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HOUSE BILL NO. 1295

Offered January 21, 2010

A BILL to amend and reenact § 46.2-208 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 8 of Title 46.2 a section numbered 46.2-819.5, relating to enforcement of use of a photo-monitoring system or automatic vehicle identification system; Dulles Access Highway.

 Patron—Rust

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-208 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 8 of Title 46.2 a section numbered 46.2-819.5 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

7. The Commissioner shall provide vehicle information to any business organization or agent on such business' or agent's written request. Disclosures made under this subdivision shall not include any

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59 personal information and shall not be subject to the limitations contained in subdivision 6 of this
60 subsection.

61 8. On the written request of any motor vehicle rental or leasing company or its designated agent, the
62 Commissioner shall (i) compare personal information supplied by the company or agent with that
63 contained in the Department's records and, when the information supplied by the company or agent is
64 different from that contained in the Department's records, provide the company or agent with correct
65 information as contained in the Department's records and (ii) provide the company or agent with driver
66 information in the form of an abstract of any person subject to the provisions of this title. Such abstract
67 shall include any record of any conviction of a violation of any provision of any statute or ordinance
68 relating to the operation or ownership of a motor vehicle or of any injury or damage in which the
69 subject of the abstract was involved and a report of which is required by § 46.2-372. No such abstract
70 shall include any record of any conviction or accident more than 60 months after the date of such
71 conviction or accident unless the Commissioner or court used the conviction or accident as a reason for
72 the suspension or revocation of a driver's license or driving privilege, in which case the revocation or
73 suspension and any conviction or accident pertaining thereto shall cease to be included in such abstract
74 after 60 months from the date on which the driver's license or driving privilege was reinstated. No
75 abstract released under this subdivision shall be admissible in evidence in any court proceedings.

76 9. On the request of any federal, state, or local governmental entity, local government group
77 self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized
78 agent of any of the foregoing, the Commissioner shall (i) compare personal information supplied by the
79 governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for
80 the Commonwealth, court, or the authorized agent of any of the foregoing, with that contained in the
81 Department's records and, when the information supplied by the governmental entity, local government
82 group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the
83 authorized agent of any of the foregoing, is different from that contained in the Department's records,
84 provide the governmental entity, local government group self-insurance pool, law-enforcement officer,
85 attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, with correct
86 information as contained in the Department's records and (ii) provide driver and vehicle information in
87 the form of an abstract of the record showing all convictions, accidents, driver's license suspensions or
88 revocations, and other appropriate information as the governmental entity, local government group
89 self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized
90 agent of any of the foregoing, may require in order to carry out its official functions. The abstract shall
91 be provided free of charge.

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

95 11. On the written request of any employer, prospective employer, or authorized agent of either, and
96 with the written consent of the individual concerned, the Commissioner shall (i) compare personal
97 information supplied by the employer, prospective employer, or agent with that contained in the
98 Department's records and, when the information supplied by the employer, prospective employer, or
99 agent is different from that contained in the Department's records, provide the employer, prospective
100 employer, or agent with correct information as contained in the Department's records and (ii) provide the
101 employer, prospective employer, or agent with driver information in the form of an abstract of an
102 individual's record showing all convictions, accidents, driver's license suspensions or revocations, and
103 any type of driver's license that the individual currently possesses, provided that the individual's position
104 or the position that the individual is being considered for involves the operation of a motor vehicle.

105 12. On the written request of any member of or applicant for membership in a volunteer fire
106 company or volunteer rescue squad, the Commissioner shall (i) compare personal information supplied
107 by the volunteer fire company or volunteer rescue squad with that contained in the Department's records
108 and, when the information supplied by the volunteer fire company or volunteer rescue squad is different
109 from that contained in the Department's records, provide the volunteer fire company or volunteer rescue
110 squad with correct information as contained in the Department's records and (ii) provide driver
111 information in the form of an abstract of the member's or applicant's record showing all convictions,
112 accidents, license suspensions or revocations, and any type of driver's license that the individual
113 currently possesses. Such abstract shall be provided free of charge if the request is accompanied by
114 appropriate written evidence that the person is a member of or applicant for membership in a volunteer
115 fire company or volunteer rescue squad and the abstract is needed by a volunteer fire company or
116 volunteer rescue squad to establish the qualifications of the member or applicant to operate equipment
117 owned by the volunteer fire company or volunteer rescue squad.

