehicle identification system as provided in this section, to have used such a toll
845 facility without payment of the required toll within 30 days of receipt of the invoice for the toll.

846 *E. Notwithstanding subsections C and D, for a first conviction of a driver or registered owner of a*
847 *vehicle under this section the total amount for the first conviction shall not exceed \$2,200, including*
848 *civil penalties and administrative fees regardless of the total number of offenses the driver or registered*
849 *owner of a vehicle is convicted of on that date.*

850 ~~D. F.~~ Any action under this section shall be brought in the general district court of the ~~city or~~ county
851 *or city* in which the toll facility is located. Such action shall be considered a traffic infraction but shall
852 be tried as a civil case. The attorney for the Commonwealth may represent the interests of the toll
853 facility operator. Any authorized agent or employee of a toll facility operator acting on behalf of a
854 governmental entity shall be allowed the privileges accorded by § 16.1-88.03 in such cases.

855 *E. G.* Proof of a violation of this section shall be evidenced by information obtained from a
856 video-monitoring system or automatic vehicle identification system as provided in this section. A
857 certificate, sworn to or affirmed by a technician employed or authorized by the operator of a toll facility
858 or by the locality wherein the toll facility is located, or a facsimile of such a certificate, based on
859 inspection of photographs, microphotographs, videotapes, or other recorded images produced by a

860 video-monitoring system or of electronic data collected by an automatic vehicle identification system,
 861 shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs,
 862 videotape, or other recorded images or electronic data evidencing such a violation shall be available for
 863 inspection in any proceeding to adjudicate the liability for such violation under this section. A record of
 864 communication by an automatic vehicle identification device with the automatic vehicle identification
 865 system at the time of a violation of this section shall be prima facie evidence that the automatic vehicle
 866 identification device was located in the vehicle registered to use such device in the records of the
 867 Virginia Department of Transportation.

868 ~~F. H.~~ It shall be prima facie evidence that the vehicle described in the summons issued pursuant to
 869 subsection ~~K L~~ was operated in violation of this section.

870 Upon a finding by a court of competent jurisdiction that the vehicle described in the summons issued
 871 pursuant to subsection ~~K L~~ was in violation of this section, the court shall impose a civil penalty upon
 872 the registered owner or operator of such vehicle in accordance with the amounts specified in subsection
 873 ~~C D~~, together with applicable court costs, the operator's administrative fee, and the toll due. Penalties
 874 assessed as the result of action initiated by the Virginia Department of Transportation shall be remanded
 875 by the clerk of the court that adjudicated the action to the Virginia Department of Transportation's Toll
 876 Facilities Revolving Account. Penalties assessed as the result of action initiated by an operator of a toll
 877 facility other than the Virginia Department of Transportation shall be remanded by the clerk of the court
 878 that adjudicated the action to the treasurer or director of finance of the county or city in which the
 879 violation occurred for payment to the toll facility operator.

880 The registered owner of such vehicle shall be given reasonable notice by way of a summons as
 881 provided in subsection ~~K L~~ that his vehicle had been used in violation of this section, and such owner
 882 shall be given notice of the time and place of the hearing as well as the civil penalty and costs for such
 883 offense.

884 Upon the filing of an affidavit by the registered owner of the vehicle with the toll facility operator
 885 within 14 days of receipt of an invoice for unpaid toll or a summons stating that such owner was not
 886 the driver of the vehicle on the date of the violation and providing the legal name and address of the
 887 operator of the vehicle at the time of the violation, an invoice for unpaid toll or summons, whichever
 888 the case may be, will also be issued to the alleged operator of the vehicle at the time of the offense.

889 In any action against a vehicle operator, an affidavit made by the registered owner providing the
 890 name and address of the vehicle operator at the time of the violation shall constitute prima facie
 891 evidence that the person named in the affidavit was operating the vehicle at all the relevant times
 892 relating to the matter named in the affidavit.

