

CHAPTER 13: PHOTOGRAPHIC MONITORING AND ENFORCEMENT

CHAPTER OVERVIEW

Automated enforcement of traffic laws using photographs and video tapes has assumed a new presence in the effort to enforce speed limits, and ticketing red light violators. In the last several years it has entered the discussions as a possible tool for monitoring highway-railroad grade crossings. The success of several research projects that used photographic monitoring of driver behavior at highway-railroad grade crossings has prompted a new round of discussion concerning the use of such technology as a means of enforcement against violators at highway-railroad crossings.

This chapter presents an overview of state laws concerning photographic enforcement of traffic laws. A handful of states now have such laws, but only a couple allow for specific application to railroad crossings.

STATE LAWS AND REGULATIONS

ALABAMA

Alabama has no law concerning photographic enforcement of traffic laws.

ALASKA

Alaska has no law.

ARIZONA

Arizona has no law.

ARKANSAS

Arkansas has no law.

CALIFORNIA

The California Vehicle Code authorizes governments and law enforcement agencies to operate "automated enforcement systems" at both traffic light intersections (sec. 21455.5) and at railroad grade crossings (sec.21362.5). Cal. Veh. Code §§ 22451.5 - 21362.5 (West 1999).

Section 210 of California's Vehicle Code defines an "automated enforcement system" as "...any system ... that photographically records a driver's response to a rail or rail transit signal or crossing gate, or both, or to an official traffic control signal ... and is designed to obtain a clear photograph of a vehicle's license plate and the driver of the vehicle." Automated enforcement

systems are authorized for permanent use at railroad crossings. However, under Section 2145.5, the devices could only be used at traffic light intersections until January 1, 1999.

Both sections 21362.5 and 21455.5 require that signs be posted giving notice to drivers of the presence of automated enforcement systems. Both statutes also provide that photographic records made by automated enforcement systems are confidential. These records may only be accessed by relevant governmental and law enforcement agencies, the registered owner of the violating vehicle, and any individual identified by the violating vehicle's owner as the driver at the time of the alleged violation, if signs are posted to notify drivers of the presence of the system. Section 22451 states that violations detected by an automated enforcement system are subject to the procedures established by Section 40518. Under Section 40518, a written notice to appear, issued by peace officer or a qualified employee of a law enforcement agency and mailed with fifteen days of the alleged violation to the current address of the registered owner of the violating vehicle, constitutes a complaint against the vehicle owner.

COLORADO

Declaring that the enforcement of traffic laws through the use of automated vehicle identification systems is a matter of statewide concern and an area in which uniform state standards are necessary, the general assembly of Colorado passed a law allowing municipalities to adopt an ordinance authorizing the use of an automated vehicle identifications system to detect violations of traffic regulations adopted by the municipality, or the state, a county, or a municipality may utilize an automated vehicle identification system to detect traffic violations under state law, subject to the following conditions and limitations:

(a)(I) In order for a municipal court to establish personal jurisdiction over a defendant in any case involving an automated vehicle identification system, a penalty assessment notice or summons and complaint shall be served upon the defendant in accordance with the Colorado municipal court rules of procedure. In order for the state or county to establish personal jurisdiction over a defendant in any case involving an automated vehicle identification system, a penalty assessment notice or summons and complaint shall be personally served upon the defendant. Nothing in this section may be deemed to prevent the state, a county, or a municipality from mailing a written notice to the defendant advising the defendant of the alleged violation and permitting the defendant to waive such process of service.

(II) If the state, a county, or a municipality detects any alleged violation of a municipal traffic regulation or a traffic violation under state law through the use of automated vehicle identification systems, then the state, county or municipality shall serve the penalty assessment notice or summons and complaint for the alleged violation no later than ninety days after the violation occurred.

(b) Notwithstanding any other provision of the statutes to the contrary, the state, county, or a municipality may not report to the Department of Transportation any conviction or entry of judgment against a defendant for violation of a municipal traffic regulation or a traffic violation under state law if the violation was detected through the use of an automated vehicle identification system.

