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SENATE BILL NO. 1

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary on January 15, 2020)

Senate Amendments in [ ] - January 31, 2020

(Patrons Prior to Substitute—Senators Stanley, Ebbin [SB 10], Edwards [SB 514], and Morrissey [SB 814]) A BILL to amend and reenact §§ 19.2-258.1, 19.2-354, 19.2-354.1, 33.2-503, 46.2-203.1, 46.2-301, 46.2-361, 46.2-383, 46.2-391.1, 46.2-416, 46.2-819.1, 46.2-819.3, 46.2-819.3:1, 46.2-819.5, 46.2-940, and 46.2-1200.1 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 46.2-808.2; and to repeal § 46.2-395 and Article 18 (§§ 46.2-944.1 through 46.2-947) of Chapter 8 of Title 46.2 of the Code of Virginia, relating to suspension of driver's license for nonpayment of fines or costs.

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-258.1, 19.2-354, 19.2-354.1, 33.2-503, 46.2-203.1, 46.2-301, 46.2-361, 46.2-383, 46.2-391.1, 46.2-416, 46.2-819.1, 46.2-819.3, 46.2-819.3:1, 46.2-819.5, 46.2-940, and 46.2-1200.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-808.2 as follows:

§ 19.2-258.1. Trial of traffic infractions; measure of proof; failure to appear.

For any traffic infraction cases tried in a district court, the court shall hear and determine the case without the intervention of a jury. For any traffic infraction case appealed to a circuit court, the defendant shall have the right to trial by jury. The defendant shall be presumed innocent until proven guilty beyond a reasonable doubt.

When a person charged with a traffic infraction fails to enter a written or court appearance, he shall be deemed to have waived court hearing and the case may be heard in his absence, after which he shall be notified of the court's finding. He shall be advised that if he fails to comply with any order of the court therein, the court may order suspension of his driver's license as provided in § 46.2-395 but; however, the court shall not issue a warrant for his failure to appear pursuant to § 46.2-938.

§ 19.2-354. Authority of court to order payment of fine, costs, forfeitures, penalties or restitution in installments or upon other terms and conditions; community work in lieu of payment.

A. Whenever (i) a defendant, convicted of a traffic infraction or a violation of any criminal law of the Commonwealth or of any political subdivision thereof, or found not innocent in the case of a juvenile, is sentenced to pay a fine, restitution, forfeiture or penalty and (ii) the defendant is unable to make payment of the fine, restitution, forfeiture, or penalty and costs within 30 days of sentencing, the court shall order the defendant to pay such fine, restitution, forfeiture or penalty and any costs which the defendant may be required to pay in deferred payments or installments. The court assessing the fine, restitution, forfeiture, or penalty and costs may authorize the clerk to establish and approve individual deferred or installment payment agreements. If the defendant owes court-ordered restitution and enters into a deferred or installment payment agreement, any money collected pursuant to such agreement shall be used first to satisfy such restitution order and any collection costs associated with restitution prior to being used to satisfy any other fine, forfeiture, penalty, or cost owed. Any payment agreement authorized under this section shall be consistent with the provisions of § 19.2-354.1, including any required minimum payments or other required conditions. The requirements set forth in § 19.2-354.1 shall be posted in the clerk's office and on the court's website, if a website is available. As a condition of every such agreement, a defendant who enters into an installment or deferred payment agreement shall promptly inform the court of any change of mailing address during the term of the agreement. If the defendant is unable to make payment within 90 days of sentencing, the court may assess a one-time fee not to exceed \$10 to cover the costs of management of the defendant's account until such account is paid in full. This one-time fee shall not apply to cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9. Installment or deferred payment agreements shall include terms for payment if the defendant participates in a program as provided in subsection B or C. The court, if such sum or sums are not paid in full by the date ordered, shall proceed in accordance with § 19.2-358.

B. When a person sentenced to the Department of Corrections or a local correctional facility owes any fines, costs, forfeitures, restitution or penalties, he shall be required as a condition of participating in any work release, home/electronic incarceration or nonconsecutive days program as set forth in § 53.1-60, 53.1-131, 53.1-131.1, or 53.1-131.2 to either make full payment or make payments in accordance with his installment or deferred payment agreement while participating in such program. If, after the person has an installment or deferred payment agreement, the person fails to pay as ordered,

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60 his participation in the program may be terminated until all fines, costs, forfeitures, restitution and  
61 penalties are satisfied. The Director of the Department of Corrections and any sheriff or other  
62 administrative head of any local correctional facility shall withhold such ordered payments from any  
63 amounts due to such person. Distribution of the money collected shall be made in the following order of  
64 priority to:

- 65 1. Meet the obligation of any judicial or administrative order to provide support and such funds shall  
66 be disbursed according to the terms of such order;
- 67 2. Pay any restitution as ordered by the court;
- 68 3. Pay any fines or costs as ordered by the court;
- 69 4. Pay travel and other such expenses made necessary by his work release employment or  
70 participation in an education or rehabilitative program, including the sums specified in § 53.1-150; and
- 71 5. Defray the offender's keep.

72 The balance shall be credited to the offender's account or sent to his family in an amount the  
73 offender so chooses.

74 The Board of Corrections shall promulgate regulations governing the receipt of wages paid to  
75 persons participating in such programs, the withholding of payments and the disbursement of appropriate  
76 funds.

77 C. The court shall establish a program and may provide an option to any person upon whom a fine  
78 and costs have been imposed to discharge all or part of the fine or costs by earning credits for the  
79 performance of community service work before or after imprisonment. The program shall specify the  
80 rate at which credits are earned and provide for the manner of applying earned credits against the fine  
81 or costs. The court assessing the fine or costs against a person shall inform such person of the  
82 availability of earning credit toward discharge of the fine or costs through the performance of  
83 community service work under this program and provide such person with written notice of terms and  
84 conditions of this program. The court shall have such other authority as is reasonably necessary for or  
85 incidental to carrying out this program.

86 D. When the court has authorized deferred payment or installment payments, the clerk shall give  
87 notice to the defendant that upon his failure to pay as ordered he may be fined or imprisoned pursuant  
88 to § 19.2-358 and his privilege to operate a motor vehicle will be suspended pursuant to § 46.2-395.

89 E. The failure of the defendant to enter into a deferred payment or installment payment agreement  
90 with the court or the failure of the defendant to make payments as ordered by the agreement shall allow  
91 the Tax Commissioner to act in accordance with § 19.2-349 to collect all fines, costs, forfeitures and  
92 penalties.

93 **§ 19.2-354.1. Deferred or installment payment agreements.**

94 A. For purposes of this section:

95 "Deferred payment agreement" means an agreement in which no installment payments are required  
96 and the defendant agrees to pay the full amount of the fines and costs at the end of the agreement's  
97 stated term.

98 "Fines and costs" means all fines, court costs, forfeitures, and penalties assessed in any case by a  
99 single court against a defendant for the commission of any crime or traffic infraction. "Fines and costs"  
100 includes restitution unless the court orders a separate payment schedule for restitution.

101 "Installment payment agreement" means an agreement in which the defendant agrees to make  
102 monthly or other periodic payments until the fines and costs are paid in full.

103 "Modified deferred payment agreement" means a deferred payment agreement in which the defendant  
104 also agrees to use best efforts to make monthly or other periodic payments.

105 B. The court shall give a defendant ordered to pay fines and costs written notice of the availability  
106 of deferred, modified deferred, and installment payment agreements and, if a community service  
107 program has been established, the availability of earning credit toward discharge of fines and costs  
108 through the performance of community service work. The court shall offer any defendant who is unable  
109 to pay in full the fines and costs within 30 days of sentencing the opportunity to enter into a deferred  
110 payment agreement, modified deferred payment agreement, or installment payment agreement.

111 C. The court shall not deny a defendant the opportunity to enter into a deferred, modified deferred,  
112 or installment payment agreement solely (i) because of the category of offense for which the defendant  
113 was convicted or found not innocent, (ii) because of the total amount of all fines and costs, (iii) because  
114 the defendant previously defaulted under the terms of a payment agreement, (iv) because the fines and  
115 costs have been referred for collections pursuant to § 19.2-349, or (v) because the defendant has not  
116 established a payment history; or (vi) because the defendant is eligible for a restricted driver's license  
117 under subsection E of § 46.2-395.

118 D. In determining the length of time to pay under a deferred, modified deferred, or installment  
119 payment agreement and the amount of the payments, a court shall take into account the defendant's  
120 financial resources and obligations, including any fines and costs owed by the defendant in other courts.  
121 In assessing the defendant's ability to pay, the court shall use a written financial statement, on a form

122 developed by the Executive Secretary of the Supreme Court, setting forth the defendant's financial  
 123 resources and obligations or conduct an oral examination of the defendant to determine his financial  
 124 resources and obligations- The court may require the defendant to present a summary prepared by the  
 125 Department of Motor Vehicles of the other courts in which the defendant also owes fines and costs. The  
 126 length of a payment agreement and the amount of the payments shall be reasonable in light of the  
 127 defendant's financial resources and obligations and shall not be based solely on the amount of fines and  
 128 costs. The court may offer a payment agreement combining an initial period during which no payment  
 129 of fines and costs is required followed by a period of installment payments.

130 E. A court may require a down payment as a condition of a defendant entering a deferred, modified  
 131 deferred, or installment payment agreement. Any down payment shall be a minimal amount to  
 132 demonstrate the defendant's commitment to paying the fines and costs. In the case of an installment  
 133 payment agreement, the required down payment may not exceed (i) if the fines and costs owed are \$500  
 134 or less, 10 percent of such amount or (ii) if the fines and costs owed are more than \$500, five percent  
 135 of such amount or \$50, whichever is greater. A defendant may make a larger down payment than what  
 136 is provided by this subsection.

137 F. All fines and costs that a defendant owes for all cases in any single court may be incorporated  
 138 into one payment agreement, unless otherwise ordered by the court in specific cases. A payment  
 139 agreement shall include only those outstanding fines and costs for which the limitations period set forth  
 140 in § 19.2-341 has not run.

141 G. Any payment received within 10 days of its due date shall be considered to be timely made.

142 H. At any time during the duration of a payment agreement, the defendant may request a  
 143 modification of the agreement in writing on a form provided by the Executive Secretary of the Supreme  
 144 Court, and the court may grant such modification based on a good faith showing of need.

145 I. A court shall consider a request by a defendant who has defaulted on a payment agreement to  
 146 enter into a subsequent payment agreement. In determining whether to approve the request for a  
 147 subsequent payment agreement, the court shall consider any change in the defendant's circumstances. A  
 148 court shall require a down payment to enter into a subsequent payment agreement, provided that the  
 149 down payment required to enter into a subsequent payment agreement shall not exceed (i) if the fines  
 150 and costs owed are \$500 or less, 10 percent of such amount or (ii) if the fines and costs owed are more  
 151 than \$500, five percent of such amount or \$50, whichever is greater. When a defendant enters into a  
 152 subsequent payment agreement, a court shall not require a defendant to establish a payment history on  
 153 the subsequent payment agreement before restoring the defendant's driver's license.

