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SENATE BILL NO. 1239

Senate Amendments in [] — January 27, 2009

A *BILL to amend and reenact §§ 46.2-100, 46.2-821, 46.2-826, 46.2-833, 46.2-834, 46.2-835, 46.2-836, 46.2-904, 46.2-908.1, and 46.2-933 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 46.2-923.1, 46.2-924.1, and 46.2-924.2; and to repeal §§ 46.2-923 and 46.2-924 of the Code of Virginia, relating to pedestrians crossing highways.*

Patrons Prior to Engrossment—Senators Barker and Ticer

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-100, 46.2-821, 46.2-826, 46.2-833, 46.2-834, 46.2-835, 46.2-836, 46.2-904, 46.2-908.1, and 46.2-933 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 46.2-923.1, 46.2-924.1, and 46.2-924.2 as follows:

§ 46.2-100. Definitions.

The following words and phrases when used in this title shall, for the purpose of this title, have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

"All-terrain vehicle" means a three-wheeled or four-wheeled motor vehicle powered by a gasoline or diesel engine and generally characterized by large, low-pressure tires, a seat designed to be straddled by the operator, and handlebars for steering that is intended for off-road use by an individual rider on various types of unpaved terrain. The term does not include four-wheeled vehicles, commonly known as "go-carts," that have low centers of gravity and are typically used in racing on relatively level surfaces, nor does the term include any "utility vehicle" as defined in this section or any "farm utility vehicle" as defined in this section.

"Antique motor vehicle" means every motor vehicle, as defined in this section, which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Antique trailer" means every trailer or semitrailer, as defined in this section, that was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Automobile or watercraft transporters" means any tractor truck, lowboy, vehicle, or combination, including vehicles or combinations that transport motor vehicles or watercraft on their power unit, designed and used exclusively for the transportation of motor vehicles or watercraft.

"Bicycle" means a device propelled solely by human power, upon which a person may ride either on or astride a regular seat attached thereto, having two or more wheels in tandem, including children's bicycles, except a toy vehicle intended for use by young children. For purposes of Chapter 8 (§ 46.2-800 et seq.) of this title, a bicycle shall be a vehicle while operated on the highway.

"Bicycle lane" means that portion of a roadway designated by signs and/or pavement markings for the preferential use of bicycles, electric power-assisted bicycles, and mopeds.

"Business district" means the territory contiguous to a highway where 75 percent or more of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway, is occupied by land and buildings actually in use for business purposes.

"Camping trailer" means every vehicle that has collapsible sides and contains sleeping quarters but may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle.

"Cancel" or "cancellation" means that the document or privilege cancelled has been annulled or terminated because of some error, defect, or ineligibility, but the cancellation is without prejudice and reapplication may be made at any time after cancellation.

"Chauffeur" means every person employed for the principal purpose of driving a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

"Commission" means the State Corporation Commission.

"Commissioner" means the Commissioner of the Department of Motor Vehicles of the Commonwealth.

"Crosswalk" means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the

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60 surface.

61 "Decal" means a device to be attached to a license plate that validates the license plate for a
62 predetermined registration period.

63 "Department" means the Department of Motor Vehicles of the Commonwealth.

64 "Disabled parking license plate" means a license plate that displays the international symbol of access
65 in the same size as the numbers and letters on the plate and in a color that contrasts with the
66 background.

67 "Disabled veteran" means a veteran who (i) has either lost, or lost the use of, a leg, arm, or hand;
68 (ii) is blind; or (iii) is permanently and totally disabled as certified by the U.S. Veterans Administration.
69 A veteran shall be considered blind if he has a permanent impairment of both eyes to the following
70 extent: (i) central visual acuity of 20/200 or less in the better eye, with corrective lenses, or [(ii)]
71 central visual acuity of more than 20/200, if there is a field defect in which the peripheral field has
72 contracted to such an extent that the widest diameter of visual field subtends an angular distance no
73 greater than 20 degrees in the better eye.