118 13. On the written request of any person who has applied to be a volunteer with a Virginia affiliate
119 of Big Brothers/Big Sisters of America, the Commissioner shall (i) compare personal information
120 supplied by a Virginia affiliate of Big Brothers/Big Sisters of America with that contained in the

121 Department's records and, when the information supplied by a Virginia affiliate of Big Brothers/Big
 122 Sisters of America is different from that contained in the Department's records, provide the Virginia
 123 affiliate of Big Brothers/Big Sisters of America with correct information as contained in the
 124 Department's records and (ii) provide driver information in the form of an abstract of the applicant's
 125 record showing all convictions, accidents, license suspensions or revocations, and any type of driver's
 126 license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half
 127 the normal charge if the request is accompanied by appropriate written evidence that the person has
 128 applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America.

129 14. On the written request of any person who has applied to be a volunteer with a court-appointed
 130 special advocate program pursuant to § 9.1-153, the Commissioner shall provide an abstract of the
 131 applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of
 132 driver's license that the individual currently possesses. Such abstract shall be provided free of charge if
 133 the request is accompanied by appropriate written evidence that the person has applied to be a volunteer
 134 with a court-appointed special advocate program pursuant to § 9.1-153.

135 15. Upon the request of any employer, prospective employer, or authorized representative of either,
 136 the Commissioner shall (i) compare personal information supplied by the employer, prospective
 137 employer, or agent with that contained in the Department's records and, when the information supplied
 138 by the employer, prospective employer, or agent is different from that contained in the Department's
 139 records, provide the employer, prospective employer, or agent with correct information as contained in
 140 the Department's records and (ii) provide driver information in the form of an abstract of the driving
 141 record of any individual who has been issued a commercial driver's license, provided that the
 142 individual's position or the position that the individual is being considered for involves the operation of
 143 a commercial motor vehicle. Such abstract shall show all convictions, accidents, license suspensions,
 144 revocations, or disqualifications, and any type of driver's license that the individual currently possesses.

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

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

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

160 19. Upon the request of an officer authorized to issue criminal warrants, for the purpose of issuing a
 161 warrant for arrest for unlawful disposal of trash or refuse in violation of § 33.1-346, the Commissioner
 162 shall provide vehicle information, including the owner's name and address.

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

167 21. Upon the request of the operator of a toll facility, *the Dulles Access Highway*, or an authorized
 168 agent or employee of a toll facility operator *or the Dulles Access Highway*, for the purpose of obtaining
 169 vehicle owner data under subsection L of § 46.2-819.1 *or subsection N of § 46.2-819.5*. Information
 170 released pursuant to this subdivision shall be limited to the name and address of the registered owner of
 171 the vehicle having failed to pay a toll and the vehicle information, including all descriptive vehicle data
 172 and title and registration data of the same vehicle.

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

182 with a Virginia affiliate of Compeer.

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

186 24. On the written request of any person who has applied to be a volunteer vehicle operator with a
187 Virginia chapter of the American Red Cross, the Commissioner shall (i) compare personal information
188 supplied by a Virginia chapter of the American Red Cross with that contained in the Department's
189 records and, when the information supplied by a Virginia chapter of the American Red Cross is different
190 from that contained in the Department's records, provide the Virginia chapter of the American Red Cross
191 with correct information as contained in the Department's records and (ii) provide driver information in
192 the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions
193 or revocations, and any type of driver's license that the individual currently possesses. Such abstract
194 shall be provided at a fee that is one-half the normal charge if the request is accompanied by
195 appropriate written evidence that the person has applied to be a volunteer vehicle operator with a
196 Virginia chapter of the American Red Cross.

197 25. On the written request of any person who has applied to be a volunteer vehicle operator with a
198 Virginia chapter of the Civil Air Patrol, the Commissioner shall (i) compare personal information
199 supplied by a Virginia chapter of the Civil Air Patrol with that contained in the Department's records
200 and, when the information supplied by a Virginia chapter of the Civil Air Patrol is different from that
201 contained in the Department's records, provide the Virginia chapter of the Civil Air Patrol with correct
202 information as contained in the Department's records and (ii) provide driver information in the form of
203 an abstract of the applicant's record showing all convictions, accidents, license suspensions or
204 revocations, and any type of driver's license that the individual currently possesses. Such abstract shall
205 be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate
206 written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of
207 the Civil Air Patrol.

