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HOUSE BILL NO. 261

Offered January 9, 2008

Prefiled January 2, 2008

A BILL to amend and reenact § 46.2-1030 of the Code of Virginia, relating to use of flashing lights on law-enforcement and rescue vehicles.

Patron—Ware, O.

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-1030 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-1030. When lights to be lighted; number of lights to be lighted at any time; use of warning lights.

A. Every vehicle in operation on a highway in the Commonwealth shall display lighted headlights and illuminating devices as required by this article (i) from sunset to sunrise, (ii) during any other time when, because of rain, smoke, fog, snow, sleet, insufficient light, or other unfavorable atmospheric conditions, visibility is reduced to a degree whereby persons or vehicles on the highway are not clearly discernible at a distance of 500 feet, and (iii) whenever windshield wipers are in use as a result of fog, rain, sleet, or snow. The provisions of this subsection, however, shall not apply to instances when windshield wipers are used intermittently in misting rain, sleet, or snow.

B. Not more than four lights used to provide general illumination ahead of the vehicle, including at least two headlights and any other combination of fog lights or other auxiliary lights approved by the Superintendent, shall be lighted at any time. However, this limitation shall not preclude the display of warning lights authorized in §§ 46.2-1020 through 46.2-1027, or other lights as may be authorized by the Superintendent.

C. ~~Vehicles~~ *Law-enforcement, EMS, and rescue vehicles* equipped with warning lights authorized in §§ 46.2-1020 through 46.2-1027 shall *use discretion, taking into consideration the time of day, and weather and traffic conditions, in determining when to display the lighted warning lights as authorized in such sections when responding to emergency calls. All other vehicles equipped with warning lights* authorized in §§ 46.2-1020 through 46.2-1027 shall display lighted warning lights as authorized in such sections at all times when responding to emergency calls, towing disabled vehicles, or constructing, repairing, and maintaining public highways or utilities on or along public highways, except that amber lights on vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks," need not be lit while the vehicle is in motion unless it is actually towing a vehicle.

D. The failure to display lighted headlights and illuminating devices under the conditions set forth in clause (iii) of subsection A of this section shall not constitute negligence per se, nor shall violation of clause (iii) of subsection A of this section constitute a defense to any claim for personal injury or recovery of medical expenses for injuries sustained in a motor vehicle accident.

E. No demerit points shall be assessed for failure to display lighted headlights and illuminating devices during periods of fog, rain, sleet, or snow in violation of clause (iii) of subsection A of this section.

F. No citation for a violation of clause (iii) of subsection A of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute.

INTRODUCED

HB261