74 "Driver's license" means any license, including a commercial driver's license as defined in the
75 Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), issued under the laws of the
76 Commonwealth authorizing the operation of a motor vehicle.

77 "Electric personal assistive mobility device" means a self-balancing two-nontandem-wheeled device
78 that is designed to transport only one person and powered by an electric propulsion system that limits
79 the device's maximum speed to 15 miles per hour or less. For purposes of Chapter 8 of this title, an
80 electric personal assistive mobility device shall be a vehicle when operated on a highway.

81 "Electric power-assisted bicycle" means a vehicle that travels on not more than three wheels in
82 contact with the ground and is equipped with (i) pedals that allow propulsion by human power and (ii)
83 an electric motor with an input of no more than 1,000 watts that reduces the pedal effort required of the
84 rider. For the purposes of Chapter 8 of this title, an electric power-assisted bicycle shall be a vehicle
85 when operated on a highway.

86 "Essential parts" means all integral parts and body parts, the removal, alteration, or substitution of
87 which will tend to conceal the identity of a vehicle.

88 "Farm tractor" means every motor vehicle designed and used as a farm, agricultural, or horticultural
89 implement for drawing plows, mowing machines, and other farm, agricultural, or horticultural machinery
90 and implements including self-propelled mowers designed and used for mowing lawns.

91 "Farm utility vehicle" means a vehicle that is designed for off-road use and is used as a farm,
92 agricultural, or horticultural service vehicle, generally having a gasoline or diesel engine, four or more
93 wheels, bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed.
94 "Farm utility vehicle" does not include pickup or panel trucks, golf carts, low-speed vehicles, riding
95 lawn mowers, or all-terrain vehicles.

96 "Federal safety requirements" means applicable provisions of 49 U.S.C. § 30101 et seq. and all
97 administrative regulations and policies adopted pursuant thereto.

98 "Financial responsibility" means the ability to respond in damages for liability thereafter incurred
99 arising out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided
100 for in § 46.2-472.

101 "Foreign market vehicle" means any motor vehicle originally manufactured outside the United States,
102 which was not manufactured in accordance with 49 U.S.C. § 30101 et seq. and the policies and
103 regulations adopted pursuant to that Act, and for which a Virginia title or registration is sought.

104 "Foreign vehicle" means every motor vehicle, trailer, or semitrailer that is brought into the
105 Commonwealth otherwise than in the ordinary course of business by or through a manufacturer or dealer
106 and that has not been registered in the Commonwealth.

107 "Golf cart" means a self-propelled vehicle that is designed to transport persons playing golf and their
108 equipment on a golf course.

109 "Governing body" means the board of supervisors of a county, council of a city, or council of a
110 town, as context may require.

111 "Gross weight" means the aggregate weight of a vehicle or combination of vehicles and the load
112 thereon.

113 "Highway" means the entire width between the boundary lines of every way or place open to the use
114 of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys,
115 and, for law-enforcement purposes, (i) the entire width between the boundary lines of all private roads
116 or private streets that have been specifically designated "highways" by an ordinance adopted by the
117 governing body of the county, city, or town in which such private roads or streets are located and (ii)
118 the entire width between the boundary lines of every way or place used for purposes of vehicular travel
119 on any property owned, leased, or controlled by the United States government and located in the
120 Commonwealth.

121 "Intersection" means (i) the area embraced within the prolongation or connection of the lateral

curblines or, if none, then the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling on different highways joining at any other angle may come in conflict; (ii) where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection, in the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection; or (iii) for purposes only of authorizing installation of traffic-control devices, every crossing of a highway or street at grade by a ~~pedestrian~~ marked or unmarked crosswalk.

"Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make arrests for violations of this title or local ordinances authorized by law. For the purposes of access to law-enforcement databases regarding motor vehicle registration and ownership only, this term shall also include city and county commissioners of the revenue and treasurers, together with their duly designated deputies and employees, when such officials are actually engaged in the enforcement of §§ 46.2-752, 46.2-753 and 46.2-754 and local ordinances enacted thereunder.