154 **§ 33.2-503. HOT lanes enforcement.**

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

161 1. On a form prescribed by the Supreme Court, a summons for a violation of this section may be  
 162 executed by a law-enforcement officer, when such violation is observed by such officer. The form shall  
 163 contain the option for the operator of the vehicle to prepay the unpaid toll and all penalties,  
 164 administrative fees, and costs.

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

167 b. A summons for a violation of this section may be executed when such violation is evidenced by  
 168 information obtained from a photo-enforcement system as defined in this chapter. A certificate, sworn to  
 169 or affirmed by a technician employed or authorized by the HOT lanes operator, or a facsimile of such a  
 170 certificate, based on inspection of photographs, microphotographs, videotapes, or other recorded images  
 171 produced by a photo-enforcement system, shall be prima facie evidence of the facts contained therein.  
 172 Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation  
 173 shall be available for inspection in any proceeding to adjudicate the liability for such violation under this  
 174 subdivision 2. Any vehicle rental or vehicle leasing company, if named in a summons, shall be released  
 175 as a party to the action if it provides to the HOT lanes operator a copy of the vehicle rental agreement  
 176 or lease or an affidavit identifying the renter or lessee prior to the date of hearing set forth in the  
 177 summons. Upon receipt of such rental agreement, lease, or affidavit, a summons shall be issued for the  
 178 renter or lessee identified therein. Release of this information shall not be deemed a violation of any  
 179 provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the  
 180 Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.).

181 c. On a form prescribed by the Supreme Court, a summons issued under this subdivision 2 may be  
 182 executed as provided in § 19.2-76.2. Such form shall contain the option for the owner or operator to

183 prepay the unpaid toll and all penalties, administrative fees, and costs. A summons for a violation of this  
184 section may set forth multiple violations occurring within one jurisdiction. Notwithstanding the  
185 provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by  
186 first-class mail a copy thereof to the address of the owner or, if the owner has named and provided a  
187 valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant  
188 to subdivision e, such named operator of the vehicle. Such summons shall be signed either originally or  
189 by electronic signature. If the summoned person fails to appear on the date of return set out in the  
190 summons mailed pursuant to this section, the summons shall be executed in the manner set out in  
191 § 19.2-76.3.

192 d. No summons may be issued by a HOT lanes operator for a violation of this section unless the  
193 HOT lanes operator can demonstrate that (i) there was an attempt to collect the unpaid tolls and  
194 applicable administrative fees through debt collection not less than 30 days prior to issuance of the  
195 summons and (ii) 120 days have elapsed since the unpaid toll or, in a summons for multiple violations,  
196 120 days have elapsed since the most recent unpaid toll noticed on the summons. For purposes of this  
197 subdivision, "debt collection" means the collection of unpaid tolls and applicable administrative fees by  
198 (a) retention of a third-party debt collector or (b) collection practices undertaken by employees of a  
199 HOT lanes operator that are materially similar to a third-party debt collector.

200 e. The owner of such vehicle shall be given reasonable notice by way of a summons as provided in  
201 this subdivision 2 that his vehicle had been used in violation of this section, and such owner shall be  
202 given notice of the time and place of the hearing and notice of the civil penalty and costs for such  
203 offense.

204 It shall be prima facie evidence that the vehicle described in the summons issued pursuant to  
205 subdivision 2 was operated in violation of this section. Records obtained from the Department of Motor  
206 Vehicles pursuant to § 33.2-504 and certified in accordance with § 46.2-215 or from the equivalent  
207 agency in another state and certified as true and correct copies by the head of such agency or his  
208 designee identifying the owner of such vehicle shall give rise to a rebuttable presumption that the owner  
209 of the vehicle is the person named in the summons.

210 Upon the filing of an affidavit with the court at least 14 days prior to the hearing date by the owner  
211 of the vehicle stating that he was not the operator of the vehicle on the date of the violation and  
212 providing the legal name and address of the operator of the vehicle at the time of the violation, a  
213 summons will also be issued to the alleged operator of the vehicle at the time of the offense. The  
214 affidavit shall constitute prima facie evidence that the person named in the affidavit was driving the  
215 vehicle at all the relevant times relating to the matter named in the affidavit.

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

219 3. a. The HOT lanes operator may impose and collect an administrative fee in addition to the unpaid  
220 toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be  
221 reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. The  
222 operator of the vehicle shall pay the unpaid tolls and any administrative fee detailed in a notice or  
223 invoice issued by a HOT lanes operator. If paid within 60 days of notification, the administrative fee  
224 shall not exceed \$25. The HOT lanes operator shall notify the owner of the vehicle of any unpaid tolls  
225 and administrative fees by mailing an invoice pursuant to § 46.2-819.6.

226 b. Upon a finding by a court of competent jurisdiction that the operator of the vehicle observed by a  
227 law-enforcement officer under subdivision 1 or the vehicle described in the summons for a violation  
228 issued pursuant to evidence obtained by a photo-enforcement system under subdivision 2 was in  
229 violation of this section, the court shall impose a civil penalty upon the operator of such vehicle issued  
230 a summons under subdivision 1, or upon the operator or owner of such vehicle issued a summons under  
231 subdivision 2, payable to the HOT lanes operator as follows: for a first offense, \$50; for a second  
232 offense, \$100; for a third offense within a period of two years of the second offense, \$250; and for a  
233 fourth and subsequent offense within a period of three years of the second offense, \$500, together with,  
234 in each case, the unpaid toll, all accrued administrative fees imposed by the HOT lanes operator as  
235 authorized by this section, and applicable court costs. The court shall remand penalties, the unpaid toll,  
236 and administrative fees assessed for violation of this section to the treasurer or director of finance of the  
237 county or city in which the violation occurred for payment to the HOT lanes operator for expenses  
238 associated with operation of the HOT lanes and payments against any bonds or other liens issued as a  
239 result of the construction of the HOT lanes. No person shall be subject to prosecution under both  
240 subdivisions 1 and 2 for actions arising out of the same transaction or occurrence.

241 c. Notwithstanding subdivisions a and b, for a first conviction of an operator or owner of a vehicle  
242 under this section, the total amount for the first conviction shall not exceed \$2,200, including civil  
243 penalties and administrative fees regardless of the total number of offenses the operator or owner of a  
244 vehicle is convicted of on that date.

245 d. Upon a finding by a court that a resident of the Commonwealth has violated this section, in the  
 246 event such person fails to pay the required penalties, fees, and costs, the court shall notify the  
 247 Commissioner of the Department of Motor Vehicles, who shall suspend all of the registration certificates  
 248 and license plates issued for any motor vehicles registered solely in the name of such person and shall  
 249 not issue any registration certificate or license plate for any other vehicle that such person seeks to  
 250 register solely in his name until the court has notified the Commissioner of the Department of Motor  
 251 Vehicles that such penalties, fees, and costs have been paid. Upon a finding by a court that a  
 252 nonresident of the Commonwealth has violated this section, in the event that such person fails to pay the  
 253 required penalties, fees, and costs, the court shall notify the Commissioner of the Department of Motor  
 254 Vehicles, who shall, when the vehicle is registered in a state with which the Commonwealth has entered  
 255 into an agreement to enforce tolling violations pursuant to § 46.2-819.9, provide to the entity authorized  
 256 to issue vehicle registration certificates or license plates in the state in which the vehicle is registered  
 257 sufficient evidence of the court's finding to take action against the vehicle registration certificate or  
 258 license plates in accordance with the terms of the agreement, until the court has notified the  
 259 Commissioner of the Department of Motor Vehicles that such penalties, fees, and costs have been paid.  
 260 Upon receipt of such notification from the court, the Commissioner of the Department of Motor  
 261 Vehicles shall notify the state where the vehicle is registered of such payment. The HOT lanes operator  
 262 and the Commissioner of the Department of Motor Vehicles may enter into an agreement whereby the  
 263 HOT lanes operator may reimburse the Department of Motor Vehicles for its reasonable costs to  
 264 develop, implement, and maintain this enforcement mechanism, and that specifies that the Commissioner  
 265 of the Department of Motor Vehicles shall have an obligation to suspend such registration certificates or  
 266 to provide notice to such entities in other states so long as the HOT lanes operator makes the required  
 267 reimbursements in a timely manner in accordance with the agreement.

268 e. An action brought under subdivision 1 or 2 shall be commenced within two years of the  
 269 commission of the offense and shall be considered a traffic infraction. Except as provided in  
 270 subdivisions 4 and 5, imposition of a civil penalty pursuant to this section shall not be deemed a  
 271 conviction as an operator of a motor vehicle under Title 46.2 and shall not be made part of the driving  
 272 record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance  
 273 purposes in the provision of motor vehicle insurance coverage. ~~The provisions of § 46.2-395 shall not be~~  
 274 ~~applicable to any civil penalty, fee, unpaid toll, fine, or cost imposed or ordered paid under this section~~  
 275 ~~for a violation of subdivision 4 or 2.~~

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

280 b. Any person driving an unauthorized vehicle on the designated HOT lanes is guilty of a traffic  
 281 infraction, which shall not be a moving violation, and shall be punishable as follows: for a first offense,  
 282 by a fine of \$125; for a second offense within a period of five years from a first offense, by a fine of  
 283 \$250; for a third offense within a period of five years from a first offense, by a fine of \$500; and for a  
 284 fourth and subsequent offense within a period of five years from a first offense, by a fine of \$1,000. No  
 285 person shall be subject to prosecution under both this subdivision and subdivision 1 or 2 for actions  
 286 arising out of the same transaction or occurrence.

287 Upon a conviction under this subdivision, the court shall furnish to the Commissioner of the  
 288 Department of Motor Vehicles, in accordance with § 46.2-383, an abstract of the record of such  
 289 conviction, which shall become a part of the person's driving record. Notwithstanding the provisions of  
 290 § 46.2-492, no driver demerit points shall be assessed for any violation of this subdivision, except that  
 291 persons convicted of a second, third, fourth, or subsequent violation within five years of a first offense  
 292 shall be assessed three demerit points for each such violation.

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

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

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

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

306 § 46.2-203.1. Provision of updated addresses by persons completing forms; acknowledgment of  
307 future receipt of official notices.

308 Whenever any person completes a form for an application, certificate of title, registration card,  
309 license plate, driver's license, and any other form requisite for the purpose of this title, or whenever any  
310 person is issued a summons for a violation of the motor vehicle laws of the Commonwealth, he shall  
311 provide his current address on the form or summons. By signing the form or summons, the person  
312 acknowledges that (i) the address is correct, (ii) any official notice, including an order of suspension,  
313 will be sent by prepaid first class mail to the address on the signed form with the most current date, and  
314 (iii) the notice shall be deemed to have been accepted by the person at that address. ~~In addition, upon~~  
315 ~~signing a summons for a violation of the motor vehicle laws, the person shall acknowledge that his~~  
316 ~~failure to appear in court and pay fines and costs could result in suspension of his operator's license.~~

317 § 46.2-301. Driving while license, permit, or privilege to drive suspended or revoked.