(c) The state, a county, or a municipality may not report to the Department of Transportation any outstanding judgment or warrant for purposes of section 42-2-107(5) or 42-2-118(3) based upon any violation or alleged violation of a municipal traffic regulation or traffic violation under state law detected through the use of an automated vehicle identification system.

(3) The Department of Transportation has no authority to assess any points against a license under section 42-2-127 upon entry of a conviction or judgment for a violation of a municipal traffic regulation or a traffic violation under state law if the violation was detected through the use of an automated vehicle identification system. The department may not keep any record of such violation in the official records maintained by the department under section 42-2-121.

(4)(a) If the state, a county, or a municipality detects a speeding violation of less than ten miles per hour over the reasonable and prudent speed under a municipal traffic regulation or under state law through the use of an automated vehicle identification system and the violation is the first violation by such driver that the state, county, or municipality has detected using an automated vehicle identification system, they the state, county, or municipality shall mail such driver a warning regarding the violation and the state, county, or municipality may not impose any penalty or surcharge for such first violation.

(b) If the state, a county, or a municipality detects a second or subsequent traffic violation under a municipal traffic regulation or under state law by a driver, or a first such violation by the driver if the provisions of paragraph (a) of this subsection (4) do not apply, through the use of an automated vehicle identification system, the maximum penalty that the state, county, or municipality may impose for such violation, including any surcharge, is forty dollars.

(5) If the state, a county, or a municipality has established an automated vehicle identification system for the enforcement of municipal traffic regulations or state traffic laws, then no portion of any fine collected through the use of such system may be paid to the manufacturer or vender of the automated vehicle identification system equipment. The compensation paid by the state, county, or municipality for such equipment shall be based upon the value of such equipment and may not be based upon the number of traffic citation issued or the revenue generated by such equipment.

(6) As defined in this section of the statute, the term “automated vehicle identification system” means a system whereby:

(a) A machine is used to automatically detect a violation of a traffic regulation and simultaneously record a photograph of the vehicle, the operator of the vehicle, and the license plate of the vehicle; and

(b) A penalty assessment notice or summons and complaint is issued to the registered owner of the motor vehicle.

Colo. Rev. Stat. § 42-4-110.5 (West 1998). See also related Sections 13-10-111, 42-2107(5), 42-2-118(3), and 42-2-121.

CONNECTICUT

Connecticut has no law pertaining to automated enforcement systems.

DELAWARE

Delaware law allows the Department of Transportation and/or the governing body of any city or county to install and operate traffic light signal violation monitoring systems; provided however, that in the event the installation other than by the Department of Transportation The statute does not specifically provide for the use of violation monitoring systems at highway-railroad crossings.

(2) The owner of the vehicle shall be liable for a monetary penalty imposed pursuant to this subsection if such vehicle is found, as evidenced by information obtained from a traffic light signal violation monitoring system, to have failed to comply with a traffic light signal. Enforcement, arrest, bail, appeal, procedures for payment of penalties and distribution of penalty payment collected shall be governed in the same manner as any parking or other non-moving violation under Chapter of this title and such penalties shall be subject to the voluntary assessment provisions of § 709 of this title.

(3) Proof of a violation of this subsection shall be evidenced by information obtained from a traffic light signal violation monitoring system authorized pursuant to this subsection. A certificate, sworn to or affirmed by a technician employed by a governmental body authorized to impose penalties pursuant to this subsection, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other recorded images produced by a traffic light signal violation monitoring system shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to regulation, ordinance or other law adopted pursuant to this subsection.

(4) The owner of any vehicle found to be in violation of this subsection shall be held prima facie responsible for such violation in the same manner as provided for under § 7003 of this title.

(5) For purposes of this subsection only, “owner” means the registered owner of such vehicle on record with the Division of Motor Vehicles; provided however, that in the event that the owner is a vehicle leasing company licensed to do business in this State; the “owner,” for purposes of this subsection, shall mean the person shown on the records of the Division of Motor Vehicles to be the lessee of such vehicle. Vehicle rental companies are excluded from the definition of “owner” for purposes of this subsection only. For purposes of this subsection, “traffic light signal violation monitoring system” means a vehicle sensor installed to work in conjunction with a traffic light that automatically produces 2 or more photographs, 2 or more microphotographs, a videotape or other recorded images of each vehicle at the time it is used or operated in violation of this subsection.