"License plate" means a device containing letters, numerals, or a combination of both, attached to a motor vehicle, trailer, or semitrailer to indicate that the vehicle is properly registered with the Department.

"Light" means a device for producing illumination or the illumination produced by the device.

"Low-speed vehicle" means any four-wheeled electrically-powered vehicle, except a motor vehicle or low-speed vehicle that is used exclusively for agricultural or horticultural purposes or a golf cart, whose maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, § 571.500.

"Manufactured home" means a structure subject to federal regulation, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

"Marked crosswalk" means any portion of a roadway at an intersection or elsewhere distinctively indicated for pedestrian crossing by lines or other markings on the highway surface.

"Moped" means every vehicle that travels on not more than three wheels in contact with the ground that has (i) a seat that is no less than 24 inches in height, measured from the middle of the seat perpendicular to the ground and (ii) a gasoline, electric, or hybrid motor that displaces less than 50 cubic centimeters. For purposes of Chapter 8 (§ 46.2-800 et seq.) of this title, a moped shall be a vehicle while operated on a highway.

"Motor-driven cycle" means every motorcycle that has a gasoline engine that (i) displaces less than 150 cubic centimeters; (ii) has a seat less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; and (iii) has no manufacturer-issued vehicle identification number.

"Motor home" means every private motor vehicle with a normal seating capacity of not more than 10 persons, including the driver, designed primarily for use as living quarters for human beings.

"Motor vehicle" means every vehicle as defined in this section that is self-propelled or designed for self-propulsion except as otherwise provided in this title. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle. For the purposes of this title, any device herein defined as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped shall be deemed not to be a motor vehicle.

"Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground and is capable of traveling at speeds in excess of 35 miles per hour. The term "motorcycle" does not include any "electric personal assistive mobility device," "electric power-assisted bicycle," "farm tractor," "golf cart," "moped," "motorized skateboard or scooter," "utility vehicle" or "wheelchair or wheelchair conveyance" as defined in this section.

"Motorized skateboard or scooter" means every vehicle, regardless of the number of its wheels in contact with the ground, that (i) has no seat, but is designed to be stood upon by the operator, (ii) has no manufacturer-issued vehicle identification number, and (iii) is powered by an electric motor having an input of no more than 1,000 watts or a gasoline engine that displaces less than 36 cubic centimeters. The term "motorized skateboard or scooter" includes vehicles with or without handlebars, but does not include "electric personal assistive mobility devices."

"Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any foreign corporation that is authorized to do business in the Commonwealth by the State Corporation

Commission shall be a resident of the Commonwealth for the purpose of this title; in the case of corporations incorporated in the Commonwealth but doing business outside the Commonwealth, only such principal place of business or branches located within the Commonwealth shall be dealt with as residents of the Commonwealth; (ii) a person who becomes engaged in a gainful occupation in the Commonwealth for a period exceeding 60 days shall be a resident for the purposes of this title except for the purposes of Chapter 3 (§ 46.2-300 et seq.) of this title; (iii) a person, other than a nonresident student as defined in this section, who has actually resided in the Commonwealth for a period of six months, whether employed or not, or who has registered a motor vehicle, listing an address in the Commonwealth in the application for registration shall be deemed a resident for the purposes of this title, except for the purposes of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

"Nonresident student" means every nonresident person who is enrolled as a full-time student in an accredited institution of learning in the Commonwealth and who is not gainfully employed.

"Off-road motorcycle" means every motorcycle designed exclusively for off-road use by an individual rider with not more than two wheels in contact with the ground. Except as otherwise provided in this chapter, for the purposes of this chapter off-road motorcycles shall be deemed to be "motorcycles."

"Operation or use for rent or for hire, for the transportation of passengers, or as a property carrier for compensation," and "business of transporting persons or property" mean any owner or operator of any motor vehicle, trailer, or semitrailer operating over the highways in the Commonwealth who accepts or receives compensation for the service, directly or indirectly; but these terms do not mean a "truck lessor" as defined in this section and do not include persons or businesses that receive compensation for delivering a product that they themselves sell or produce, where a separate charge is made for delivery of the product or the cost of delivery is included in the sale price of the product, but where the person or business does not derive all or a substantial portion of its income from the transportation of persons or property except as part of a sales transaction.

