



## NATIONAL MOTORISTS ASSOCIATION

*Advocating, Representing, and Protecting the Interests of North American Motorists*

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### **An Addendum to the National Motorists Association November 4, 2010 Editorial, “It Can Be Expensive Not Knowing Your Rights When Facing A Virginia Red-Light Camera Ticket”**

In a November 15, 2010 post by Henry Graff at NBC29.com, Charlottesville attorney Lloyd Snook took exception to the statement by the National Motorists Association (NMA) that, “. . . the recipient of the mailed [Virginia] photo ticket can ignore the mailing without consequence” (The Schilling Show Blog, <http://blog.schillingshow.com>).

Mr. Snook indicated that a non-response to a photo ticket will result in a judgment against the recipient of the ticket, and he suggested the possibility of money being withheld from a state-sponsored payment, such as a tax refund, or of future difficulty in dealing with the Department of Motor Vehicles.

The NMA editorial, “*It Can Be Expensive Not Knowing Your Rights When Facing A Virginia Red-Light Camera Ticket*,” should be read in its entirety for context. It cites the statute (§15.2-968.1) under the Virginia State Code that pertains to the use of red-light cameras in conjunction with the enforcement of traffic light signals. The statute is clear in noting that photo tickets are not enforceable (“no proceedings for contempt or arrest . . . shall be instituted”) unless delivered via personal service to the person identified on the ticket.

That leaves the issue raised by Mr. Snook of a judgment being issued and penalties being extracted through other means if the photo ticket has been disregarded. Virginia began a pilot program for red-light camera programs 15 years ago, and has had the automated traffic enforcement devices in operation ever since. The NMA has found no evidence that a judgment or subsequent penalties have ever been levied against a Virginia photo ticket recipient who ignored the summons delivered by mail, i.e., without personal service. Our “without consequence” statement is based on the language and enforcement history of current Virginia law. If a ticket recipient has questions about this, he/she may wish to consult with an attorney.