893 If the registered owner of the vehicle produces for the toll facility operator or the court a certified
 894 copy of a police report showing that the vehicle had been reported to the police as stolen prior to the
 895 time of the alleged offense and remained stolen at the time of the alleged offense, then the toll facility
 896 operator shall not pursue the owner for the unpaid toll contained in the invoice for unpaid toll or the
 897 court shall dismiss the summons issued to the registered owner of the vehicle.

898 ~~G. I.~~ 1. Upon a finding by a court that a person has two or more unpaid tolls and such person fails
 899 to pay the required penalties, fees, and unpaid tolls, then the court or toll facility operator shall notify
 900 the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle
 901 registration certificate of any applicant or the license plate issued for the vehicle driven in the
 902 commission of the offense until the court has notified the Commissioner that such penalties, fees, and
 903 unpaid tolls have been paid. If it is proven that the vehicle owner was not the operator at the time of
 904 the offense and upon a finding by a court that the person identified in an affidavit pursuant to
 905 subsection ~~F H~~ as the operator violated this section and such person fails to pay the required penalties,
 906 fees, and unpaid tolls, the court shall notify the Commissioner, who shall refuse to issue or renew any
 907 vehicle registration certificate of any applicant or the license plate issued for any vehicle owned or
 908 co-owned by such person until the court has notified the Commissioner that such penalties, fees, and
 909 unpaid tolls have been paid. Such funds representing payment of unpaid tolls and all administrative fees
 910 of the toll facility operator shall be transferred from the court to the Virginia Department of
 911 Transportation's Toll Facilities Revolving Account or, in the case of an action initiated by an operator of
 912 a toll facility other than the Virginia Department of Transportation, to the treasurer or director of finance
 913 of the county or city in which the violation occurred for payment to the toll facility operator. The
 914 Commissioner shall collect a \$40 administrative fee from the registered owner or operator of the vehicle
 915 to defray the cost of processing and removing an order to deny registration or registration renewal.

916 2. If an owner of a vehicle has received at least one invoice for two or more unpaid tolls in
 917 accordance with § 46.2-819.6 by certified mail and has (i) failed to pay the unpaid tolls and
 918 administrative fees and (ii) failed to file a notice to contest liability for a toll violation, then the toll
 919 facility operator may notify the Commissioner, who shall, if no form contesting liability has been timely
 920 filed with the toll facility operator pursuant to this section, refuse to issue or renew the vehicle

921 registration certificate of any applicant therefor or the license plate issued for any vehicle driven in the
 922 commission of the offense until the toll facility operator has notified the Commissioner that such fees
 923 and unpaid tolls have been paid.

924 If the vehicle owner was not the operator at the time of the offense and the person identified in an
 925 affidavit pursuant to subsection F Has the operator has received at least one invoice for two or more
 926 unpaid tolls in accordance with § 46.2-819.6 by certified mail and such person has (i) failed to pay the
 927 unpaid tolls and administrative fees and (ii) failed to file a notice to contest liability for a toll violation,
 928 then the toll facility operator may notify the Commissioner, who shall, if no form contesting liability has
 929 been timely filed with the toll facility operator pursuant to this section, refuse to issue or renew any
 930 vehicle registration certificate of any applicant therefor or the license plate issued for any vehicle owned
 931 or co-owned by such person until the toll facility operator has notified the Commissioner that such fees
 932 and unpaid tolls have been paid.