(6) Imposition of a penalty pursuant to this subsection shall not be deemed a conviction of the owner and shall not be made part of the operating record of the person upon whom such liability is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. No monetary penalty imposed under this subsection shall exceed fifty dollars, but court costs and assessments for the Victim's Compensation Fund and the Videophone Fund may be imposed in addition to the maximum monetary penalty.

(7) A summons for a violation of this subsection may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Division of Motor Vehicles.

(e) Notwithstanding any other provision in this section, if the motor vehicle which is found by the traffic light signal violation monitoring system to have failed to comply with a traffic light signal is commercially licensed, then the owner of that vehicle shall be sent notice of the date, time and location of the violation with two (2) photographs thereof. Within 10 days of the receipt of said notice, the owner of the vehicle shall provide the law enforcement agency which has issued the summons with the name and address of the driver of the vehicle at the date, time and location of the violation and, within the same time period, shall provide the driver of the vehicle with the photographs of the violation. After receipt by the law enforcement agency which has issued the summons of the name and address of the driver, of the vehicle at the time of the violation in the same manner as provided for under § 7003 of this title and shall be subject to the provisions of this section. Failure of the owner of the vehicle found to be in violation subsection (d) to provide the name and address of the driver at the time of the violation within the period prescribed shall cause the owner to be held responsible as set forth in subsection (d)(4) of this section. Del. Code. Ann. tit. 21 §4101(d)(e) (1999).

DISTRICT OF COLUMBIA

(a) The Mayor of the District of Columbia is authorized to use an automated traffic enforcement system to detect moving violations. Any such violation detected by an automated traffic enforcement system shall constitute a moving violation. Proof of an infraction may be evidenced by information obtained through the use of an automated traffic enforcement system. For the purposes of this title, the term "automated traffic enforcement system" means equipment that takes a film or digital camera-based photograph which is linked with a violation detection system that synchronizes the taking a photograph with the occurrence of a traffic infraction.

(b) Recorded images taken by an automated traffic enforcement system are prima facie evidence of an infraction and may be submitted with authentication. D.C. CODE § 50-2209.01 (a)(b) (West 2001)

(a) The owner of a vehicle issued a notice of infraction will be liable for payment of the fine assessed for the infraction, unless the owner can furnish evidence that the vehicle was, at the time of the infraction, in the custody, care or control of another person. In the event that the registered owner claims that the vehicle was in the custody, care and control of another person, the registered owner of the vehicle must provide evidence in a sworn affidavit, under penalty of

perjury, setting forth the name and address of the person who leased, rented, or otherwise had care, custody, or control of the vehicle

(b) When a violation is detected by an automated traffic enforcement system, the Mayor shall mail a summons and a notice of infraction to the name and address of the registered owner of the vehicle on file with the Bureau of Motor Vehicle Services or the appropriate state motor vehicle agency. The notice shall include the date, time, and location of the violation, the type of violation detected, the license plate number, and state of issuance of the vehicle detected, and a copy of the photo or digitized image of the violation.

(c) An owner or operator who receives a citation may request a hearing which shall be adjudicated pursuant to subchapter I of Chapter 23 of this title.

(d) The owner or operator of a vehicle is not presumed liable for violations in the vehicle recorded by an automated traffic enforcement system when yielding the right of way to an emergency vehicle, when the vehicle or tags have been reported stolen prior to the citation, when part of a funeral procession, or at the direction of a law enforcement officer. See D.C. CODE § 40752 (a)(b)(c)(d) (Michie 1998).

The District of Columbia code allows for the Mayor to enter an agreement with a private entity to obtain relevant records regarding registration information or to perform tasks associated with the use of an automated traffic enforcement system, including, but not limited to, the operation, maintenance, administration or mailing of notices of violation. D.C. Code § 40-753 (Michie 1998).

