

2002 SESSION

HOUSE SUBSTITUTE

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HOUSE BILL NO. 1261

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Militia, Police and Public Safety
on February 7, 2002)

(Patrons Prior to Substitute—Delegates Rapp and Jones, S.C. [HB 1199])

A BILL to amend the Code of Virginia by adding a section numbered 46.2-921.1, relating to approaching stationary emergency vehicles on highways; penalties.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-921.1 as follows:

§ 46.2-921.1. Drivers to yield right-of-way or reduce speed when approaching stationary emergency vehicles on highways; penalties.

The driver of any motor vehicle, upon approaching a stationary emergency vehicle, as defined in § 46.2-920, that is displaying a flashing, blinking, or alternating emergency light or lights as provided in §§ 46.2-1022, 46.2-1023, and 46.2-1024, shall (i) on a highway having at least four lanes, at least two of which are intended for traffic proceeding as the approaching vehicle, proceed with caution and, if reasonable, with due regard for safety and traffic conditions, yield the right-of-way by making a lane change into a lane not adjacent to that occupied by the stationary emergency vehicle or (ii) if changing lanes would be unreasonable or unsafe, proceed with due caution and maintain a safe speed for highway conditions.

Violation of any provision of this section shall constitute a Class 1 misdemeanor. If the violation resulted in damage to property of another person, the court may, in addition, order the suspension of the driver's privilege to operate a motor vehicle for not more than one year. If the violation resulted in injury to another person, the court may, in addition to any other penalty imposed, order the suspension of the driver's privilege to operate a motor vehicle for not more than two years. If the violation resulted in the death of another person, the court may, in addition to any other penalty imposed, order the suspension of the driver's privilege to operate a motor vehicle for two years.

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