

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend the Code of Virginia by adding a section numbered 15.2-968.1, relating to local
2 ordinances establishing certain traffic signal enforcement programs; penalty.

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

4 **1. That the Code of Virginia is amended by adding a section numbered 15.2-968.1 as follows:**

5 § 15.2-968.1. Use of photo-monitoring systems to enforce traffic light signals; penalty.

6 A. The governing body of any county, city, or town may provide by ordinance for the
7 establishment of a traffic signal enforcement program imposing monetary liability on the operator of a
8 motor vehicle for failure to comply with traffic light signals in such locality in accordance with the
9 provisions of this section. Each such locality may install and operate traffic light signal photo-
10 monitoring systems at no more than 25 intersections within each locality at any one time.

11 B. The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this
12 section if such vehicle is found, as evidenced by information obtained from a traffic light signal
13 violation monitoring system, to have failed to comply with a traffic light signal within such locality.

14 C. Proof of a violation of this section shall be evidenced by information obtained from a traffic
15 light signal violation monitoring system authorized pursuant to this section. A certificate, sworn to or
16 affirmed by a technician employed by a locality authorized to impose penalties pursuant to this section,
17 or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other
18 recorded images produced by a traffic light signal violation monitoring system, shall be prima facie
19 evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other
20 recorded images evidencing such a violation shall be available for inspection in any proceeding to
21 adjudicate the liability for such violation pursuant to an ordinance adopted pursuant to this section.

22 D. In the prosecution for a violation of any local ordinance adopted as provided in this section,
23 prima facie evidence that the vehicle described in the summons issued pursuant to this section was
24 operated in violation of such ordinance, together with proof that the defendant was at the time of such

25 violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption
26 that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such
27 presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular
28 mail with the clerk of the general district court that he or she was not the operator of the vehicle at the
29 time of the alleged violation or (ii) testifies in open court under oath that he or she was not the operator
30 of the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified
31 copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the
32 time of the alleged violation of this section, is presented, prior to the return date established on the
33 summons issued pursuant to this section, to the court adjudicating the alleged violation.

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

42 F. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an
43 operator and shall not be made part of the operating record of the person upon whom such liability is
44 imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance
45 coverage. No monetary penalty imposed under this section shall exceed \$50 nor shall it include court
46 costs.

47 G. A summons for a violation of this section may be executed pursuant to § 19.2-76.2.
48 Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed
49 by mailing by first-class mail a copy thereof to the address of the owner, lessee, or renter of the vehicle
50 as shown, in the case of vehicle owners, in the records of the Department of Motor Vehicles or, in the
51 case of vehicle lessees or renters, in the records of the lessor or renter. Every such mailing shall include,

52 in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that
53 he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as
54 provided in subsection D of this section and (ii) instructions for filing such affidavit, including the
55 address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return
56 set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set
57 out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be
58 instituted for failure to appear on the return date of the summons.

59 H. In any action at law brought by any person or entity as the result of personal injury or death or
60 damage to property, such evidence derived from a photo-monitoring system shall be admissible in the
61 same method prescribed as required in the prosecution of an offense established under this section
62 without the requirements of authentication as otherwise required by law.

63 I. On behalf of a locality, a private entity may not obtain records regarding the registered owners
64 of vehicles that fail to comply with traffic light signals. A private entity may enter into an agreement
65 with a locality to be compensated for providing the traffic light signal violation monitoring system or
66 equipment, and all related support services, to include consulting, operations and administration.
67 However, only an employee of the locality may swear to or affirm the certificate required by subsection
68 C.

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