"Operator" or "driver" means every person who either (i) drives or is in actual physical control of a motor vehicle on a highway or (ii) is exercising control over or steering a vehicle being towed by a motor vehicle.

"Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of an agreement for its conditional sale or lease with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of private carriers.

"Passenger car" means every motor vehicle other than a motorcycle designed and used primarily for the transportation of no more than 10 persons including the driver.

"Payment device" means any credit card as defined in 15 U.S.C. § 1602(k) or any "accepted card or other means of access" set forth in 15 U.S.C. § 1693a(1). For the purposes of this title, this definition shall also include a card that enables a person to pay for transactions through the use of value stored on the card itself.

"Pedestrian" means any person on foot, in a wheelchair, or who uses a means of conveyance propelled by human power other than a bicycle or moped.

"Pedestrian control signals" means any device, whether manually, electronically, or mechanically operated, by which pedestrians are alternately directed to stop and permitted to proceed.

"Pickup or panel truck" means every motor vehicle designed for the transportation of property and having a registered gross weight of 7,500 pounds or less.

"Private road or driveway" means every way in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

"Reconstructed vehicle" means every vehicle of a type required to be registered under this title materially altered from its original construction by the removal, addition, or substitution of new or used essential parts. Such vehicles, at the discretion of the Department, shall retain their original vehicle identification number, line-make, and model year.

"Replica vehicle" means every vehicle of a type required to be registered under this title not fully constructed by a licensed manufacturer but either constructed or assembled from components. Such components may be from a single vehicle, multiple vehicles, a kit, parts, or fabricated components. The kit may be made up of "major components" as defined in § 46.2-1600, a full body, or a full chassis, or a combination of these parts. The vehicle shall resemble a vehicle of distinctive name, line-make, model, or type as produced by a licensed manufacturer or manufacturer no longer in business and is not a

reconstructed or specially constructed vehicle as herein defined.

"Residence district" means the territory contiguous to a highway, not comprising a business district, where 75 percent or more of the property abutting such highway, on either side of the highway, for a distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

"Revoke" or "revocation" means that the document or privilege revoked is not subject to renewal or restoration except through reapplication after the expiration of the period of revocation.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical barrier or barriers or an unpaved area.

"Safety zone" means the area officially set apart within a roadway for the exclusive use of pedestrians and that is protected or is so marked or indicated by plainly visible signs.

"School bus" means any motor vehicle, other than a station wagon, automobile, truck, or commercial bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private or religious schools, or used for the transportation of the mentally or physically handicapped to and from a sheltered workshop; (ii) painted yellow and bears the words "School Bus" in black letters of a specified size on front and rear; and (iii) is equipped with warning devices prescribed in § 46.2-1090. A yellow school bus may have a white roof provided such vehicle is painted in accordance with regulations promulgated by the Department of Education.

"Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests on or is carried by another vehicle.

"Shared-use path" means a ~~bikeway~~ facility that is physically separated from motorized vehicular traffic by an open space or barrier and is located either within the highway right-of-way or within a separate right-of-way. Shared-use paths may also be used by pedestrians, *bicyclists*, skaters, users of wheel chairs or wheel chair conveyances, joggers, and other nonmotorized users.

"Shoulder" means that part of a highway between the portion regularly traveled by vehicular traffic and the lateral curblin or ditch.

"Sidewalk" means the portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

"Snowmobile" means a self-propelled vehicle designed to travel on snow or ice, steered by skis or runners, and supported in whole or in part by one or more skis, belts, or cleats.

"Specially constructed vehicle" means any vehicle that was not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not a reconstructed vehicle as herein defined.

"Stinger-steered automobile or watercraft transporter" means an automobile or watercraft transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame behind and below the rearmost axle of the power unit.

"Superintendent" means the Superintendent of the Department of State Police of the Commonwealth.

