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## HOUSE BILL NO. 1641

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation  
on February 13, 2003)

(Patron Prior to Substitute—Delegate Marshall, R. G.)

*A BILL to amend and reenact § 46.2-111 of the Code of Virginia, relating to flares and other signals relating to certain stopped vehicles.*

**Be it enacted by the General Assembly of Virginia:****1. That § 46.2-111 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-111. Flares and other signals relating to stopped vehicles.

A. Whenever any ~~bus, truck, trailer, house trailer, or manufactured home~~ *commercial motor vehicle as defined in § 46.2-341.4 is disabled and stops stopped* on any roadway in the Commonwealth, except within the corporate limits of cities or on highways which are artificially lighted at night, at any time during which lights are required on motor vehicles by § 46.2-1030 or on the shoulder of any highway in the Commonwealth at any time for any cause other than stops necessary to comply with traffic control devices, lawfully installed signs, or signals of law-enforcement officers, the operator of such vehicle shall immediately activate the vehicular hazard warning signal flashers and as soon as possible, but in any event within 10 minutes of stopping, place or cause to be placed on the roadway ~~three~~ *or shoulder* 3 red flares or torches reflectorized triangular warning devices of a type approved by the Superintendent. One of the flares or torches red reflectorized triangular warning devices shall be placed in the center of the lane of traffic or shoulder occupied by the ~~disabled stopped~~ vehicle and not less than 100 feet therefrom in the direction of traffic approaching in that lane, a second not less than 100 feet from such vehicle in the opposite direction and a third at the traffic side of such vehicle not closer than ten feet from its front or rear. However, if such vehicle is ~~disabled stopped~~ within 500 feet of a curve or crest of a hill, or other obstruction to view, the flares or torches red reflectorized triangular warning devices in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than 500 feet from the ~~disabled stopped~~ vehicle. ~~Red reflectorized triangular warning devices~~ *Vehicular hazard warning signal flashers shall continue to flash until the operator has placed the 3 red reflectorized triangular warning devices required in this subsection. The placement of red reflectorized triangular warning devices is not required within the corporate limits of cities unless, during the time which lights are required to be illuminated on motor vehicles by § 46.2-1030, the street or highway lighting is insufficient to make such vehicle clearly discernable at a distance of 500 feet to a person on the highway. Flares or torches* of a type approved by the Superintendent may be used in lieu of flares or torches red reflectorized warning devices. In the event that the operator of the stopped vehicle elects to use flares or torches in lieu of red reflectorized triangular warning devices, the operator shall ensure that at least 1 flare or torch remains lighted at each of the prescribed locations as long as the vehicle is stopped. If gasoline or any other flammable liquid or combustible liquid or gas seeps or leaks from a fuel container or a commercial motor vehicle stopped upon a highway, no emergency warning signal producing a flame shall be lighted or placed except at such a distance from any such liquid or gas as will ensure the prevention of a fire or explosion.

The exception provided in this subsection with respect to highways within the corporate limits of cities ~~or on streets or highways which are artificially lighted at night~~ shall not apply to any portion of any interstate highway within the corporate limits of any city.

B. If any such vehicle is used for the transportation of flammable liquids in bulk, whether loaded or empty, or for transporting inflammable gases, red flares *reflectorized triangular warning devices* or red electric lanterns of a type approved by the Superintendent of State Police shall be used. Such reflectors or lanterns shall be lighted and placed on the roadway in the manner provided in subsection A of this section.

C. During such time as lights on motor vehicles are not required, red flags not less than twelve inches both in length and width shall be used in the place of flares, torches, or lanterns. The flags shall be placed on the roadway in the manner prescribed in subsections A and B of this section for flares, torches, and lanterns, except that no flag shall be required to be placed at the side of such vehicle. If the disablement of such vehicle continues into the period when lights on motor vehicles are required, flares, torches, reflectors, or lanterns shall be placed as required by subsections A and B of this section. Red reflectorized triangular warning devices of a type approved by the Superintendent may be used in lieu of flags.