318 A. In addition to any other penalty provided by this section, any motor vehicle administratively  
319 impounded or immobilized under the provisions of § 46.2-301.1 may, in the discretion of the court, be  
320 impounded or immobilized for an additional period of up to 90 days upon conviction of an offender for  
321 driving while his driver's license, learner's permit, or privilege to drive a motor vehicle has been  
322 suspended or revoked for (i) a violation of § 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-272, or 46.2-341.24 or  
323 a substantially similar ordinance or law in any other jurisdiction or (ii) driving after adjudication as an  
324 habitual offender, where such adjudication was based in whole or in part on an alcohol-related offense,  
325 or where such person's license has been administratively suspended under the provisions of § 46.2-391.2.  
326 However, if, at the time of the violation, the offender was driving a motor vehicle owned by another  
327 person, the court shall have no jurisdiction over such motor vehicle but may order the impoundment or  
328 immobilization of a motor vehicle owned solely by the offender at the time of arrest. All costs of  
329 impoundment or immobilization, including removal or storage expenses, shall be paid by the offender  
330 prior to the release of his motor vehicle.

331 B. Except as provided in §§ 46.2-304 and 46.2-357, no resident or nonresident (i) whose driver's  
332 license, learner's permit, or privilege to drive a motor vehicle has been suspended or revoked or (ii) who  
333 has been directed not to drive by any court or by the Commissioner, or (iii) who has been forbidden, as  
334 prescribed by operation of any statute of the Commonwealth or a substantially similar ordinance of any  
335 county, city or town, to operate a motor vehicle in the Commonwealth shall thereafter drive any motor  
336 vehicle or any self-propelled machinery or equipment on any highway in the Commonwealth until the  
337 period of such suspension or revocation has terminated or the privilege has been reinstated or a  
338 restricted license is issued pursuant to subsection E. ~~A clerk's notice of suspension of license for failure~~  
339 ~~to pay fines or costs given in accordance with § 46.2-395 shall be sufficient notice for the purpose of~~  
340 ~~maintaining a conviction under this section.~~ For the purposes of this section, the phrase "motor vehicle  
341 or any self-propelled machinery or equipment" shall not include mopeds.

342 C. A violation of subsection B is a Class 1 misdemeanor. A third or subsequent offense occurring  
343 within a 10-year period shall include a mandatory minimum term of confinement in jail of 10 days.  
344 However, the court shall not be required to impose a mandatory minimum term of confinement in any  
345 case where a motor vehicle is operated in violation of this section in a situation of apparent extreme  
346 emergency which requires such operation to save life or limb.

347 D. Upon a violation of subsection B, the court shall suspend the person's license or privilege to drive  
348 a motor vehicle for the same period for which it had been previously suspended or revoked. In the event  
349 the person violated subsection B by driving during a period of suspension or revocation which was not  
350 for a definite period of time, the court shall suspend the person's license, permit or privilege to drive for  
351 an additional period not to exceed 90 days, to commence upon the expiration of the previous suspension  
352 or revocation or to commence immediately if the previous suspension or revocation has expired;  
353 ~~however, in the event that the person violated subsection B by driving during a period of suspension~~  
354 ~~imposed pursuant to § 46.2-395, the additional 90-day suspension imposed pursuant to this subsection~~  
355 ~~shall run concurrently with the suspension imposed pursuant to § 46.2-395 in accordance with subsection~~  
356 ~~F of § 46.2-395.~~

357 E. Any person who is otherwise eligible for a restricted license may petition each court that  
358 suspended his license pursuant to subsection D for authorization for a restricted license, provided that  
359 the period of time for which the license was suspended by the court pursuant to subsection D, if  
360 measured from the date of conviction, has expired, even though the suspension itself has not expired. A  
361 court may, for good cause shown, authorize the Department of Motor Vehicles to issue a restricted  
362 license for any of the purposes set forth in subsection E of § 18.2-271.1. No restricted license shall be  
363 issued unless each court that issued a suspension of the person's license pursuant to subsection D  
364 authorizes the Department to issue a restricted license. Any restricted license issued pursuant to this  
365 subsection shall be in effect until the expiration of any and all suspensions issued pursuant to subsection  
366 D, except that it shall automatically terminate upon the expiration, cancellation, suspension, or  
367 revocation of the person's license or privilege to drive for any other cause. No restricted license issued

368 pursuant to this subsection shall permit a person to operate a commercial motor vehicle as defined in the  
 369 Commercial Driver's License Act (§ 46.2-341.1 et seq.). The court shall forward to the Commissioner a  
 370 copy of its authorization entered pursuant to this subsection, which shall specifically enumerate the  
 371 restrictions imposed and contain such information regarding the person to whom such a license is issued  
 372 as is reasonably necessary to identify the person. The court shall also provide a copy of its authorization  
 373 to the person, who may not operate a motor vehicle until receipt from the Commissioner of a restricted  
 374 license. A copy of the restricted license issued by the Commissioner shall be carried at all times while  
 375 operating a motor vehicle.

376 F. Any person who operates a motor vehicle or any self-propelled machinery or equipment in  
 377 violation of the terms of a restricted license issued pursuant to subsection E of § 18.2-271.1 is not guilty  
 378 of a violation of this section but is guilty of a violation of § 18.2-272.

379 **§ 46.2-361. Restoration of privilege after driving while license revoked or suspended for failure**  
 380 **to furnish proof of financial responsibility or pay uninsured motorist fee.**

381 A. Any person who has been found to be an habitual offender, where the determination or  
 382 adjudication was based in part and dependent on a conviction as set out in subdivision 1 c of former  
 383 § 46.2-351, may, after three years from the date of the final order of a court entered under this article,  
 384 or if no such order was entered then the notice of the determination or adjudication by the  
 385 Commissioner, petition the court in which he was found to be an habitual offender, or the circuit court  
 386 in the political subdivision in which he then resides, for restoration of his privilege to drive a motor  
 387 vehicle in the Commonwealth. In no event, however, shall the provisions of this subsection apply when  
 388 such person's determination or adjudication was also based in part and dependent on a conviction as set  
 389 out in subdivision 1 b of former § 46.2-351. In such case license restoration shall be in compliance with  
 390 the provisions of § 46.2-360.

391 B. Any person who has been found to be an habitual offender, where the determination or  
 392 adjudication was based entirely upon a combination of convictions of § 46.2-707 and convictions as set  
 393 out in subdivision 1 c of former § 46.2-351, may, after ~~payment in full of all outstanding fines, costs~~  
 394 ~~and judgments relating to his determination, and~~ furnishing proof of (i) financial responsibility and (ii)  
 395 compliance with the provisions of Article 8 (§ 46.2-705 et seq.) of Chapter 6 ~~of this title~~ or both, if  
 396 applicable, petition the court in which he was found to be an habitual offender, or the circuit court in  
 397 the political subdivision in which he then resides, for restoration of his privilege to drive a motor  
 398 vehicle in the Commonwealth.

399 C. This section shall apply only where the conviction or convictions as set out in subdivision 1 c of  
 400 former § 46.2-351 resulted from a suspension or revocation ordered pursuant to (i) *former* § 46.2-395 for  
 401 failure to pay fines and costs, (ii) § 46.2-459 for failure to furnish proof of financial responsibility, or  
 402 (iii) § 46.2-417 for failure to satisfy a judgment, provided *that* the judgment has been paid in full prior  
 403 to the time of filing the petition or was a conviction under § 46.2-302 or former § 46.1-351.

404 D. On any such petition, the court, in its discretion, may restore to the person his privilege to drive a  
 405 motor vehicle, on whatever conditions the court may prescribe, if the court is satisfied from the evidence  
 406 presented that the petitioner does not constitute a threat to the safety and welfare of himself or others  
 407 with respect to the operation of a motor vehicle, ~~and that he has satisfied in full all outstanding court~~  
 408 ~~costs, court fines and judgments relating to determination as an habitual offender and~~ *has* furnished  
 409 proof of financial responsibility, if applicable.

410 E. A copy of any petition filed hereunder shall be served on the attorney for the Commonwealth for  
 411 the jurisdiction wherein the petition was filed, and shall also be served on the Commissioner of the  
 412 Department of Motor Vehicles, who shall provide to the attorney for the Commonwealth a certified copy  
 413 of the petitioner's driving record. The Commissioner shall also advise the attorney for the  
 414 Commonwealth whether there is anything in the records maintained by the Department that might make  
 415 the petitioner ineligible for restoration, and may also provide notice of any potential ineligibility to the  
 416 Attorney General's Office, which may join in representing the interests of the Commonwealth where it  
 417 appears that the petitioner is not eligible for restoration. The hearing on a petition filed pursuant to this  
 418 article shall not be set for a date sooner than ~~thirty~~ 30 days after the petition is filed and served as  
 419 provided herein.

420 **§ 46.2-383. Courts to forward abstracts of records or furnish abstract data of conviction by**  
 421 **electronic means in certain cases; records in office of Department; inspection; clerk's fee for**  
 422 **reports.**

423 A. In the event (i) a person is convicted of a charge described in subdivision 1 or 2 of § 46.2-382 or  
 424 § 46.2-382.1 ~~or~~, (ii) a person fails ~~or~~ refuses to pay any fine, costs, forfeiture, restitution or penalty, ~~or~~  
 425 any installment thereof, imposed in any traffic case, ~~or~~ (iii) a person forfeits bail or collateral or other  
 426 deposit to secure the defendant's appearance on the charges, unless the conviction has been set aside or  
 427 the forfeiture vacated, ~~or~~ ~~(iv)~~ (iii) a court assigns a defendant to a driver education program or alcohol  
 428 treatment or rehabilitation program, or both such programs, as authorized by § 18.2-271.1, ~~or~~ ~~(v)~~ (iv)

429 compliance with the court's probation order is accepted by the court in lieu of a conviction under  
430 § 18.2-266 or the requirements specified in § 18.2-271 as provided in § 18.2-271.1, or ~~(vi)~~ (v) there is  
431 rendered a judgment for damages against a person as described in § 46.2-382, every district court or  
432 clerk of a circuit court shall forward an abstract of the record to the Commissioner within 18 days after  
433 such conviction, [ ~~failure or refusal to pay,~~ ] forfeiture, assignment, or acceptance, and in the case of  
434 civil judgments, on the request of the judgment creditor or his attorney, within 30 days after judgment  
435 has become final. No abstract of the record in a district court shall be forwarded to the Commissioner  
436 unless the period allowed for an appeal has elapsed and no appeal has been perfected. On or after July  
437 1, 2013, in the event that a conviction or adjudication has been nullified by separate order of the court,  
438 the clerk shall forward to the Commissioner an abstract of that record.

439 B. Abstract data of conviction may be furnished to the Commissioner by electronic means provided  
440 that the content of the abstract and the certification complies with the requirements of § 46.2-386. In  
441 cases where the abstract data is furnished by electronic means, the paper abstract shall not be required to  
442 be forwarded to the Commissioner. The Commissioner shall develop a method to ensure that all data is  
443 received accurately. The Commissioner, with the approval of the Governor, may destroy the record of  
444 any conviction, forfeiture, assignment, acceptance, or judgment, when three years has elapsed from the  
445 date thereof, except records of conviction or forfeiture on charges of reckless driving and speeding,  
446 which records may be destroyed when five years has elapsed from the date thereof, and further  
447 excepting those records that alone, or in connection with other records, will require suspension or  
448 revocation or disqualification of a license or registration under any applicable provisions of this title.

449 C. The records required to be kept may, in the discretion of the Commissioner, be kept by electronic  
450 media or by photographic processes and when so done the abstract of the record may be destroyed.