"Suspend" or "suspension" means that the document or privilege suspended has been temporarily withdrawn, but may be reinstated following the period of suspension unless it has expired prior to the end of the period of suspension.

"Tow truck" means a motor vehicle for hire (i) designed to lift, pull, or carry another vehicle by means of a hoist or other mechanical apparatus and (ii) having a manufacturer's gross vehicle weight rating of at least 10,000 pounds. "Tow truck" also includes 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." "Tow truck" does not include any "automobile or watercraft transporter," "stinger-steered automobile or watercraft transporter," or "tractor truck" as those terms are defined in this section.

"Towing and recovery operator" means a person engaged in the business of (i) removing disabled vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii) restoring to the highway or other location where they either can be operated or removed to other locations for repair or safekeeping vehicles that have come to rest in places where they cannot be operated.

"Toy vehicle" means any motorized or propellant-driven device that has no manufacturer-issued vehicle identification number, that is designed or used to carry any person or persons, on any number of wheels, bearings, glides, blades, runners, or a cushion of air. The term does not include electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, or motorcycles, nor does it include any nonmotorized or nonpropellant-driven devices such as bicycles, roller skates, or skateboards.

"Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles

and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

"Traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for purposes of travel.

"Traffic control device" means any sign, signal, marking, or device, not inconsistent with this title, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

"Traffic control signals" means any device, whether manually, electronically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

"Traffic infraction" means a violation of law punishable as provided in § 46.2-113, which is neither a felony nor a misdemeanor.

"Traffic lane" or "lane" means that portion of a roadway designed or designated to accommodate the forward movement of a single line of vehicles.

"Trailer" means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including manufactured homes.

"Truck" means every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds.

"Truck lessor" means a person who holds the legal title to any motor vehicle, trailer, or semitrailer that is the subject of a bona fide written lease for a term of one year or more to another person, provided that: (i) neither the lessor nor the lessee is a common carrier by motor vehicle or restricted common carrier by motor vehicle or contract carrier by motor vehicle as defined in § 46.2-2000; (ii) the leased motor vehicle, trailer, or semitrailer is used exclusively for the transportation of property of the lessee; (iii) the lessor is not employed in any capacity by the lessee; (iv) the operator of the leased motor vehicle is a bona fide employee of the lessee and is not employed in any capacity by the lessor; and (v) a true copy of the lease, verified by affidavit of the lessor, is filed with the Commissioner.

"Unmarked crosswalk" means that part of a roadway that is formed at an intersection by extending the edges of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs or sidewalks, from the edges of the roadway.

"Utility vehicle" means a motor vehicle that is (i) designed for off-road use, (ii) powered by an engine of no more than 25 horsepower, and (iii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include all-terrain vehicles as defined in this section, riding lawn mowers, or any other vehicle whose definition is included in this section.

"Vehicle" means every device in, on or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks. For the purposes of Chapter 8 (§ 46.2-800 et seq.) of this title, bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds shall be vehicles while operated on a highway.

"Wheel chair or wheel chair conveyance" means a chair or seat equipped with wheels, typically used to provide mobility for persons who, by reason of physical disability, are otherwise unable to move about as pedestrians. The term includes both three-wheeled and four-wheeled devices. So long as it is operated only as provided in § 46.2-677, a self-propelled wheel chair or self-propelled wheel chair conveyance shall not be considered a motor vehicle.

§ 46.2-821. Vehicles before entering certain highways shall stop or yield right-of-way.

The driver of a vehicle approaching an intersection on a highway controlled by a stop sign shall, immediately before entering such intersection, stop at a clearly marked stop line, or, in the absence of a stop line, stop before entering ~~the~~ *a marked or unmarked* crosswalk on the near side of the intersection, or, in the absence of a marked crosswalk, stop at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. Before proceeding, he shall yield the right-of-way to the driver of any vehicle approaching on such other highway from either direction.