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

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

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

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

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

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

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

234 I. The Department shall maintain the records of persons convicted of violations of § 18.2-36.2,
235 subsection B of § 29.1-738, and §§ 29.1-738.02, 29.1-738.2, and 29.1-738.4 which shall be forwarded by
236 every general district court or circuit court or the clerk thereof, pursuant to § 46.2-383. Such records
237 shall be electronically available to any law-enforcement officer as provided for under clause (ii) of
238 subdivision B 9.

239 § 46.2-819.5. *Enforcement of use of photo-monitoring system or automatic vehicle identification*
240 *system in conjunction with usage of Dulles Access Highway.*

241 A. *A photo-monitoring system or automatic vehicle identification system established at locations*
242 *along the Dulles Access Highway, in order to identify vehicles that are using the Dulles Access Highway*
243 *in violation of the Metropolitan Washington Airports Authority (Authority) regulation regarding usage,*

244 shall be administered in accordance with this section. Fines for violation of the regulation are as
 245 follows: \$50 for the first violation; \$100 for a second violation within one year from the first violation;
 246 \$250 for a third violation within two years from the second violation; and \$500 for a fourth and any
 247 subsequent violation within three years from the second violation, plus, in each case, the appropriate
 248 administrative fee, as set forth in subsection C. In the event a violation of the Authority regulation is
 249 identified via the photo-monitoring system or automatic vehicle identification system, the operator of the
 250 Dulles Access Highway shall send a bill in the amount of the fine plus the applicable administrative fee
 251 to a registered owner of a vehicle as part of the enforcement process prior to seeking further remedies
 252 under this section. Upon receipt of the bill, the registered owner of the vehicle may elect to waive any
 253 further challenges to the violation and prepay the fine, along with any applicable administrative fee,
 254 directly to the Metropolitan Washington Airports Authority at the address indicated on the bill. Should
 255 the registered owner of the vehicle choose to prepay the fine, the amount of the fine shall be as follows:
 256 \$30 for the first violation; \$50 for a second violation within one year from the first violation; \$125 for
 257 a third violation within two years from the second violation; and \$250 for a fourth and any subsequent
 258 violations within three years from the second violation.

259 B. Information collected by the photo-monitoring system or automatic vehicle identification system
 260 referenced in subsection A shall be limited exclusively to that information that is necessary for
 261 identifying those drivers who improperly use the Dulles Access Highway in violation of the Authority
 262 regulation. Notwithstanding any other provision of law, all photographs, microphotographs, electronic
 263 images, or other data collected by a photo-monitoring system or automatic vehicle identification system
 264 shall be used exclusively for the identification of violators and shall not (i) be open to the public; (ii) be
 265 sold or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any other entity except
 266 as may be necessary for the identification of violators or to a vehicle owner or operator as part of a
 267 challenge to the imposition of a fine; or (iv) be used in a court in a pending action or proceeding
 268 unless the action or proceeding relates to a violation of this section or upon order from a court of
 269 competent jurisdiction. Information collected under this section shall be purged and not retained later
 270 than 30 days after the collection and reconciliation of any fines, administrative fees, and civil penalties.
 271 The operator of the Dulles Access Highway shall annually certify compliance with this section and make
 272 all records pertaining to such system available for inspection and audit by the Commonwealth
 273 Transportation Commissioner or the Commissioner of the Department of Motor Vehicles or their
 274 designee. Any violation of this subsection shall constitute a Class 1 misdemeanor. In addition to any
 275 fines or other penalties provided for by law, any money or other thing of value obtained as a result of a
 276 violation of this section shall be forfeited to the Commonwealth.