FLORIDA

Florida has no such law.

GEORGIA

Georgia has no such law.

HAWAII

Hawaii has not such law.

IDAHO

Idaho has no such law.

ILLINOIS

(a) The law in Illinois provides for an Automated Railroad Crossing Enforcement System. It defines such a system as one operated by a law enforcement agency that records a driver's response to automatic, electrical, or mechanical signal devices and crossing gates. The

system shall be designed to obtain a clear photograph or other recorded image of the vehicle, vehicle operator and the vehicle registration plate of a vehicle in violation of Section 11-1201 (Driver Action). The photograph or other recorded image must also display the time, date and location of the violation. 625 ILCS 5/11-1201.1(a) (1999).

(b) Beginning on January 1, 1996, the Illinois Commerce Commission and the Commuter Rail Board of the Regional Transportation Authority shall, in cooperation with local law enforcement agencies, establish a five-year pilot program within a county with a population of between 750,000 and 1,000,000 using an automated railroad grade crossing enforcement system. The Commission is required to determine the three (3) railroad grade crossings within that county that pose the greatest threat to human life based upon the number of accidents and fatalities at the crossings during the past 5 years and with approval of the local law enforcement agency equip the crossings with an automated railroad grade crossing enforcement system.

(c) For each violation of Section 11-1201 recorded by an automatic railroad grade crossing system, the local law enforcement agency with jurisdiction shall issue a written Uniform Traffic Citation of the violation to the registered owner of the vehicle. The Uniform Traffic Citation must be delivered to the registered owner, by mail, within 30 days of the violation. It shall include the name and address of vehicle owner, the vehicle registration number, the offense charged, the time, date, and location of the violation, the first available court date and that the basis of the citation is the photograph or other recorded image from the automated railroad grade crossing enforcement system.

(e) Photographic or other recorded images evidencing a violation of Section 11-1201 shall be admissible in any proceeding resulting from the issuance of the Uniform Traffic Citation.

(f) Any rail crossing equipped with an automatic railroad grade crossing enforcement system must be posted with a sign visible to approaching traffic stating that the railroad grade crossing is being monitored, that citations will be issued, and the amount of the fine for violation.

(g) The cost of the installation and maintenance of each automatic railroad grade crossing enforcement system shall be paid from the Grade Crossing Protection Fund if the rail line is not owned by Commuter Rail Board of the Regional Transportation authority. If the rail line is owned by the Commuter Rail Board of the Regional Transportation Authority, the costs of the installation and maintenance shall be paid from the Regional Transportation Authority's portion of the Public Transportation Fund.

(h) The Illinois Commerce Commission is required to issue a report to the General Assembly at the conclusion of the five-year year pilot program on the effectiveness of the automatic railroad grade crossing enforcement system.

(i) If any part or parts of this Section are held by a court of competent jurisdiction to be unconstitutional, the unconstitutionality shall not affect the validity of the remaining parts of this Section. The General Assembly hereby declares that it would have passed the remaining parts of

this Section if it had known that the other part or parts of this Section would be declared unconstitutional. 625 ILCS 5/11.1201.1(b) to -(i).

Penalty

(j)(i) A violation of this Section is a petty offense for which a fine of two hundred and fifty dollars shall be imposed for the first violation, and a fine of five hundred dollars for a second or subsequent violation

(ii) For a second or subsequent violation, the Secretary of State of Illinois may suspend the registration of the motor vehicle for a period of at least six months. 625 ILCS 5/11.1201.1(j).

INDIANA

Indiana has no such law.

IOWA

Iowa has no such law.

KANSAS

Kansas has no such law.

KENTUCKY

Kentucky has no such law.

LOUISIANA

Louisiana law does not have a specific section, but it does mention that law enforcement officers may use video or photographic evidence to issue citations for highway-rail grade crossing violations. A law enforcement officer may issue a citation to the owner or driver of a vehicle, or in the case of a leased vehicle, the lessee or driver of the leased vehicle, on the basis of the information contained in the photographic or video evidence. La Rev. Stat. Ann. § 32:171 (West 2001)

MAINE

Maine has no such law.