Where a "Yield Right-of-Way" sign is posted, the driver of a vehicle approaching or entering such intersection shall slow down to a speed reasonable for the existing conditions, yield the right-of-way to the driver of another vehicle approaching or entering such intersection from another direction, and, if required for safety, shall stop at a clearly marked stop line, or, in the absence of a stop line, stop before entering ~~the~~ *a marked or unmarked* crosswalk on the near side of the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway, and shall yield the right-of-way to the driver of any vehicle approaching on such other highway from either direction.

§ 46.2-826. Stop before entering or exiting public highway or sidewalk from or to private road, etc.; yielding right-of-way.

The driver of a vehicle entering *or exiting* a public highway or sidewalk from *or to* a private road, driveway, alley, or building shall stop immediately before entering *or exiting* such highway or sidewalk and yield the right-of-way to vehicles approaching on such public highway and to pedestrians, *bicycles*, or vehicles approaching on such public sidewalk.

The provisions of this section shall not apply at an intersection of public and private roads controlled by a traffic signal. At any such intersection, all movement of traffic into and through the intersection shall be controlled by the traffic signal.

§ 46.2-833. Traffic lights; penalty.

A. Signals by traffic lights shall be as follows:

Steady red indicates that moving traffic shall stop and remain stopped as long as the red signal is shown, except in the direction indicated by a lighted green arrow.

Green indicates the traffic shall move in the direction of the signal and remain in motion as long as the green signal is given, except that such traffic shall yield to other vehicles and pedestrians lawfully within the intersection.

Steady amber indicates that a change is about to be made in the direction of the moving of traffic. When the amber signal is shown, traffic which has not already entered the intersection, including the *marked or unmarked* crosswalks, shall stop if it is not reasonably safe to continue, but traffic which has already entered the intersection shall continue to move until the intersection has been cleared. The amber signal is a warning that the steady red signal is imminent.

Flashing red indicates that traffic shall stop before entering an intersection.

Flashing amber indicates that traffic may proceed through the intersection or past such signal with reasonable care under the circumstances.

B. If the traffic lights controlling an intersection are out of service because of a power failure or other event that prevents the giving of signals by the traffic lights, the drivers of vehicles approaching such an intersection shall proceed as though such intersection were controlled by a stop sign on all approaches. The provisions of this subsection shall not apply to: intersections controlled by portable stop signs, intersections with law-enforcement officers or other authorized persons directing traffic, or intersections controlled by traffic lights displaying flashing red or flashing amber lights as provided in subsection A.

C. The driver of any motor vehicle may be detained or arrested for a violation of this section if the detaining law-enforcement officer is in uniform, displays his badge of authority, and (i) has observed the violation or (ii) has received a message by radio or other wireless telecommunication device from another law-enforcement officer who observed the violation. In the case of a person being detained or arrested based on a radio message, the message shall be sent immediately after the violation is observed, and the observing officer shall furnish the license number or other positive identification of the vehicle to the detaining officer.

Violation of any provision of this section shall constitute a traffic infraction punishable by a fine of no more than \$350.

§ 46.2-834. Signals by law-enforcement officers and crossing guards.

A. Law-enforcement officers may assume control of traffic at any intersection *or marked or unmarked crosswalk*, regardless of whether such intersection *or crosswalk* is controlled by lights, controlled by other traffic control devices, or uncontrolled. Whenever any law-enforcement officer so assumes control of traffic, all drivers of vehicles, *bicyclists, and pedestrians* shall obey his signals.

B. Law-enforcement officers and uniformed school crossing guards may assume control of traffic otherwise controlled by ~~lights~~ *traffic control devices*, and in such event, signals by such officers and uniformed crossing guards shall take precedence over such traffic control devices.

C. ~~Uniformed~~ *The driver of any vehicle and every pedestrian crossing a roadway shall stop and yield the right-of-way according to the direction of uniformed school crossing guards* ~~may control~~ *controlling* traffic at any marked school crossing, whether such crossing is at an intersection or another location. Uniformed school crossing guards who are supplied by their local school division with hand-held stop signs shall use such signs whenever controlling traffic as authorized in this subsection.