277 C. The operator of the Dulles Access Highway may impose and collect an administrative fee, in
 278 addition to the fine established by regulation, so as to recover the expenses of collecting the fine, which
 279 administrative fee shall be reasonably related to the actual cost of collecting the fine and shall not
 280 exceed \$100 per violation. Such fee shall not be levied upon the operator of the vehicle until a second
 281 violation has been documented within 12 months of an initial violation, in which case the fee shall apply
 282 to such second violation and to any additional violation occurring thereafter. For each violation, the
 283 operator of the vehicle shall pay the unpaid fines and any administrative fee detailed in a bill issued by
 284 the operator of the Dulles Access Highway. If the bill is paid within 30 days of notification, the
 285 administrative fee shall not exceed \$25.

286 D. If the bill is not paid, the operator of the Dulles Access Highway may proceed to court. If the
 287 matter proceeds to court, the registered owner or operator of a vehicle shall be liable for a civil penalty
 288 as follows: for a first offense, \$50; for a second offense within one year from the first offense, \$100; for
 289 a third offense within two years from the second offense, \$250; and for a fourth and any subsequent
 290 offense within three years from the second offense, \$500, plus, in each case, the fine for violating the
 291 regulation, all accrued administrative fees imposed by the operator of the Dulles Access Highway, and
 292 applicable court costs if the vehicle is found, as evidenced by information obtained from a
 293 photo-monitoring system or automatic vehicle identification system as provided in this section, to have
 294 used the Dulles Access Highway in violation of the Authority regulation.

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

297 F. Proof of a violation of the Authority regulation governing the use of the Dulles Access Highway
 298 shall be evidenced by information obtained from the photo-monitoring system or automatic vehicle
 299 identification system referenced in subsection A. A certificate, sworn to or affirmed by a technician
 300 employed or authorized by the operator of the Dulles Access Highway, or a facsimile of such a
 301 certificate, that is based on inspection of photographs, microphotographs, videotapes, or other recorded
 302 images or electronic data produced by the photo-monitoring system shall be prima facie evidence of the
 303 facts contained therein. Any photographs, microphotographs, videotape, or other recorded images or
 304 electronic data evidencing such a violation shall be available for inspection in any proceeding to

305 *adjudicate the liability for such violation under this section.*

306 *G. It shall be prima facie evidence that the vehicle described in the summons issued pursuant to this*
307 *section was operated in violation of the Authority regulation governing use of the Dulles Access*
308 *Highway.*

309 *H. Upon a finding by a court that the vehicle described in the summons issued pursuant to this*
310 *section was in violation of the Authority regulation, the court shall impose a civil penalty upon the*
311 *registered owner or operator of such vehicle in accordance with the amounts specified in subsection D,*
312 *together with applicable court costs, the administrative fee, and the fine due to the operator of the*
313 *Dulles Access Highway. Civil penalties assessed as the result of any action initiated under this section,*
314 *along with all administrative fees and fines collected, shall be remanded by the clerk of the court that*
315 *adjudicated the action to the treasurer or director of finance of the county or city in which the violation*
316 *occurred for payment to the operator of the Dulles Access Highway.*

317 *The registered owner of such vehicle shall be given reasonable notice by way of a summons that his*
318 *vehicle had been used in violation of the Authority regulation governing the use of the Dulles Access*
319 *Highway and such owner shall be given notice of the time and place of the hearing, as well as the civil*
320 *penalty and costs for such violation.*

321 *Upon the filing of an affidavit with the court at least 14 days prior to the hearing date by the*
322 *registered owner of the vehicle stating that he was not the driver of the vehicle on the date of the*
323 *violation and providing the legal name and address of the operator of the vehicle at the time of the*
324 *violation, a summons will also be issued to the alleged operator of the vehicle at the time of the offense.*

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

329 *If the registered owner of the vehicle produces a certified copy of a police report showing that the*
330 *vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained*
331 *stolen at the time of the alleged offense, then the court shall dismiss the summons issued to the*
332 *registered owner of the vehicle.*