MARYLAND

Maryland law does provide for the use of a Traffic Control Signal Monitoring System and defines one as a device with one or more motor vehicle sensors working in conjunction with

a traffic control signal to produce recorded images of motor vehicles entering an intersection against a red signal indication.

Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a traffic control signal monitoring system while being operated in violation. A civil penalty under the subsection may not exceed one hundred dollars.

For purposes of this section, the District Court shall prescribe: A uniform citation form consistent with subsection (d) (1) of this section and § 7-302 of the Courts and Judicial proceedings Article; and a civil penalty, which shall be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

An agency is required by this section to mail a citation to the owner liable which must include: The name and address of the registered owner of the vehicle; the registration number of the motor vehicle involved in the violation; the violation charged; the location of the intersection; the date and time of the violation; a copy of the recorded image; the amount of the civil penalty imposed and the date by which the civil penalty should be paid; a signed statement by a technician employed by the agency that, based on inspection of recorded images, the motor vehicle was being operated in violation of § 21-202; a statement that recorded images are evidence of a violation; and

Information advising the person alleged to be liable under this section informing him or her of the manner and time in which liability as alleged in the citation may be contested in the District Court; and warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability and may result in refusal or suspension of the motor vehicle registration.

The agency may mail a warning notice in lieu of a citation to the owner liable. Except as otherwise provided, a citation issued under this section shall be mailed no later than two weeks after the alleged violation.

A person receiving a citation has the option of paying the civil penalty in accordance with instructions directly to the political subdivision or to the District court; or elect to stand trial for the alleged violation.

A Certificate alleging that the violation occurred, sworn to or affirmed by a duly authorized agent of the agency, based on inspection of recorded images produced by a traffic control signal monitoring system shall be evidence of the facts and is admissible in any proceedings alleging a violation.

The District Court may consider in defense of the violation that the driver of the vehicle passed through the intersection in order to yield the right-of-way to an emergency vehicle; or did so as part of a funeral procession; or that the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation; or is unenforceable against the owner because at the time

and place of the alleged violation, the traffic control signal was not in proper position and legible enough to be seen by an ordinarily observant individual; or evidence that the person named in the citation was not operating the vehicle at the time of the violation. In order to demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a police report about the stolen motor vehicle or registration plates was filed in a timely manner.

To satisfy the evidentiary burden that the owner was not the driver at the time of the violation, the person named in the citation must provide to the District Court evidence to the satisfaction of the court of who was operating the vehicle at time of the violation, including, at a minimum, the operator's name and current address. Md. Code Ann. Transp. § 21-202.1(1998).

MASSACHUSETTS

Massachusetts has no such law.

MICHIGAN

Michigan has no such law.

MINNESOTA

Minnesota has no such law.

MISSISSIPPI

Mississippi has no such law.

MISSOURI

Missouri has no such law.

MONTANA

Montana has no such law.

NEBRASKA

Nebraska has no such law.

NEVADA

Nevada has no such law.

NEW HAMPSHIRE

New Hampshire has no such law.

NEW JERSEY

New Jersey has no such law

NEW MEXICO

New Mexico has no such law.

NEW YORK

Section 1111-a of the N.Y. Vehicle and Traffic law permits cities with a population of one million or more to adopt a demonstration program imposing liability on the owner of a vehicle for failure to comply with traffic-control signals. Section 1111- a(c) authorizes the use of a vehicle sensor device installed to work in conjunction with a traffic-control signal which automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of each vehicle at the time the vehicle commits a violation. A sworn certificate by a city technician based upon inspection of the photographs, microphotographs, videotape or other recorded images produced by a monitoring system is prima facie evidence of the facts contained therein.

The owner of the vehicle has an affirmative defense if the vehicle was reported stolen prior to the time of the violation. (Sec. 1111-a(i)). Lessors are exempt from liability if they prove that the violating vehicle was leased at the time of the violation, and if they identify the lessee. (Sec 1111a(j).) Under section. 1111-a(b), there is no liability if the owner was not driving and the driver is convicted of the violation.