§ 46.2-835. Right turn on steady red light after stopping.

Notwithstanding the provisions of § 46.2-833, except where signs are placed prohibiting turns on steady red, vehicular traffic facing a steady red signal, after coming to a full stop, may cautiously enter the intersection and make a right turn.

Such turning traffic shall yield the right-of-way to pedestrians lawfully within an adjacent *marked or unmarked* crosswalk and to other traffic using the intersection.

§ 46.2-836. Left turn on steady red after stopping.

Notwithstanding the provisions of § 46.2-833, except where signs are placed prohibiting turns on steady red, vehicular traffic facing a steady red signal on a one-way highway, after coming to a full stop, may cautiously enter the intersection and make a left turn onto another one-way highway.

Such turning traffic shall yield the right-of-way to pedestrians lawfully within an adjacent *marked or unmarked* crosswalk and to other traffic using the intersection.

§ 46.2-904. Use of roller skates and skateboards on sidewalks and shared-use paths; operation of bicycles, motorized skateboards or scooters, motor-driven cycles, electric power-assisted bicycles, and

429 electric personal assistive mobility devices on sidewalks and marked or unmarked crosswalks and
430 shared-use paths; local ordinances.

431 The governing body of any county, city, or town may by ordinance prohibit the use of roller skates
432 and skateboards and/or the riding of bicycles, electric personal assistive mobility devices, motorized
433 skateboards or scooters, motor-driven cycles, or electric power-assisted bicycles on designated sidewalks
434 or *marked or unmarked* crosswalks, including those of any church, school, recreational facility, or any
435 business property open to the public where such activity is prohibited. Signs indicating such prohibition
436 shall be conspicuously posted in general areas where use of roller skates and skateboards, and/or bicycle,
437 electric personal assistive mobility devices, motorized skateboards or scooters, motor-driven cycles, or
438 electric power-assisted bicycle riding is prohibited.

439 A person riding a bicycle, electric personal assistive mobility device, motorized skateboard or
440 scooter, motor-driven cycle, or an electric power-assisted bicycle on a sidewalk, shared-use path, or
441 across a roadway on a *marked or unmarked* crosswalk, shall yield the right-of-way to any pedestrian and
442 shall give an audible signal before overtaking and passing any pedestrian.

443 No person shall ride a bicycle, electric personal assistive mobility device, motorized skateboard or
444 scooter, motor-driven cycle, or an electric power-assisted bicycle on a sidewalk, or across a roadway on
445 a *marked or unmarked* crosswalk, where such use of bicycles, electric personal assistive mobility
446 devices, motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycles is
447 prohibited by official traffic control devices.

448 A person riding a bicycle, electric personal assistive mobility device, motorized skateboard or
449 scooter, motor-driven cycle, or an electric power-assisted bicycle on a sidewalk, shared-use path, or
450 across a roadway on a *marked or unmarked* crosswalk, shall have all the rights and duties of a
451 pedestrian under the same circumstances.

452 A violation of any ordinance adopted pursuant to this section shall be punishable by a civil penalty
453 of not more than \$50.

454 § 46.2-908.1. Electric personal assistive mobility devices, electrically powered toy vehicle, and
455 electric power-assisted bicycles.

456 All electric personal assistive mobility devices, electrically powered toy vehicles, and electric
457 power-assisted bicycles shall be equipped with spill-proof, sealed, or gelled electrolyte batteries. No
458 person shall at any time or at any location drive an electric personal assistive mobility device, or an
459 electric power-assisted bicycle faster than twenty-five miles per hour. No person less than fourteen years
460 old shall drive any electric personal assistive mobility device, motorized skateboard or scooter, or
461 electric power-assisted bicycle unless under the immediate supervision of a person who is at least
462 eighteen years old.

