

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 46.2-844 of the Code of Virginia, relating to passing stopped school*
3 *bus; vendor; administrative fee.*

4 [H 1427]

5 Approved

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

7 **1. That § 46.2-844 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 46.2-844. Passing stopped school buses; penalty; prima facie evidence; penalty.**

9 A. The driver of a motor vehicle approaching from any direction a clearly marked school bus that is
10 stopped on any highway, private road, or school driveway for the purpose of taking on or discharging
11 children, the elderly, or mentally or physically handicapped persons, who, in violation of § 46.2-859,
12 fails to stop and remain stopped until all such persons are clear of the highway, private road, or school
13 driveway and the bus is put in motion is subject to a civil penalty of \$250, and any prosecution shall be
14 instituted and conducted in the same manner as prosecutions for traffic infractions.

15 A prosecution or proceeding under § 46.2-859 is a bar to a prosecution or proceeding under this
16 section for the same act, and a prosecution or proceeding under this section is a bar to a prosecution or
17 proceeding under § 46.2-859 for the same act.

18 In any prosecution for which a summons charging a violation of this section was issued within 10
19 days of the alleged violation, proof that the motor vehicle described in the summons was operated in
20 violation of this section, together with proof that the defendant was at the time of such violation the
21 registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.) shall give rise to a
22 rebuttable presumption that the registered owner of the vehicle was the person who operated the vehicle
23 at the place where, and for the time during which, the violation occurred. Such presumption shall be
24 rebutted if (i) the owner of the vehicle files an affidavit by regular mail with the clerk of the general
25 district court that he was not the operator of the vehicle at the time of the alleged violation, (ii) the
26 owner testifies in open court under oath that he was not the operator of the vehicle at the time of the
27 alleged violation, or (iii) a certified copy of a police report showing that the vehicle had been reported
28 to the police as stolen prior to the time of the alleged violation of this section is presented prior to the
29 return date established on the summons issued pursuant to this section to the court adjudicating the
30 alleged violation. Nothing herein shall limit the admission of otherwise admissible evidence.

31 The testimony of the school bus driver, the supervisor of school buses, or a law-enforcement officer
32 that the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning devices
33 as prescribed in § 46.2-1090 is prima facie evidence that the vehicle is a school bus.

34 B. 1. *For purposes of this subsection, "video-monitoring system" means a system with one or more*
35 *camera sensors and computers installed and operated on a school bus that produces live digital and*
36 *recorded video of motor vehicles being operated in violation of § 46.2-859. All such systems installed*
37 *shall, at a minimum, produce a recorded image of the license plate and shall record the activation*
38 *status of at least one warning device as prescribed in § 46.2-1090 and the time, date, and location of*
39 *the vehicle when the image is recorded.*

40 2. A locality may, by ordinance, authorize the school division of the locality to install and operate a
41 video-monitoring system in or on the school buses operated by the division or to contract with a private
42 vendor to do so on behalf of the school division for the purpose of recording violations of subsection A.
43 Such ordinance may direct that any civil penalty levied for a violation of subsection A shall be payable
44 to the local school division. In any locality that has adopted such an ordinance, a summons for a
45 violation of subsection A may be executed as provided in § 19.2-76.2 and, notwithstanding the
46 provisions of § 19.2-76, the summons may be executed by mailing by first-class mail a copy thereof to
47 the address of the owner of the vehicle contained in the records of the Department. Every such mailing
48 shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the
49 presumption that he was the operator of the vehicle at the time of the alleged violation through the
50 filing of an affidavit as provided in subsection A and (ii) instructions for filing such an affidavit,
51 including the address to which the affidavit is to be sent. If the summoned person fails to appear on the
52 date of return set out in the summons mailed pursuant to this section, the summons shall be executed in
53 the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by
54 mailing shall be instituted for failure to appear on the return date of the summons. Any summons
55 executed for violation of this section shall provide to the person summoned at least 30 business days
56 from the mailing of the summons to inspect information collected by a video-monitoring system in

57 connection with the violation.

58 ~~2.~~ 3. Any private vendor contracting with a school division pursuant to this subsection may impose
59 and collect an administrative fee in addition to the civil penalty imposed for a violation of subsection A
60 and payable pursuant to this subsection, so as to recover the expenses of collecting any unpaid civil
61 penalty when such penalty remains due more than 30 days after the date of the mailing of the summons
62 and notice. The administrative fee shall be reasonably related to the actual cost of collecting the civil
63 penalty and shall not exceed \$100 per violation. The operator of the vehicle shall pay the unpaid civil
64 penalty and any administrative fee detailed in a notice or citation issued by the private vendor. If paid
65 no later than 60 days after the date of the mailing of the summons and notice, the administrative fee
66 shall not exceed \$25.

67 4. Any private vendor contracting with a school division pursuant to this subsection may enter into
68 an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision
69 B 30 of § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that
70 improperly pass stopped school buses. Information provided to such private vendor shall be protected in
71 a database with security comparable to that of the Department of Motor Vehicles' system and used only
72 for enforcement against individuals who violate the provisions of this section. The school division shall
73 annually certify compliance with this subdivision and make all records pertaining to such system
74 available for inspection and audit by the Commissioner of Highways or the Commissioner of the
75 Department of Motor Vehicles or their designee. Any person who discloses personal information in
76 violation of the provisions of this subdivision shall be subject to a civil penalty of \$1,000 per disclosure.
77 Any unauthorized use or disclosure of such personal information shall be grounds for termination of the
78 agreement between the Department of Motor Vehicles and the private vendor.

79 ~~3.~~ For purposes of this subsection, "video monitoring system" means a system with one or more
80 camera sensors and computers installed and operated on a school bus that produces live digital and
81 recorded video of motor vehicles being operated in violation of ~~§ 46.2-859~~. All such systems installed
82 shall, at a minimum, produce a recorded image of the license plate and shall record the activation status
83 of at least one warning device as prescribed in ~~§ 46.2-1090~~ and the time, date, and location of the
84 vehicle when the image is recorded.