933 The Commissioner may only refuse to issue or renew any vehicle registration pursuant to this
 934 subsection upon the request of a toll facility operator if such toll facility operator has entered into an
 935 agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle
 936 registration of any applicant therefor who owes unpaid tolls and administrative fees to the toll facility
 937 operator. The toll facility operator seeking to collect unpaid tolls and administrative fees through the
 938 withholding of registration or renewal thereof by the Commissioner as provided for in this subsection
 939 shall notify the Commissioner in the manner provided for in his agreement with the Commissioner and
 940 supply to the Commissioner information necessary to identify the violator whose registration or renewal
 941 is to be denied. The Commissioner shall charge a \$40 fee to defray the cost of processing and
 942 withholding the registration or registration renewal, and the toll facility operator may add this fee to the
 943 amount of the unpaid tolls and administrative fees. Any agreement entered into pursuant to the
 944 provisions of this subsection shall provide for the Department to send the violator notice of the intent to
 945 deny renewal of registration at least 30 days prior to the expiration date of a current vehicle registration
 946 and such notice shall include a form, as required under subsection B of § 46.2-819.6, to contest liability
 947 of the underlying toll violation. The notice provided by the Commissioner shall include instructions for
 948 filing the form to contest liability with the toll facility operator within 21 days after the date of mailing
 949 of the Commissioner's notice. Upon timely receipt of the form, the toll facility operator shall notify the
 950 Commissioner, who shall refrain from withholding the registration or renewal thereof, after which the
 951 toll facility operator may proceed to issue a summons for unpaid toll. For the purposes of this
 952 subsection, notice by first-class mail to the registrant's address as maintained in the records of the
 953 Department shall be deemed sufficient.

954 H. For purposes of this section, "operator" means a person who was driving a vehicle that was the
 955 subject of a toll violation but who is not the owner of the vehicle; "operator of a toll facility other than
 956 the Virginia Department of Transportation" means any agency, political subdivision, authority, or other
 957 entity that operates a toll facility; "owner" means the registered owner of a vehicle on record with the
 958 Department or, in the case of a vehicle where the owner of the vehicle is a vehicle leasing entity, the
 959 lessee. For purposes of this section, "owner" does not mean a vehicle rental or vehicle leasing company;
 960 "video-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection
 961 device that automatically produces one or more photographs, one or more microphotographs, a
 962 videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this
 963 section; "automatic vehicle identification system" means an electronic vehicle identification system
 964 installed to work in conjunction with a toll collection device that automatically produces an electronic
 965 record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility;
 966 and "automatic vehicle identification device" means an electronic device that communicates by wireless
 967 transmission with an automatic vehicle identification system.

968 I. J. Any vehicle rental or vehicle leasing company, if it receives an invoice for unpaid toll or is
 969 named in a summons, shall be released as a party to the action if it provides the operator of the toll
 970 facility a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee
 971 within 30 days of receipt of the invoice or summons. Upon receipt of such rental agreement, lease, or
 972 affidavit, an invoice for unpaid toll shall be mailed to the renter or lessee identified therein. Release of
 973 this information shall not be deemed a violation of any provision of the Government Data Collection
 974 and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection
 975 Act (§ 38.2-600 et seq.). The toll facility operator shall allow at least 30 days from the date of such
 976 mailing before pursuing other remedies under this section. In any action against the vehicle operator, a
 977 copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the vehicle at
 978 the time of the violation is prima facie evidence that the person named in the rental agreement, lease, or
 979 affidavit was operating the vehicle at all the relevant times relating to the matter named in the summons.

980 J. K. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an
 981 operator and shall not be made part of the driving record of the person upon whom such civil penalty is
 982 imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance

983 coverage. The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine,
984 or cost imposed or ordered paid under this section for a violation of this section.

985 ~~K. L.~~ On a form prescribed by the Supreme Court, a summons for a violation of this section may be
986 executed ~~pursuant to~~ *as provided in* § 19.2-76.2. Toll facility personnel or their agents mailing such
987 summons shall be considered conservators of the peace for the sole and limited purpose of mailing such
988 summons. Notwithstanding the provisions of § 19.2-76, a summons or summonses for a violation of
989 unpaid tolls may be executed by mailing by first-class mail a copy thereof to the address of the owner
990 of the vehicle as shown on the records of the Department or, if the registered owner has named and
991 provided a valid address for the operator of the vehicle at the time of the violation in an affidavit
992 executed pursuant to subsection ~~F H~~, such named operator of the vehicle. If the summoned person fails
993 to appear on the date of return set out in the summons mailed pursuant to this section, the summons
994 shall be executed in the manner set out in § 19.2-76.3.