451 D. The Code section and description of an offense referenced in an abstract for any juvenile  
452 adjudication obtained from a district court or clerk of circuit court pursuant to subdivision A 9 of  
453 § 16.1-278.8, § 16.1-278.9, clause (iii) of subdivision 1 of § 46.2-382, or any other provision of law that  
454 does not involve an offense referenced in subsection A or an offense involving the operation of a motor  
455 vehicle shall be available only to the person himself, his parent or guardian, law-enforcement officers,  
456 attorneys for the Commonwealth, and courts.

457 **§ 46.2-391.1. Suspension of registration certificates and plates upon suspension or revocation of**  
458 **driver's license.**

459 Whenever the Commissioner, under the authority of law of the Commonwealth, suspends or revokes  
460 the driver's license of any person upon receiving record of that person's conviction, ~~or whenever the~~  
461 ~~Commissioner is notified that a court has suspended a person's driving privilege pursuant to § 46.2-395,~~  
462 the Commissioner shall also suspend all of the registration certificates and license plates issued for any  
463 motor vehicles registered solely in the name of such person and shall not issue any registration  
464 certificate or license plate for any other vehicle that such person seeks to register solely in his name.  
465 ~~Except for persons whose privileges have been suspended by a court pursuant to § 46.2-395, the~~ *The*  
466 Commissioner shall not suspend such registration certificates or license plates in the event *that* such  
467 person has previously given or gives and thereafter maintains proof of his financial responsibility in the  
468 future, in the manner specified in this chapter, with respect to each and every motor vehicle owned and  
469 registered by such person. In this event it shall be lawful for said vehicle or vehicles to be operated  
470 during this period of suspension by any duly licensed driver when so authorized by the owner.

471 **§ 46.2-416. Notice of suspension or revocation of license.**

472 A. Whenever it is provided in this title that a driver's license may or shall be suspended or revoked  
473 either by the Commissioner or by a court, notice of the suspension or revocation or any certified copy  
474 of the decision or order of the Commissioner may be sent by the Department by certified mail to the  
475 driver at the most recent address of the driver on file at the Department. ~~If the driver has previously~~  
476 ~~been notified by mail or in person of the suspension or revocation or of an impending suspension for~~  
477 ~~failure to pay fines and costs pursuant to § 46.2-395, whether notice is given by the court or~~  
478 ~~law enforcement officials as provided by law, and the Department has been notified by the court that~~  
479 ~~notice was so given and the fines and costs were not paid within 30 days, no notice of suspension shall~~  
480 ~~be sent by the Department to the driver.~~ If the certificate of the Commissioner or someone designated  
481 by him for that purpose shows that the notice or copy has been so sent or provided, it shall be deemed  
482 prima facie evidence that the notice or copy has been sent and delivered or otherwise provided to the  
483 driver for all purposes involving the application of the provisions of this title. In the discretion of the  
484 Commissioner, service may be made as provided in § 8.01-296, which service on the driver shall be  
485 made by delivery in writing to the driver in person in accordance with subdivision 1 of § 8.01-296 by a  
486 sheriff or deputy sheriff in the county or city in which the address is located, who shall, as directed by  
487 the Commissioner, take possession of any suspended or revoked license, registration card, or set of  
488 license plates or decals and return them to the office of the Commissioner. No such service shall be  
489 made if, prior to service, the driver has complied with the requirement which caused the issuance of the  
490 decision or order. In any such case, return shall be made to the Commissioner.



491 B. In lieu of making a direct payment to sheriffs as a fee for delivery of the Department's processes,  
 492 the Commissioner shall effect a transfer of funds, on a monthly basis, to the Compensation Board to be  
 493 used to provide additional support to sheriffs' departments. The amount of funds so transferred shall be  
 494 as provided in the general appropriation act.

495 C. The Department may contract with the United States Postal Service or an authorized agent to use  
 496 the National Change of Address System for the purpose of obtaining current address information for a  
 497 person whose name appears in customer records maintained by the Department. If the Department  
 498 receives information from the National Change of Address System indicating that a person whose name  
 499 appears in a Department record has submitted a permanent change of address to the Postal Service, the  
 500 Department may then update its records with the mailing address obtained from the National Change of  
 501 Address System.

502 **§ 46.2-808.2. Violations committed within highway safety corridor; report on benefits.**

503 *Notwithstanding any other provision of law, the fine for any moving violation of any provision of this*  
 504 *chapter while operating a motor vehicle in a designated highway safety corridor pursuant to § 33.2-253*  
 505 *shall be no more than \$500 for any violation that is a traffic infraction and not less than \$200 for any*  
 506 *violation that is a criminal offense. The otherwise applicable fines set forth in Rule 3B:2 of the Rules of*  
 507 *the Supreme Court shall be doubled in the case of a waiver of appearance and a plea of guilty under*  
 508 *§ 16.1-69.40:1 or 19.2-254.2 for a violation of a provision of this chapter while operating a motor*  
 509 *vehicle in a designated highway safety corridor pursuant to § 33.2-253. The Commissioner of Highways*  
 510 *shall report, on an annual basis, statistical data related to benefits derived from the designation of such*  
 511 *highway safety corridors. This information may be posted on the Virginia Department of*  
 512 *Transportation's official website. Notwithstanding the provisions of § 46.2-1300, the governing bodies of*  
 513 *counties, cities, and towns may not adopt ordinances providing for penalties under this section.*

514 **§ 46.2-819.1. Installation and use of photo-monitoring system or automatic vehicle identification**  
 515 **system in conjunction with electronic or manual toll facilities; penalty.**

516 A. For purposes of this section:

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

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

522 "Debt collection" means the collection of unpaid tolls and applicable administrative fees by (i)  
 523 retention of a third-party debt collector or (ii) collection practices undertaken by employees of a toll  
 524 facility operator that are materially similar to a third-party debt collector.

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

527 "Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles  
 528 or with the equivalent agency in another state. "Owner" does not include a vehicle rental or vehicle  
 529 leasing company.

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

534 B. The operator of any toll facility or the locality within which such toll facility is located may  
 535 install and operate or cause to be installed and operated a photo-monitoring system or automatic vehicle  
 536 identification system, or both, at locations where tolls are collected for the use of such toll facility. The  
 537 operator of a toll facility shall send an invoice or bill for unpaid tolls to the owner of a vehicle as part  
 538 of an electronic or manual toll collection process pursuant to § 46.2-819.6 prior to seeking remedies  
 539 under this section.

540 C. Information collected by a photo-monitoring system or automatic vehicle identification system  
 541 installed and operated pursuant to subsection B shall be limited exclusively to that information that is  
 542 necessary for the collection of unpaid tolls. Notwithstanding any other provision of law, all photographs,  
 543 microphotographs, electronic images, or other data collected by a photo-monitoring system or automatic  
 544 vehicle identification system shall be used exclusively for the collection of unpaid tolls and shall not (i)  
 545 be open to the public; (ii) be sold and/or used for sales, solicitation, or marketing purposes; (iii) be  
 546 disclosed to any other entity except as may be necessary for the collection of unpaid tolls or to a vehicle  
 547 owner or operator as part of a challenge to the imposition of a toll; and (iv) be used in a court in a  
 548 pending action or proceeding unless the action or proceeding relates to a violation of this section or  
 549 upon order from a court of competent jurisdiction. Information collected under this section shall be  
 550 purged and not retained later than 30 days after the collection and reconciliation of any unpaid tolls,  
 551 administrative fees, and/or civil penalties. Any entity operating a photo-monitoring system or automatic

552 vehicle identification system shall annually certify compliance with this section and make all records  
553 pertaining to such system available for inspection and audit by the Commissioner of Highways or the  
554 Commissioner of the Department of Motor Vehicles or their designee. Any violation of this subsection  
555 shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law,  
556 any money or other thing of value obtained as a result of a violation of this section shall be forfeited to  
557 the Commonwealth.

558 The toll facility operator may impose and collect an administrative fee in addition to the unpaid toll  
559 so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably  
560 related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. Such fee may  
561 be levied upon the operator of the vehicle after the first unpaid toll has been documented. The operator  
562 of the vehicle shall pay the unpaid toll and any administrative fee detailed in an invoice for the unpaid  
563 toll issued by a toll facility operator. If paid within 60 days of notification, the administrative fee shall  
564 not exceed \$25.

565 D. If the matter proceeds to court, the owner or operator of a vehicle shall be liable for a civil  
566 penalty as follows: for a first offense, \$50; for a second offense within one year from the first offense,  
567 \$100; for a third offense within two years from the second offense, \$250; and for a fourth and any  
568 subsequent offense within three years from the second offense, \$500 plus, in each case, the unpaid toll,  
569 all accrued administrative fees imposed by the toll facility operator, and applicable court costs if the  
570 vehicle is found, as evidenced by information obtained from a photo-monitoring system or automatic  
571 vehicle identification system as provided in this section, to have used such a toll facility without  
572 payment of the required toll.

573 E. Notwithstanding subsections C and D, for a first conviction of an operator or owner of a vehicle  
574 under this section, the total amount for the first conviction shall not exceed \$2,200, including civil  
575 penalties and administrative fees regardless of the total number of offenses the operator or owner of a  
576 vehicle is convicted of on that date.

577 F. No summons may be issued by a toll facility operator for a violation of this section unless the toll  
578 facility operator can demonstrate that (i) there was an attempt to collect the unpaid tolls and applicable  
579 administrative fees through debt collection not less than 30 days prior to issuance of the summons and  
580 (ii) 120 days have elapsed since the unpaid toll or, in a summons for multiple violations, 120 days have  
581 elapsed since the most recent unpaid toll noticed on the summons.

582 G. Any action under this section shall be brought in the general district court of the county or city in  
583 which the toll facility is located and shall be commenced within two years of the commission of the  
584 offense. Such action shall be considered a traffic infraction. The attorney for the Commonwealth may  
585 represent the interests of the toll facility operator. Any authorized agent or employee of a toll facility  
586 operator acting on behalf of a governmental entity shall be allowed the privileges accorded by  
587 § 16.1-88.03 in such cases.

588 H. Proof of a violation of this section shall be evidenced by information obtained from a  
589 photo-monitoring system or automatic vehicle identification system as provided in this section. A  
590 certificate, sworn to or affirmed by a technician employed or authorized by the operator of a toll facility  
591 or by the locality wherein the toll facility is located, or a facsimile of such a certificate, based on  
592 inspection of photographs, microphotographs, videotapes, or other recorded images produced by a  
593 photo-monitoring system, or of electronic data collected by an automatic vehicle identification system,  
594 shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs,  
595 videotape, or other recorded images or electronic data evidencing such a violation shall be available for  
596 inspection in any proceeding to adjudicate the liability for such violation under this section. A record of  
597 communication by an automatic vehicle identification device with the automatic vehicle identification  
598 system at the time of a violation of this section shall be prima facie evidence that the automatic vehicle  
599 identification device was located in the vehicle registered to use such device in the records of the  
600 Department of Transportation.

