

2010 SESSION

INTRODUCED

10102603D

HOUSE BILL NO. 1117

Offered January 13, 2010

Prefiled January 13, 2010

A *BILL to amend and reenact § 46.2-878.1 of the Code of Virginia, relating to speeding in highway work zones; penalty.*

Patrons—Ebbin, Abbott and Englin

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-878.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-878.1. Maximum speed limits in highway work zones; penalty.

Operation of any motor vehicle in excess of a maximum speed limit established specifically for a highway work zone, when workers are present and when such highway work zone is indicated by appropriately placed signs displaying the maximum speed limit and the penalty for violations, shall be unlawful and constitute a traffic infraction punishable by a fine of not more than ~~\$500~~ *\$1,000*.

For the purposes of this section, "highway work zone" means a construction or maintenance area that is located on or beside a highway and marked by appropriate warning signs or other traffic control devices indicating that work is in progress.

Any person who engages in a violation of this section that causes serious bodily injury to a construction worker is guilty of a felony punishable by a term of imprisonment of up to one year.

Any person who engages in a violation of this section that causes the death of a construction worker is guilty of a felony punishable by a term of imprisonment of up to 15 years.

Nothing in this section shall preclude the prosecution or conviction for reckless driving of any motor vehicle operator whose operation of any motor vehicle in a highway work zone, apart from speed, demonstrates a reckless disregard for life, limb, or property.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 781 of the Acts of Assembly of 2009 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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