995 ~~L. M.~~ The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus
996 a reduced civil penalty of \$25 for a first or second offense or \$50 for a third, fourth, or subsequent
997 offense, as specified on the summons, provided the owner actually pays to the toll facility operator the
998 entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the
999 owner accepts such offer and such amount is actually received by the toll facility operator at least 14
1000 days prior to the hearing date specified on the summons, the toll facility operator shall move the court
1001 at least five business days prior to the date set for trial to dismiss the summons issued to the registered
1002 owner of the vehicle, and the court shall dismiss upon such motion.

1003 ~~M. N.~~ The operator of a toll facility may enter into an agreement with the Department, in accordance
1004 with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the
1005 registered owners of vehicles that fail to pay tolls required for the use of toll facilities and with the
1006 Virginia Department of Transportation to obtain any information that is necessary to conduct electronic
1007 toll collection. Information provided to the operator of a toll facility shall be used only for the collection
1008 of unpaid tolls, and the operator of the toll facility shall be subject to the same conditions and penalties
1009 regarding release of the information as contained in subsection ~~B C~~.

1010 ~~N. O.~~ No person shall be subject to both the provisions of this section and to prosecution under
1011 § 46.2-819 for actions arising out of the same transaction or occurrence.

1012 **§ 46.2-819.6. Invoice for unpaid toll.**

1013 A. The operator of a toll facility shall send an invoice for the unpaid toll pursuant to ~~§ 46.2-819.7~~
1014 *subsection C* to the registered owner of the vehicle. An invoice for the unpaid toll shall contain the
1015 following:

- 1016 1. The name and address of the registered owner alleged to be liable under this section;
- 1017 2. The registration number of the motor vehicle involved in such violation or information obtained
1018 from an automatic vehicle identification system if the vehicle is identified by an automatic vehicle
1019 identification system for the purpose of violation detection;
- 1020 3. The location where such violation took place;
- 1021 4. The date and time of such violation;
- 1022 5. The amount of the toll not paid;
- 1023 6. The amount of the administrative fee;
- 1024 7. The date by which the toll and administrative fee must be paid;
- 1025 8. The statutory defenses available under this chapter;
- 1026 9. A warning describing the penalties for nonpayment of the invoice for the unpaid toll or failure to
1027 file a notice to contest liability for the toll violation; and
- 1028 10. The procedures and time limits for filing a notice to contest liability for a toll violation as
1029 provided in subsection ~~B C~~ of § 46.2-819.3:1.

1030 B. The toll facility operator shall include with the invoice a form to be used by the registered owner
1031 or operator of the vehicle to contest liability for a toll violation. This form shall include the mailing
1032 address to which it should be sent.

1033 *C. Whenever an invoice for an unpaid toll is to be provided to any person by the toll facility
1034 operator, it may be executed by mailing by first-class mail a copy of the invoice to the address of the
1035 owner of the vehicle as shown on the records of the Department.*

1036 **§ 46.2-819.8. Toll grace period.**

1037 *No registered owner or operator of a vehicle that has an electronic toll collection device that is
1038 property of the Commonwealth whose vehicle is associated with such device has been used in violation
1039 of § 33.2-503, 46.2-819.1, 46.2-819.3, or 46.2-819.3:1 shall owe any penalties, fees, or costs in addition
1040 to the unpaid toll unless the toll operator or HOT lanes operator has attempted to process the collection
1041 of the toll through the Commonwealth's electronic toll account system at least twice. A toll operator
1042 shall make an attempt to process and collect an unpaid toll on the sixth day after the unpaid toll and
1043 shall make an additional attempt on the tenth day after the unpaid toll if earlier attempts to process and*

1044 *collect the unpaid toll were unsuccessful.*

1045 **2. That the provisions of § 33.2-255.1 of the Code of Virginia, as created by this act, shall become**
1046 **effective on January 1, 2017.**

1047 **3. That § 46.2-819.7 of the Code of Virginia is repealed.**

1048 **4. That the eleventh enactment of Chapter 766 of the Acts of Assembly of 2013 is repealed.**

1049 **5. That the provisions of this act shall apply to violations that occur on or after July 1, 2016.**