601 I. On a form prescribed by the Supreme Court, a summons for a violation of this section may be  
602 executed as provided in § 19.2-76.2. A summons for a violation of this section may set forth multiple  
603 violations occurring within one jurisdiction. Notwithstanding the provisions of § 19.2-76, a summons for  
604 a violation of this section may be executed by mailing by first-class mail a copy thereof to the address  
605 of the owner or, if the owner has named and provided a valid address for the operator of the vehicle at  
606 the time of the violation in an affidavit executed pursuant to this subsection, such named operator of the  
607 vehicle. Such summons shall be signed either originally or by electronic signature. If the summoned  
608 person fails to appear on the date of return set out in the summons mailed pursuant to this section, the  
609 summons shall be executed in the manner set out in § 19.2-76.3.

610 Upon a finding by a court of competent jurisdiction that the vehicle described in the summons issued  
611 pursuant to this subsection was in violation of this section, the court shall impose a civil penalty upon  
612 the owner or operator of such vehicle in accordance with the amounts specified in subsection D,  
613 together with applicable court costs, the operator's administrative fee, and the toll due. Penalties assessed

614 as the result of action initiated by the Department of Transportation shall be remanded by the clerk of  
 615 the court that adjudicated the action to the Department of Transportation's Toll Facilities Revolving  
 616 Account. Penalties assessed as the result of action initiated by an operator of a toll facility other than the  
 617 Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to  
 618 the treasurer or director of finance of the county or city in which the violation occurred for payment to  
 619 the toll facility operator.

620 The owner of such vehicle shall be given reasonable notice by way of a summons as provided in this  
 621 subsection that his vehicle had been used in violation of this section, and such owner shall be given  
 622 notice of the time and place of the hearing as well as the civil penalty and costs for such offense. The  
 623 toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus a reduced  
 624 civil penalty of \$25 for a first or second offense or \$50 for a third, fourth, or subsequent offense, as  
 625 specified on the summons, provided the owner actually pays to the toll facility operator the entire  
 626 amount so calculated at least 14 days prior to the hearing date specified on the summons. If the owner  
 627 accepts such offer and such amount is actually received by the toll facility operator at least 14 days  
 628 prior to the hearing date specified on the summons, the toll facility operator shall move the court at least  
 629 five business days prior to the date set for trial to dismiss the summons issued to the owner of the  
 630 vehicle, and the court shall dismiss upon such motion.

631 It shall be prima facie evidence that the vehicle described in the summons issued pursuant to this  
 632 subsection was operated in violation of this section. Records obtained from the Department of Motor  
 633 Vehicles pursuant to § 46.2-208 and certified in accordance with § 46.2-215 or from the equivalent  
 634 agency in another state and certified as true and correct copies by the head of such agency or his  
 635 designee identifying the owner of such vehicle shall give rise to a rebuttable presumption that the owner  
 636 of the vehicle is the person named in the summons.

637 Upon either (i) the filing of an affidavit with the toll facility operator within 14 days of receipt of an  
 638 invoice for an unpaid toll from the toll facility operator or (ii) the filing of an affidavit with the court at  
 639 least 14 days prior to the hearing date by the owner of the vehicle stating that he was not the operator  
 640 of the vehicle on the date of the violation and providing the legal name and address of the operator of  
 641 the vehicle at the time of the violation, an invoice and/or summons, as appropriate, will also be issued  
 642 to the alleged operator of the vehicle at the time of the offense.

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

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

652 J. Upon a finding by a court that a person has two or more unpaid tolls and such person fails to pay  
 653 the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner of the Department  
 654 of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of any  
 655 applicant or the license plate issued for the vehicle driven in the commission of the offense or, when the  
 656 vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce  
 657 tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue vehicle  
 658 registration certificates or license plates in the state in which the vehicle is registered sufficient evidence  
 659 of the court's finding to take action against the vehicle registration certificate or license plates in  
 660 accordance with the terms of the agreement, until the court has notified the Commissioner that such  
 661 penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the  
 662 Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered  
 663 of such payment. If it is proven that the vehicle owner was not the operator at the time of the offense  
 664 and upon a finding by a court that the person identified in an affidavit pursuant to subsection I as the  
 665 operator violated this section and such person fails to pay the required penalties, fees, and unpaid tolls,  
 666 the court shall notify the Commissioner, who shall refuse to issue or renew any vehicle registration  
 667 certificate of any applicant or the license plate issued for any vehicle owned or co-owned by such  
 668 person or, when such vehicle is registered in a state with which the Commonwealth has entered into an  
 669 agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity  
 670 authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is  
 671 registered sufficient evidence of the court's finding to take action against the vehicle registration  
 672 certificate or license plates in accordance with the terms of the agreement, until the court has notified  
 673 the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such  
 674 notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state

675 where the vehicle is registered of such payment. Such funds representing payment of unpaid tolls and all  
676 administrative fees of the toll facility operator shall be transferred from the court to the Department of  
677 Transportation's Toll Facilities Revolving Account or, in the case of an action initiated by an operator of  
678 a toll facility other than the Department of Transportation, to the treasurer or director of finance of the  
679 county or city in which the violation occurred for payment to the toll facility operator. The  
680 Commissioner shall collect a \$40 administrative fee from the owner or operator of the vehicle to defray  
681 the cost of processing and removing an order to deny registration or registration renewal.

682 K. Any vehicle rental or vehicle leasing company, if it receives an invoice or is named in a  
683 summons, shall be released as a party to the action if it provides the operator of the toll facility a copy  
684 of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee within 30 days of  
685 receipt of the invoice or at least 14 days prior to the date of hearing set forth in the summons. Upon  
686 receipt of such rental agreement, lease, or affidavit, a notice shall be mailed to the renter or lessee  
687 identified therein. Release of this information shall not be deemed a violation of any provision of the  
688 Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance  
689 Information and Privacy Protection Act (§ 38.2-600 et seq.). The toll facility operator shall allow at least  
690 30 days from the date of such mailing before pursuing other remedies under this section. In any action  
691 against the vehicle operator, a copy of the vehicle rental agreement, lease, or affidavit identifying the  
692 renter or lessee of the vehicle at the time of the violation is prima facie evidence that the person named  
693 in the rental agreement, lease, or affidavit was operating the vehicle at all the relevant times relating to  
694 the matter named in the summons.

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

700 M. The operator of a toll facility may enter into an agreement with the Department of Motor  
701 Vehicles, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner  
702 information regarding the owners of vehicles that fail to pay tolls required for the use of toll facilities  
703 and with the Department of Transportation to obtain any information that is necessary to conduct  
704 electronic toll collection. Such agreement may include any information that may be obtained by the  
705 Department of Motor Vehicles in accordance with any agreement entered into pursuant to § 46.2-819.9.  
706 Information provided to the operator of a toll facility shall only be used for the collection of unpaid tolls  
707 and the operator of the toll facility shall be subject to the same conditions and penalties regarding  
708 release of the information as contained in subsection C.

709 N. No person shall be subject to both the provisions of this section and to prosecution under  
710 § 46.2-819 for actions arising out of the same transaction or occurrence.

711 **§ 46.2-819.3. Use of toll facility without payment of toll; enforcement; penalty.**

712 A. For purposes of this section:

713 "Debt collection" means the collection of unpaid tolls and applicable administrative fees by (i)  
714 retention of a third-party debt collector or (ii) collection practices undertaken by employees of a toll  
715 facility operator that are materially similar to a third-party debt collector.

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

718 "Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles  
719 or with the equivalent agency in another state. "Owner" does not include a vehicle rental or vehicle  
720 leasing company.

721 B. The toll facility operator may impose and collect an administrative fee in addition to the unpaid  
722 toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be  
723 reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation.  
724 Such fee shall not be levied on a first unpaid toll unless the written promise to pay executed pursuant to  
725 subsection F remains unpaid after 30 days. The person who executed the written promise to pay  
726 pursuant to subsection F shall pay the unpaid toll and any administrative fee detailed in an invoice or  
727 bill issued by a toll facility operator. If paid within 60 days of notification, the administrative fee shall  
728 not exceed \$25.

729 C. If the matter proceeds to court, the owner or operator of the vehicle shall be liable for a civil  
730 penalty as follows: for a first offense, \$50; for a second offense within one year from the first offense,  
731 \$100; for a third offense within two years from the second offense, \$250; and for a fourth and any  
732 subsequent offense within three years from the second offense, \$500 plus, in each case, the unpaid toll,  
733 all accrued administrative fees imposed by the toll facility operator and applicable court costs if the  
734 vehicle operator is found, as evidenced by information obtained from the toll facility operator, to have  
735 used such a toll facility without payment of the required toll.

736 D. Notwithstanding subsections B and C, for a first conviction of an operator or owner of a vehicle

737 under this section, the total amount for the first conviction shall not exceed \$2,200, including civil  
738 penalties and administrative fees regardless of the total number of offenses the operator or owner of a  
739 vehicle is convicted of on that date.

740 E. No summons may be issued by a toll facility operator for a violation of this section unless the toll  
741 facility operator can demonstrate that (i) there was an attempt to collect the unpaid tolls and applicable  
742 administrative fees through debt collection not less than 30 days prior to issuance of the summons and  
743 (ii) 120 days have elapsed since the unpaid toll or, in a summons for multiple violations, 120 days have  
744 elapsed since the most recent unpaid toll noticed on the summons.

745 F. A written promise to pay an unpaid toll within a specified period of time executed by the operator  
746 of a motor vehicle, accompanied by a certificate sworn to or affirmed by an authorized agent of the toll  
747 facility that the unpaid toll was not paid within such specified period, shall be prima facie evidence of  
748 the facts contained therein.

749 G. The operator of a toll facility shall send an invoice or bill to the owner of a motor vehicle using  
750 a toll facility without payment of the specified toll as part of an electronic or manual toll collection  
751 process pursuant to § 46.2-819.6, prior to seeking remedies under this section. Any action under this  
752 section shall be brought in the general district court of the county or city in which the toll facility is  
753 located and shall be commenced within two years of the commission of the offense. Such an action  
754 shall be considered a traffic infraction. The attorney for the Commonwealth may represent the interests  
755 of the toll facility operator. Any authorized agent or employee of a toll facility operator acting on behalf  
756 of a governmental entity shall be allowed the privileges accorded by § 16.1-88.03 in such cases.

757 H. Upon a finding by a court of competent jurisdiction that the operator of a motor vehicle identified  
758 in the summons issued pursuant to subsection J was in violation of this section, the court shall impose a  
759 civil penalty upon the operator of a motor vehicle in accordance with the amounts specified in  
760 subsection C, together with applicable court costs, the operator's administrative fee, and the toll due.  
761 Penalties assessed as the result of action initiated by the Department of Transportation shall be remanded  
762 by the clerk of the court that adjudicated the action to the Department of Transportation's Toll Facilities  
763 Revolving Account. Penalties assessed as the result of action initiated by an operator of a toll facility  
764 other than the Department of Transportation shall be remanded by the clerk of the court that adjudicated  
765 the action to the treasurer or director of finance of the county or city in which the violation occurred for  
766 payment to the toll facility operator.

767 I. The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus a  
768 reduced civil penalty of not more than \$25 for a first or second offense or not more than \$50 for a  
769 third, fourth, or subsequent offense, as specified on the summons, provided the owner actually pays to  
770 the toll facility operator the entire amount so calculated at least 14 days prior to the hearing date  
771 specified on the summons. If the owner accepts such offer and such amount is actually received by the  
772 toll facility operator at least 14 days prior to the hearing date specified on the summons, the toll facility  
773 operator shall move the court at least five business days prior to the date set for trial to dismiss the  
774 summons issued to the owner of the vehicle, and the court shall dismiss upon such motion.

