

# VIRGINIA ACTS OF ASSEMBLY -- 2007 RECONVENED SESSION

## CHAPTER 918

*An Act to amend and reenact §§ 46.2-891 and 46.2-920.1 of the Code of Virginia, relating to increasing the efficiency of various components of incident management in the Commonwealth.*

[S 1144]

Approved April 4, 2007

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

**1. That §§ 46.2-891 and 46.2-920.1 of the Code of Virginia are amended and reenacted as follows:**

§ 46.2-891. Exemption for highway construction and maintenance vehicles.

The provisions of this article shall not apply to any vehicle owned or controlled by the Virginia Department of Transportation or counties, cities or towns, while actually engaged in the construction, reconstruction, ~~or~~ maintenance, *or emergency road clearance* of highways.

§ 46.2-920.1. Operation of tow trucks or vehicles owned or controlled by the Virginia Department of Transportation under certain circumstances.

When operating at or en route to or from the scene of a traffic accident or similar emergency and when specifically directed by a law-enforcement officer present at the scene of a motor vehicle crash or similar incident, tow truck operators *or vehicles owned or controlled by the Virginia Department of Transportation* may:

1. Operate on a highway in a direction opposite that otherwise permitted for traffic;
2. Cross medians of divided highways;
3. Use cross-overs and turn-arounds otherwise reserved for use only by authorized vehicles;
4. Drive on a portion of the highway other than the roadway;
5. Stop or stand on any portion of the highway; and
6. Operate in any other manner as directed by a law-enforcement officer at the scene.

Nothing in this section, however, shall (i) immunize the driver of any ~~tow truck~~ *such vehicle* from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property or (ii) release the driver of any ~~tow truck~~ *such vehicle* from any civil liability for failure to use reasonable care in operations permitted in this section. *However, drivers of vehicles owned or operated by the Virginia Department of Transportation and employees of the Commonwealth of Virginia are immune for acts of simple negligence for claims of civil liability arising from the operation of such vehicles pursuant to this section.*