Liability as an owner shall not be deemed a conviction-as-operator for an owner's driving record or for insurance purposes. (Sec 1111-a(f).) An owner found liable under this section who was not the driver of the violating vehicle can bring an action for indemnification against the driver. (Sec.1111-a(k).).

When a violation occurs, a notice of liability is sent by the city having jurisdiction or its designee to the violation vehicle's owner by first class mail. The notice must contain the vehicle's registration number, the location, date and time of the violation, and the identification number of the camera which recorded the violation. The notice must provide information about how the owner may contest the citation, and must warn the owner that failure to contest results in a default judgment against the owner. (Sec. 1111-a(g).)

Sec 1111-a originally provided that the photo-enforcement program would remain in effect until 12-1-96, and that photo-devices could only be installed at up to twenty-five intersections per city. However, the statute was amended on 8-8-95. The plan is now effective

until 12-1-99, and devices can be installed at up to fifty intersections per city. See N.Y. Veh.& Traf. Law § 1111-a (McKinney 1998).

NORTH CAROLINA

North Carolina has no such law.

NORTH DAKOTA

North Dakota has no such law.

OHIO

Ohio has no such law.

OKLAHOMA

Oklahoma has no such law.

OREGON

Oregon has no such law.

PENNSYLVANIA

Pennsylvania has no such law.

RHODE ISLAND

Rhode Island has no such law.

SOUTH CAROLINA

South Carolina has no such law.

SOUTH DAKOTA

South Dakota has no such law.

TENNESSEE

Tennessee has no such law.

TEXAS

Texas has no such law.

UTAH

Utah has no such law.

VERMONT

Vermont has no such law.

VIRGINIA

A Virginia statute provides for the governing body of any city having a population of more than 390,000, any city having a population of a least 200,000 but less than 225,000, any county having the urban county executive form of government, any county adjacent to such county, and any city or town adjacent to or surrounded by such county except any county having the county executive form of government and the cities surrounded by such county may provide by ordinance for the establishment of a demonstration program imposing monetary liability on the operator of a motor vehicle for failure to comply with traffic light signals in such locality in accordance with the provisions of this section. Each such locality may install and operate traffic light signal photo-monitoring systems at no more than twenty-five intersections within each locality at any one time. This section is in effect until July 1, 2005. Va. Code Ann. § 46.2-833.01(Michie 1999)

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

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

D. In the prosecution of an offense established under this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of this section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, shall constitute in evidence a rebuttable presumption that such registered owner of the vehicle was the person who committed the violation. Such

presumption shall be rebutted if the registered owner of the vehicle (i) files an affidavit by regular mail with the clerk of the general district court that he or she was not the operator of the vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he or she was not the operator of the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section, is presented, prior to the return date established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

E. For purposes of this section “owner” means the registered owner of such vehicle on record with the Department of Motor Vehicles. For purposes of this section “owner” does not mean a vehicle rental or vehicle leasing company. For purposes of this section, "traffic light signal violation-monitoring system" means a vehicle sensor installed to work in conjunction with a traffic light that automatically produces two or more photographs, two or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this section.

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

G. A summons for a violation of this section may be executed pursuant to Section 19.2-76.2. Notwithstanding the provisions of Section 19.2-76, a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles. If the summoned person fails to appear on date of return set out in the summons mailed pursuant to this section, the summons shall be executed in -the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons.

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

I. On behalf of a locality, a private entity may no obtain records regarding the registered owners of vehicles which fail to comply with traffic light signals. A private entity may enter into an agreement with a locality to be compensated for providing the traffic light signal violation monitor system or equipment, and all related support services, to include consulting, operations and administration. However, only an employee of the locality may swear to or affirm the certificate required by subsection C.

J. The provisions of this section shall expire on July 1, 2005. Va. Code Ann. § 46.2833.01(Michie 1999).

WASHINGTON

Washington has no such law.

WEST VIRGINIA

West Virginia has no such law.

WISCONSIN

Wisconsin has no such law.

WYOMING

Wyoming has no such law.