333 *I. Upon a finding by a court that a person has three or more violations of the Authority regulation*
334 *governing the use of the Dulles Access Highway and such person has failed to pay the required fines,*
335 *penalties, and fees into the court, the court shall notify the Commissioner of the Department of Motor*
336 *Vehicles, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the*
337 *license plate issued for the vehicle driven in the commission of the violation until the court has notified*
338 *the Commissioner that such fines, fees, and costs have been paid. If it is proven that the vehicle owner*
339 *was not the operator at the time of the offense and upon a finding by a court that the person identified*
340 *in an affidavit as the operator violated this section and such person fails to pay the required fines, fees,*
341 *and costs, the court shall notify the Commissioner, who shall refuse to issue or renew any vehicle*
342 *registration certificate of any applicant or the license plate issued for any vehicle owned or co-owned*
343 *by such person until the court has notified the Commissioner that such penalties and fees have been*
344 *paid. Such funds representing payment of penalties and all administrative fees owed to the operator of*
345 *the Dulles Access Highway shall be transferred from the court to the treasurer or director of finance of*
346 *the county or city in which the violation occurred for payment to the operator of the Dulles Access*
347 *Highway. The Commissioner shall collect a \$40 administrative fee from the registered owner or*
348 *operator of the vehicle to defray the cost of processing and removing an order to deny registration or*
349 *registration renewal.*

350 *J. For purposes of this section, "operator of the Dulles Access Highway" means the Metropolitan*
351 *Washington Airports Authority; "owner" means the registered owner of a vehicle on record with the*
352 *Department of Motor Vehicles; "photo monitoring system" means equipment that produces one or more*
353 *photographs, microphotographs, videotapes, or other recorded images of each vehicle at the time it is*
354 *used or operated in violation of the Authority regulation governing the use of the Dulles Access*
355 *Highway; "automatic vehicle identification system" means an electronic vehicle identification system that*
356 *automatically produces an electronic record of each vehicle equipped with an automatic vehicle*
357 *identification device that uses monitored portions of the Dulles Access Highway; and "automatic vehicle*
358 *identification device" means an electronic device that communicates by wireless transmission with an*
359 *automatic vehicle identification system.*

360 *K. Any vehicle rental or vehicle leasing company, if named in a summons, shall be released as a*
361 *party to the action if it provides the operator of the Dulles Access Highway with a copy of the vehicle*
362 *rental agreement or lease or an affidavit that identifies the renter or lessee prior to the date of hearing*
363 *set forth in the summons. Upon receipt of such rental agreement, lease, or affidavit, a notice shall be*
364 *mailed to the renter or lessee identified therein. Release of this information shall not be deemed a*
365 *violation of any provision of the Government Data Collection and Dissemination Practices Act*
366 *(§2.2-3800 et seq.) or the Insurance Information Privacy Protection Act (§38.2-600 et seq.). The*

367 operator of the Dulles Access Highway shall allow at least 30 days from the date of such mailing before
368 pursuing other remedies under this section. In any action against the vehicle operator, a copy of the
369 vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the vehicle at the time of
370 the violation is prima facie evidence that the person named in the rental agreement, lease, or affidavit
371 was operating the vehicle at all the relevant times relating to the matter named in the summons.

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

377 M. On a form prescribed by the Supreme Court, a summons for a violation of the Authority
378 regulation governing the use of the Dulles Access Highway may be executed pursuant to §19.2-76.2. The
379 operator of the Dulles Access Highway or its personnel or agents mailing such summons shall be
380 considered conservators of the peace for the sole and limited purpose of mailing such summons.
381 Pursuant to § 19.2-76.2, the summons for a violation of this section may be executed by mailing by
382 first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the
383 Department of Motor Vehicles or, if the registered owner or rental or leasing company has named and
384 provided a valid address for the operator of the vehicle at the time of the violation as provided in this
385 section, such named operator of the vehicle. If the summoned person fails to appear on the date of
386 return set out in the summons mailed pursuant to this section, the summons shall be executed in the
387 manner set out in § 19.2-76.3.

388 N. The operator of the Dulles Access Highway may enter into an agreement with the Department of
389 Motor Vehicles, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle
390 owner information regarding the registered owners of vehicles that improperly use the Dulles Access
391 Highway. Information provided to the operator of the Dulles Access Highway shall only be used for the
392 collection of the unpaid fines and fees and the operator of the Dulles Access Highway shall be subject
393 to the same conditions and penalties regarding release of the information as contained in subsection B.

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

398 P. All fines and penalties paid over to the operator of the Dulles Access Highway pursuant to this
399 section shall be used by the operator of the Dulles Access Highway only for the operation and
400 improvement of the Dulles Corridor, including the Dulles Toll Road.