775 J. A summons for a violation of this section may be executed as provided in § 19.2-76.2. A  
776 summons for a violation of this section may set forth multiple violations occurring within one  
777 jurisdiction. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may  
778 be executed by mailing by first-class mail a copy thereof to the address of the operator of a motor  
779 vehicle as shown on the written promise to pay executed pursuant to subsection F or records of the  
780 Department of Motor Vehicles. Such summons shall be signed either originally or by electronic  
781 signature. If the summoned person fails to appear on the date of return set out in the summons mailed  
782 pursuant to this subsection, the summons shall be executed in the manner set out in § 19.2-76.3.

783 K. Upon a finding by a court that a person has three or more unpaid tolls and such person fails to  
784 pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner of the  
785 Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of  
786 any applicant or the license plate issued for any vehicle owned or co-owned by the offender or, when  
787 the vehicle is registered in a state with which the Commonwealth has entered into an agreement to  
788 enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue  
789 vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient  
790 evidence of the court's finding to take action against the vehicle registration certificate or license plates  
791 in accordance with the terms of the agreement. Upon receipt of such notification from the court, the  
792 Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered  
793 of such payment. The Commissioner shall collect a \$40 administrative fee from the owner or operator of  
794 the vehicle to defray the cost of processing and removing an order to deny registration or registration  
795 renewal.

796 L. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an  
797 operator and shall not be made part of the driving record of the person upon whom such civil penalty is

798 imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance  
799 coverage. ~~The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine,~~  
800 ~~or cost imposed or ordered paid under this section for a violation of this section.~~

801 M. No person shall be subject to both the provisions of this section and to prosecution under  
802 § 46.2-819 for actions arising out of the same transaction or occurrence.

803 **§ 46.2-819.3:1. Installation and use of video-monitoring system and automatic vehicle**  
804 **identification system in conjunction with all-electronic toll facilities; penalty.**

805 A. For purposes of this section:

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

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

811 "Debt collection" means the collection of unpaid tolls and applicable administrative fees by (i)  
812 retention of a third-party debt collector or (ii) collection practices undertaken by employees of a toll  
813 facility operator that are materially similar to a third-party debt collector.

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

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

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

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

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

834 C. Information collected by a video-monitoring system in conjunction with an automatic vehicle  
835 identification system installed and operated pursuant to subsection B shall be limited exclusively to that  
836 information that is necessary for the collection of unpaid tolls and establishing when violations occur,  
837 including use in any proceeding to determine whether a violation occurred. Notwithstanding any other  
838 provision of law, all images or other data collected by a video-monitoring system in conjunction with an  
839 automatic vehicle identification system shall be protected in a database with security comparable to that  
840 of the Department of Motor Vehicles' system and used exclusively for the collection of unpaid tolls and  
841 for efforts to pursue violators of this section and shall not (i) be open to the public; (ii) be sold and/or  
842 used for sales, solicitation, or marketing purposes other than those of the toll facility operator to  
843 facilitate toll payment; (iii) be disclosed to any other entity except as may be necessary for the  
844 collection of unpaid tolls or to a vehicle owner or operator as part of a challenge to the imposition of a  
845 toll; and/or (iv) be used in a court in a pending action or proceeding unless the action or proceeding  
846 relates to a violation of this section or upon order from a court of competent jurisdiction. Except as  
847 provided above, information collected under this section shall be purged and not retained later than 30  
848 days after the collection and reconciliation of any unpaid tolls, administrative fees, and/or civil penalties.  
849 Any entity operating a video-monitoring system in conjunction with an automatic vehicle identification  
850 system shall annually certify compliance with this section and make all records pertaining to such  
851 system available for inspection and audit by the Commissioner of Highways or the Commissioner of the  
852 Department of Motor Vehicles or their designee. Any violation of this subsection shall constitute a Class  
853 1 misdemeanor. In addition to any fines or other penalties provided for by law, any money or other  
854 thing of value obtained as a result of a violation of this section shall be forfeited to the Commonwealth.

855 If a vehicle uses a toll facility without paying the toll, the owner or operator shall be in violation of  
856 this section if he refuses to pay the toll within 30 days of notification. The toll facility operator may  
857 impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of  
858 collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of  
859 collecting the unpaid toll and not exceed \$100 per violation. Such fee shall not be levied upon the

860 owner or operator of the vehicle unless the toll has not been paid by the owner or operator within 30  
 861 days after receipt of the invoice for the unpaid toll, which nonpayment for 30 days shall constitute the  
 862 violation of this section. Once such a violation has occurred, the owner or operator of the vehicle shall  
 863 pay the unpaid tolls and any administrative fee detailed in the invoice for the unpaid toll issued by a toll  
 864 facility operator. If paid within 60 days of the toll violation, the administrative fee shall not exceed \$25.

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

873 A person receiving an invoice for an unpaid toll under this section may (a) pay the toll and  
 874 administrative fees directly to the toll facility operator or (b) file with the toll facility operator a notice,  
 875 on a form provided by the toll facility operator as required under subsection B of § 46.2-819.6, to  
 876 contest liability for a toll violation. The notice to contest liability for a toll violation may be filed by  
 877 any person receiving an invoice for an unpaid toll by mailing or delivering the notice to the toll facility  
 878 operator within 60 days of receiving such invoice for an unpaid toll. Upon receipt of such notice, the  
 879 toll facility operator may issue a summons pursuant to subsection I and may not seek withholding of  
 880 registration or renewal thereof under subsection L until a court of competent jurisdiction has found the  
 881 alleged violator liable for tolls under this section.

882 D. If the matter proceeds to court, the owner or operator of a vehicle shall be liable for a civil  
 883 penalty as follows: for a first offense, \$50; for a second offense within one year from the first offense,  
 884 \$100; for a third offense within two years from the second offense, \$250; and for a fourth and any  
 885 subsequent offense within three years from the second offense, \$500; plus, in each case, the unpaid toll,  
 886 all accrued administrative fees imposed by the toll facility operator, and applicable court costs if the  
 887 vehicle is found, as evidenced by information obtained from a video-monitoring system in conjunction  
 888 with an automatic vehicle identification system as provided in this section, to have used such a toll  
 889 facility without payment of the required toll within 30 days of receipt of the invoice for the toll.

890 E. Notwithstanding subsections C and D, for a first conviction of an operator or owner of a vehicle  
 891 under this section the total amount for the first conviction shall not exceed \$2,200, including civil  
 892 penalties and administrative fees regardless of the total number of offenses the operator or owner of a  
 893 vehicle is convicted of on that date.

894 F. No summons may be issued by a toll facility operator for a violation of this section unless the toll  
 895 facility operator can demonstrate that (i) there was an attempt to collect the unpaid tolls and applicable  
 896 administrative fees through debt collection not less than 30 days prior to issuance of the summons and  
 897 (ii) 120 days have elapsed since the unpaid toll or, in a summons for multiple violations, 120 days have  
 898 elapsed since the most recent unpaid toll noticed on the summons.

899 G. Any action under this section shall be brought in the general district court of the county or city in  
 900 which the toll facility is located and shall be commenced within two years of the commission of the  
 901 offense. Such action shall be considered a traffic infraction. The attorney for the Commonwealth may  
 902 represent the interests of the toll facility operator. Any authorized agent or employee of a toll facility  
 903 operator acting on behalf of a governmental entity shall be allowed the privileges accorded by  
 904 § 16.1-88.03 in such cases.

905 H. Proof of a violation of this section shall be evidenced by information obtained from a  
 906 video-monitoring system or automatic vehicle identification system as provided in this section. A  
 907 certificate, sworn to or affirmed by a technician employed or authorized by the operator of a toll facility  
 908 or by the locality wherein the toll facility is located, or a facsimile of such a certificate, based on  
 909 inspection of photographs, microphotographs, videotapes, or other recorded images produced by a  
 910 video-monitoring system or of electronic data collected by an automatic vehicle identification system,  
 911 shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs,  
 912 videotape, or other recorded images or electronic data evidencing such a violation shall be available for  
 913 inspection in any proceeding to adjudicate the liability for such violation under this section. A record of  
 914 communication by an automatic vehicle identification device with the automatic vehicle identification  
 915 system at the time of a violation of this section shall be prima facie evidence that the automatic vehicle  
 916 identification device was located in the vehicle registered to use such device in the records of the  
 917 Department of Transportation.

918 I. On a form prescribed by the Supreme Court, a summons for a violation of this section may be  
 919 executed as provided in § 19.2-76.2. A summons for a violation of this section may set forth multiple  
 920 violations occurring within one jurisdiction. Notwithstanding the provisions of § 19.2-76, a summons for

921 a violation of unpaid tolls may be executed by mailing by first-class mail a copy thereof to the address  
922 of the owner or, if the owner has named and provided a valid address for the operator of the vehicle at  
923 the time of the violation in an affidavit executed pursuant to subsection J, such named operator of the  
924 vehicle. Such summons shall be signed either originally or by electronic signature. If the summoned  
925 person fails to appear on the date of return set out in the summons mailed pursuant to this section, the  
926 summons shall be executed in the manner set out in § 19.2-76.3.

927 J. Upon a finding by a court of competent jurisdiction that the vehicle described in the summons  
928 issued pursuant to subsection I was in violation of this section, the court shall impose a civil penalty  
929 upon the owner or operator of such vehicle in accordance with the amounts specified in subsection D,  
930 together with applicable court costs, the operator's administrative fee, and the toll due. Penalties assessed  
931 as the result of action initiated by the Department of Transportation shall be remanded by the clerk of  
932 the court that adjudicated the action to the Department of Transportation's Toll Facilities Revolving  
933 Account. Penalties assessed as the result of action initiated by an operator of a toll facility other than the  
934 Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to  
935 the treasurer or director of finance of the county or city in which the violation occurred for payment to  
936 the toll facility operator.

937 The owner of such vehicle shall be given reasonable notice by way of a summons as provided in  
938 subsection I that his vehicle had been used in violation of this section, and such owner shall be given  
939 notice of the time and place of the hearing as well as the civil penalty and costs for such offense.

940 It shall be prima facie evidence that the vehicle described in the summons issued pursuant to  
941 subsection I was operated in violation of this section. Records obtained from the Department of Motor  
942 Vehicles pursuant to subsection P and certified in accordance with § 46.2-215 or from the equivalent  
943 agency in another state and certified as true and correct copies by the head of such agency or his  
944 designee identifying the owner of such vehicle shall give rise to a rebuttable presumption that the owner  
945 of the vehicle is the person named in the summons.