463 An electric personal assistive mobility device or motorized skateboard or scooter may be operated on
464 any highway with a maximum speed limit of twenty-five miles per hour or less. An electric personal
465 assistive mobility device shall only operate on any highway authorized by this section if a sidewalk is
466 not provided along such highway or if operation of the electric personal assistive mobility device on
467 such sidewalk is prohibited pursuant to § 46.2-904. Nothing in this section shall prohibit the operation of
468 an electric personal assistive mobility device or motorized skateboard or scooter in the *marked or*
469 *unmarked* crosswalk of any highway where the use of such crosswalk is authorized for pedestrians,
470 bicycles, or electric power-assisted bicycles.

471 § 46.2-923.1. *Drivers to stop for pedestrians at marked or unmarked crosswalks; pedestrian*
472 *responsibilities.*

473 A. *When traffic control signals are not in place or not in operation:*

474 1. *The driver of a vehicle shall stop and remain stopped to allow a pedestrian to cross the roadway*
475 *within a marked or unmarked crosswalk when the pedestrian is upon or within one half of the roadway*
476 *on which the vehicle is traveling or onto which it is turning where the legal maximum speed is 35 miles*
477 *per hour or less.*

478 2. *The driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within a*
479 *marked or unmarked crosswalk when the pedestrian is upon or within one half of the roadway upon*
480 *which the vehicle is traveling where the legal maximum speed exceeds 35 miles per hour.*

481 For purposes of this section, "half of the roadway" means all traffic lanes carrying traffic in one
482 direction of travel and includes the entire width of a one-way roadway.

483 B. *Pedestrians shall obey the instructions of official pedestrian control signals as provided in*
484 *§ 46.2-925, unless otherwise directed by a law-enforcement officer.*

485 C. *No pedestrian shall leave a curb or other place of safety and walk or run into the path of a*
486 *vehicle that is so close that it is [impossible impracticable] for the driver to stop, nor shall any*
487 *pedestrian cross an intersection in disregard of traffic control devices.*

488 D. *Notwithstanding the provisions of subsections A and B, a pedestrian who crosses a highway shall*
489 *yield the right-of-way to any approaching emergency vehicle, as defined in § 46.2-920, that is using*
490 *audible and visible signals.*

E. The governing body of Arlington County, Fairfax County, the City of Fairfax, the County of Loudoun and any town therein, and the City of Alexandria, may by ordinance provide for the installation and maintenance of highway signs at marked crosswalks specifically requiring operators of motor vehicles, at the locations where such signs are installed, to stop for pedestrians crossing or attempting to cross the highway. Any operator of a motor vehicle who fails at such locations to stop for pedestrians as required by such signs shall be guilty of a traffic infraction punishable by a fine of no less than \$100 or more than \$500. The Commonwealth Transportation Board shall develop criteria for the design, location, and installation of such signs. The provisions of this subsection shall not apply to any limited access highway where pedestrian access is restricted by the Commonwealth Transportation Board.

§ 46.2-924.1. Pedestrians crossing at other than marked or unmarked crosswalk.

A. Every pedestrian crossing a highway at any point other than within a marked or unmarked crosswalk shall yield the right-of-way to any vehicle approaching on the highway.

B. The governing body of any town or city or the governing body of a county authorized by law to regulate traffic may by ordinance permit pedestrians to cross an intersection diagonally when all traffic entering the intersection has been halted by lights, other traffic control devices, or by a law-enforcement officer.

§ 46.2-924.2. Drivers to exercise due care.

Notwithstanding any other provision of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with a pedestrian.

§ 46.2-933. When vehicles to stop for pedestrian guided by dog or carrying white, red-tipped white, or metallic cane.

Whenever a totally or partially blind pedestrian crossing or attempting to cross a highway in accordance with the provisions of ~~§ 46.2-923~~ § 46.2-923.1 is guided by a dog guide or carrying a cane which is predominantly metallic or white in color, with or without a red tip, the driver of every vehicle approaching the intersection or place of crossing shall bring his vehicle to a full stop before arriving at such intersection or place of crossing, unless such intersection or place of crossing is controlled by a law-enforcement officer or traffic light. Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor.

2. That §§ 46.2-923 and 46.2-924 of the Code of Virginia are repealed.

ENGROSSED

SB1239E