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

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

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

960 K. Upon a finding by a court that a person has two or more unpaid tolls and such person fails to pay  
961 the required penalties, fees, and unpaid tolls, then the court or toll facility operator shall notify the  
962 Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle  
963 registration certificate of any applicant or the license plate issued for the vehicle driven in the  
964 commission of the offense or, when the vehicle is registered in a state with which the Commonwealth  
965 has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide  
966 to the entity authorized to issue vehicle registration certificates or license plates in the state in which the  
967 vehicle is registered sufficient evidence of the court's finding to take action against the vehicle  
968 registration certificate or license plates in accordance with the terms of the agreement, until the court has  
969 notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of  
970 such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the  
971 state where the vehicle is registered of such payment. If it is proven that the vehicle owner was not the  
972 operator at the time of the offense and upon a finding by a court that the person identified in an  
973 affidavit pursuant to subsection J as the operator violated this section and such person fails to pay the  
974 required penalties, fees, and unpaid tolls, the court shall notify the Commissioner, who shall refuse to  
975 issue or renew any vehicle registration certificate of any applicant or the license plate issued for any  
976 vehicle owned or co-owned by such person or, when such vehicle is registered in a state with which the  
977 Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who  
978 shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state  
979 in which the vehicle is registered sufficient evidence of the court's finding to take action against the  
980 vehicle registration certificate or license plates in accordance with the terms of the agreement, until the  
981 court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon  
982 receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall



983 notify the state where the vehicle is registered of such payment. Such funds representing payment of  
 984 unpaid tolls and all administrative fees of the toll facility operator shall be transferred from the court to  
 985 the Department of Transportation's Toll Facilities Revolving Account or, in the case of an action  
 986 initiated by an operator of a toll facility other than the Department of Transportation, to the treasurer or  
 987 director of finance of the county or city in which the violation occurred for payment to the toll facility  
 988 operator. The Commissioner shall collect a \$40 administrative fee from the owner or operator of the  
 989 vehicle to defray the cost of processing and removing an order to deny registration or registration  
 990 renewal.

991 L. If an owner of a vehicle has received at least one invoice for two or more unpaid tolls in  
 992 accordance with § 46.2-819.6 by certified mail and has (i) failed to pay the unpaid tolls and  
 993 administrative fees and (ii) failed to file a notice to contest liability for a toll violation, then the toll  
 994 facility operator may notify the Commissioner, who shall, if no form contesting liability has been timely  
 995 filed with the toll facility operator pursuant to this section, refuse to issue or renew the vehicle  
 996 registration certificate of any applicant therefor or the license plate issued for any vehicle driven in the  
 997 commission of the offense until the toll facility operator has notified the Commissioner that such fees  
 998 and unpaid tolls have been paid.

999 If the vehicle owner was not the operator at the time of the offense and the person identified in an  
 1000 affidavit pursuant to subsection J as the operator has received at least one invoice for two or more  
 1001 unpaid tolls in accordance with § 46.2-819.6 by certified mail and such person has (a) failed to pay the  
 1002 unpaid tolls and administrative fees and (b) failed to file a notice to contest liability for a toll violation,  
 1003 then the toll facility operator may notify the Commissioner, who shall, if no form contesting liability has  
 1004 been timely filed with the toll facility operator pursuant to this section, refuse to issue or renew any  
 1005 vehicle registration certificate of any applicant therefor or the license plate issued for any vehicle owned  
 1006 or co-owned by such person until the toll facility operator has notified the Commissioner that such fees  
 1007 and unpaid tolls have been paid.

1008 The Commissioner may only refuse to issue or renew any vehicle registration pursuant to this  
 1009 subsection upon the request of a toll facility operator if such toll facility operator has entered into an  
 1010 agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle  
 1011 registration of any applicant therefor who owes unpaid tolls and administrative fees to the toll facility  
 1012 operator. The toll facility operator seeking to collect unpaid tolls and administrative fees through the  
 1013 withholding of registration or renewal thereof by the Commissioner as provided for in this subsection  
 1014 shall notify the Commissioner in the manner provided for in his agreement with the Commissioner and  
 1015 supply to the Commissioner information necessary to identify the violator whose registration or renewal  
 1016 is to be denied. The Commissioner shall charge a \$40 fee to defray the cost of processing and  
 1017 withholding the registration or registration renewal, and the toll facility operator may add this fee to the  
 1018 amount of the unpaid tolls and administrative fees. Any agreement entered into pursuant to the  
 1019 provisions of this subsection shall provide for the Department to send the violator notice of the intent to  
 1020 deny renewal of registration at least 30 days prior to the expiration date of a current vehicle registration  
 1021 and such notice shall include a form, as required under subsection B of § 46.2-819.6, to contest liability  
 1022 of the underlying toll violation. The notice provided by the Commissioner shall include instructions for  
 1023 filing the form to contest liability with the toll facility operator within 21 days after the date of mailing  
 1024 of the Commissioner's notice. Upon timely receipt of the form, the toll facility operator shall notify the  
 1025 Commissioner, who shall refrain from withholding the registration or renewal thereof, after which the  
 1026 toll facility operator may proceed to issue a summons for unpaid toll. For the purposes of this  
 1027 subsection, notice by first-class mail to the registrant's address as maintained in the records of the  
 1028 Department shall be deemed sufficient.

1029 M. Any vehicle rental or vehicle leasing company, if it receives an invoice for unpaid toll or is  
 1030 named in a summons, shall be released as a party to the action if it provides the operator of the toll  
 1031 facility a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee  
 1032 within 30 days of receipt of the invoice or summons. Upon receipt of such rental agreement, lease, or  
 1033 affidavit, an invoice for unpaid toll shall be mailed to the renter or lessee identified therein. Release of  
 1034 this information shall not be deemed a violation of any provision of the Government Data Collection  
 1035 and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection  
 1036 Act (§ 38.2-600 et seq.). The toll facility operator shall allow at least 30 days from the date of such  
 1037 mailing before pursuing other remedies under this section. In any action against the vehicle operator, a  
 1038 copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the vehicle at  
 1039 the time of the violation is prima facie evidence that the person named in the rental agreement, lease, or  
 1040 affidavit was operating the vehicle at all the relevant times relating to the matter named in the summons.

1041 N. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an  
 1042 operator and shall not be made part of the driving record of the person upon whom such civil penalty is  
 1043 imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance

1044 coverage. The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine,  
1045 or cost imposed or ordered paid under this section for a violation of this section.

1046 O. The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus a  
1047 reduced civil penalty of \$25 for a first or second offense or \$50 for a third, fourth, or subsequent  
1048 offense, as specified on the summons, provided the owner actually pays to the toll facility operator the  
1049 entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the  
1050 owner accepts such offer and such amount is actually received by the toll facility operator at least 14  
1051 days prior to the hearing date specified on the summons, the toll facility operator shall move the court  
1052 at least five business days prior to the date set for trial to dismiss the summons issued to the owner of  
1053 the vehicle, and the court shall dismiss upon such motion.

1054 P. The operator of a toll facility may enter into an agreement with the Department, in accordance  
1055 with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the  
1056 owners of vehicles that fail to pay tolls required for the use of toll facilities and with the Department of  
1057 Transportation to obtain any information that is necessary to conduct electronic toll collection. Such  
1058 agreement may include any information that may be obtained by the Department of Motor Vehicles in  
1059 accordance with any agreement entered into pursuant to § 46.2-819.9. Information provided to the  
1060 operator of a toll facility shall be used only for the collection of unpaid tolls, and the operator of the  
1061 toll facility shall be subject to the same conditions and penalties regarding release of the information as  
1062 contained in subsection C.

1063 Q. No person shall be subject to both the provisions of this section and to prosecution under  
1064 § 46.2-819 for actions arising out of the same transaction or occurrence.

1065 **§ 46.2-819.5. Enforcement through use of photo-monitoring system or automatic vehicle**  
1066 **identification system in conjunction with usage of Dulles Access Highway.**

1067 A. A photo-monitoring system or automatic vehicle identification system established at locations  
1068 along the Dulles Access Highway, in order to identify vehicles that are using the Dulles Access  
1069 Highway in violation of the Metropolitan Washington Airports Authority (Authority) regulation  
1070 regarding usage, which makes violations of the regulation subject to civil penalties, shall be administered  
1071 in accordance with this section. The civil penalties for violations of such regulation may not exceed the  
1072 following: \$50 for the first violation; \$100 for a second violation within one year from the first  
1073 violation; \$250 for a third violation within two years from the second violation; and \$500 for a fourth  
1074 and any subsequent violation within three years from the second violation. In the event a violation of  
1075 the Authority regulation is identified via the photo-monitoring system or automatic vehicle identification  
1076 system, the operator of the Dulles Access Highway shall send a notice of the violation, of the applicable  
1077 civil penalty and of any administrative fee calculated in accordance with subsection C to the registered  
1078 owner of the vehicle identified by the system prior to seeking further remedies under this section. Upon  
1079 receipt of the notice, the registered owner of the vehicle may elect to avoid any action by the operator  
1080 to enforce the violation in court by waiving his right to a court hearing, pleading guilty to the violation,  
1081 and paying a reduced civil penalty along with any applicable administrative fee to the operator. Should  
1082 the recipient of the notice make such an election, the amount of the reduced civil penalty shall be as  
1083 follows: \$30 for the first violation; \$50 for a second violation within one year from the first violation;  
1084 \$125 for a third violation within two years from the second violation; and \$250 for a fourth and any  
1085 subsequent violations within three years from the second violation.

1086 B. Information collected by the photo-monitoring system or automatic vehicle identification system  
1087 referenced in subsection A shall be limited exclusively to that information that is necessary for  
1088 identifying those drivers who improperly use the Dulles Access Highway in violation of the Authority  
1089 regulation. Notwithstanding any other provision of law, all photographs, microphotographs, electronic  
1090 images, or other data collected by a photo-monitoring system or automatic vehicle identification system  
1091 shall be used exclusively for the identification of violators and shall not (i) be open to the public; (ii) be  
1092 sold or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any other entity except as  
1093 may be necessary for the identification of violators or to a vehicle owner or operator as part of a  
1094 challenge to the imposition of a civil penalty; or (iv) be used in a court in a pending action or  
1095 proceeding unless the action or proceeding relates to a violation of the Authority regulation governing  
1096 usage of the Dulles Access Highway or upon order from a court of competent jurisdiction. Information  
1097 collected by the system shall be protected in a database with security comparable to that of the  
1098 Department of Motor Vehicles' system, and be purged and not retained later than 30 days after the  
1099 collection and reconciliation of any civil penalties and administrative fees. The operator of the Dulles  
1100 Access Highway shall annually certify compliance with this subsection and make all records pertaining  
1101 to such system available for inspection and audit by the Commissioner of Highways or the  
1102 Commissioner of the Department of Motor Vehicles or their designee. Any violation of this subsection  
1103 shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law,  
1104 any money or other thing of value obtained as a result of a violation of this subsection shall be forfeited  
1105 to the Commonwealth.

1106 C. The operator of the Dulles Access Highway may impose and collect an administrative fee, in  
 1107 addition to the civil penalty established by regulation, so as to recover the expenses of collecting the  
 1108 civil penalty, which administrative fee shall be reasonably related to the actual cost of collecting the  
 1109 civil penalty and shall not exceed \$100 per violation. Such fee shall not be levied upon the operator of  
 1110 the vehicle until a second violation has been documented within 12 months of an initial violation, in  
 1111 which case the fee shall apply to such second violation and to any additional violation occurring  
 1112 thereafter. If the recipient of the notice referenced in subsection A makes the election provided by that  
 1113 subsection, the administrative fee shall not exceed \$25.

1114 D. If the election provided for in subsection A is not made, the operator of the Dulles Access  
 1115 Highway may proceed to enforce the violation in court. If the matter proceeds to court, the registered  
 1116 owner or operator of a vehicle shall be liable for the civil penalty set out in the Authority regulation  
 1117 governing usage of the Dulles Access Highway, any applicable administrative fees calculated in  
 1118 accordance with subsection C and applicable court costs if the vehicle is found, as evidenced by  
 1119 information obtained from a photo-monitoring system or automatic vehicle identification system as  
 1120 provided in this section, to have used the Dulles Access Highway in violation of the Authority  
 1121 regulation; provided, that the civil penalty may not exceed the amount of the penalty identified in  
 1122 subsection A.

1123 E. Any action under this section shall be brought in the General District Court of the county in  
 1124 which the violation occurred.

1125 F. Proof of a violation of the Authority regulation governing the use of the Dulles Access Highway  
 1126 shall be evidenced by information obtained from the photo-monitoring system or automatic vehicle  
 1127 identification system referenced in subsection A. A certificate, sworn to or affirmed by a technician  
 1128 employed or authorized by the operator of the Dulles Access Highway, or a facsimile of such a  
 1129 certificate, that is based on inspection of photographs, microphotographs, videotapes, or other recorded  
 1130 images or electronic data produced by the photo-monitoring system shall be prima facie evidence of the  
 1131 facts contained therein. Any photographs, microphotographs, videotape, or other recorded images or  
 1132 electronic data evidencing such a violation shall be available for inspection in any proceeding to  
 1133 adjudicate the liability for such violation under this section.

1134 G. A summons issued under this section, which describes a vehicle that, on the basis of a certificate  
 1135 referenced in subsection F, is alleged to have been operated in violation of the Authority regulation  
 1136 governing usage of the Dulles Access Highway, shall be prima facie evidence that such vehicle was  
 1137 operated in violation of the Authority regulation.

1138 H. Upon a finding by a court that the vehicle described in the summons issued under this section  
 1139 was in violation of the Authority regulation, the court shall impose a civil penalty upon the registered  
 1140 owner or operator of such vehicle in accordance with the penalty amounts specified in subsection D,  
 1141 together with any applicable court costs and applicable administrative fees calculated in accordance with  
 1142 subsection C. Civil penalties and administrative fees assessed as a result of an action initiated under this  
 1143 section and collected by the court shall be remanded by the clerk of the court that adjudicated the action  
 1144 to the treasurer or director of finance of the county or city in which the violation occurred for payment  
 1145 to the operator of the Dulles Access Highway.

1146 The registered owner of a vehicle shall be given reasonable notice of an enforcement action in court  
 1147 by way of a summons that informs the owner that his vehicle has been used in violation of the  
 1148 Authority regulation governing the use of the Dulles Access Highway and of the time and place of the  
 1149 court hearing, as well as of the civil penalty and court costs for the violation. Upon the filing of an  
 1150 affidavit with the court at least 14 days prior to the hearing date by the registered owner of the vehicle  
 1151 stating that he was not the driver of the vehicle on the date of the violation and providing the legal  
 1152 name and address of the operator of the vehicle at the time of the violation, a summons shall be issued  
 1153 to such alleged operator of the vehicle.

1154 In any action against such a vehicle operator, an affidavit made by the registered owner providing  
 1155 the name and address of the vehicle operator at the time of the violation shall constitute prima facie  
 1156 evidence that the person named in the affidavit was operating the vehicle at all the relevant times  
 1157 relating to the matter addressed in the affidavit.

1158 If the registered owner of the vehicle produces a certified copy of a police report showing that the  
 1159 vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained  
 1160 stolen at the time of the alleged offense, then the court shall dismiss the summons issued to the  
 1161 registered owner of the vehicle.

1162 I. Upon a finding by a court that a person has three or more violations of the Authority regulation  
 1163 governing the use of the Dulles Access Highway and has failed to pay the required civil penalties,  
 1164 administrative fees and court costs into the court, the court shall notify the Commissioner of the  
 1165 Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate to  
 1166 or for such person or the license plate for the vehicle owned by such person until the court has notified

1167 the Commissioner that such civil penalties, fees, and costs have been paid. The Commissioner shall  
1168 collect a \$40 administrative fee from such person to defray the cost of responding to court notices given  
1169 pursuant to this subsection.

1170 J. For purposes of this section, "operator of the Dulles Access Highway" means the Metropolitan  
1171 Washington Airports Authority; "owner" means the registered owner of a vehicle on record with the  
1172 Department of Motor Vehicles; "photo-monitoring system" means equipment that produces one or more  
1173 photographs, microphotographs, videotapes, or other recorded images of vehicles at the time they are  
1174 used or operated in violation of the Authority regulation governing the use of the Dulles Access  
1175 Highway; "automatic vehicle identification system" means an electronic vehicle identification system that  
1176 automatically produces an electronic record of each vehicle equipped with an automatic vehicle  
1177 identification device that uses monitored portions of the Dulles Access Highway; and "automatic vehicle  
1178 identification device" means an electronic device that communicates by wireless transmission with an  
1179 automatic vehicle identification system.

1180 K. Any vehicle rental or vehicle leasing company, if named in a summons, shall be released as a  
1181 party to the action if it provides the operator of the Dulles Access Highway with a copy of the vehicle  
1182 rental agreement or lease, or an affidavit that identifies the renter or lessee, prior to the date of hearing  
1183 set forth in the summons. Upon receipt of such rental agreement, lease, or affidavit, a summons shall be  
1184 issued to such renter or lessee. Release of this information shall not be deemed a violation of any  
1185 provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the  
1186 Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.). In any action against the renter or  
1187 lessee, a copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the  
1188 vehicle at the time of the violation shall be prima facie evidence that the person named in the rental  
1189 agreement, lease, or affidavit was operating the vehicle at all the relevant times relating to the matter  
1190 named in the summons.

1191 L. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an  
1192 operator and shall not be made a part of the driving record of the person upon whom such civil penalty  
1193 is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance  
1194 coverage. ~~The provisions of § 46.2-395 shall not be applicable to any civil penalty, administrative fee, or~~  
1195 ~~cost imposed or ordered paid under this section.~~

1196 M. On a form prescribed by the Supreme Court, a summons for a violation of the Authority  
1197 regulation governing the use of the Dulles Access Highway may be executed pursuant to § 19.2-76.2.  
1198 The operator of the Dulles Access Highway or its personnel or agents mailing such summons shall be  
1199 considered conservators of the peace for the sole and limited purpose of mailing such summons.  
1200 Pursuant to § 19.2-76.2, the summons for a violation of the Authority regulation governing usage of the  
1201 Dulles Access Highway may be executed by mailing by first-class mail a copy thereof to the address of  
1202 the owner of the vehicle as shown on the records of the Department of Motor Vehicles or, if the  
1203 registered owner or rental or leasing company has named and provided a valid address for the operator  
1204 of the vehicle at the time of the violation as provided in this section, to the address of such named  
1205 operator of the vehicle. If the summoned person fails to appear on the date of return set out in the  
1206 summons mailed pursuant to this section, the summons shall be executed in the manner set out in  
1207 § 19.2-76.3.

1208 N. The operator of the Dulles Access Highway may enter into an agreement with the Department of  
1209 Motor Vehicles, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle  
1210 owner information regarding the registered owners of vehicles that improperly use the Dulles Access  
1211 Highway. Information provided to the operator of the Dulles Access Highway shall only be used in the  
1212 enforcement of the Authority regulation governing use of the Dulles Access Highway, and the operator  
1213 shall be subject to the same conditions and penalties regarding release of the information as contained in  
1214 subsection B.

1215 O. Should other vehicle recognition technology become available that is appropriate to be used for  
1216 the purpose of monitoring improper usage of the Dulles Access Highway, the operator of the Dulles  
1217 Access Highway shall be permitted to use any such technology that has been approved for use by the  
1218 Virginia State Police, the Commonwealth of Virginia, or any of its localities.

1219 P. All civil penalties paid to the operator of the Dulles Access Highway pursuant to this section shall  
1220 be used by the operator of the Dulles Access Highway only for the operation and improvement of the  
1221 Dulles Corridor, including the Dulles Toll Road.

1222 **§ 46.2-940. When arresting officer shall take person before issuing authority.**

1223 If any person is: (i) believed by the arresting officer to have committed a felony; (ii) believed by the  
1224 arresting officer to be likely to disregard a summons issued under § 46.2-936; or (iii) refuses to give a  
1225 written promise to appear under the provisions of § 46.2-936 ~~or § 46.2-945~~, the arresting officer shall  
1226 promptly take him before a magistrate or other issuing authority having jurisdiction and proceed in  
1227 accordance with the provisions of § 19.2-82. The magistrate or other authority may issue either a  
1228 summons or warrant as he shall determine proper.

**1229 § 46.2-1200.1. Abandoning motor vehicles prohibited; penalty.**

**1230** No person shall cause any motor vehicle to become an abandoned motor vehicle as defined in  
**1231** § 46.2-1200. In any prosecution for a violation of this section, proof that the defendant was, at the time  
**1232** that the vehicle was found abandoned, the owner of the vehicle shall constitute in evidence a rebuttable  
**1233** presumption that the owner was the person who committed the violation. Such presumption, however,  
**1234** shall not arise if the owner of the vehicle provided notice to the Department, as provided in § 46.2-604,  
**1235** that he had sold or otherwise transferred the ownership of the vehicle.

**1236** A summons for a violation of this section shall be executed by mailing a copy of the summons by  
**1237** first-class mail to the address of the owner of the vehicle as shown on the records of the Department of  
**1238** Motor Vehicles. If the person fails to appear on the date of return set out in the summons, a new  
**1239** summons shall be issued and delivered to the sheriff of the county, city, or town for service on the  
**1240** accused personally. If the person so served then fails to appear on the date of return set out in the  
**1241** summons, proceedings for contempt shall be instituted.

**1242** Any person convicted of a violation of this section shall be subject to a civil penalty of no more than  
**1243** \$500. ~~If any person fails to pay any such penalty, his privilege to drive a motor vehicle on the highways~~  
**1244** ~~of the Commonwealth shall be suspended as provided in § 46.2-395.~~

**1245** All penalties collected under this section shall be paid into the state treasury to be credited to the  
**1246** Literary Fund as provided in § 46.2-114.

**1247** **2. That § 46.2-395 and Article 18 (§§ 46.2-944.1 through 46.2-947) of Chapter 8 of Title 46.2 of the**  
**1248** **Code of Virginia are repealed.**

**1249** **3. That the Commissioner of the Department of Motor Vehicles shall reinstate a person's privilege**  
**1250** **to drive a motor vehicle that was suspended prior to July 1, 2019, solely pursuant to § 46.2-395 of**  
**1251** **the Code of Virginia and shall waive all fees relating to reinstating such person's driving**  
**1252** **privileges. Nothing in this act shall require the Commissioner to reinstate a person's driving**  
**1253** **privileges if such privileges have been otherwise lawfully suspended or revoked or if such person is**  
**1254** **otherwise ineligible for a driver's license.**

**1255** **4. That an emergency exists and this act is in force from its passage.**

**ENGROSSED**

**SB1ES1**