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## HOUSE BILL NO. 1159

Offered January 13, 2010

Prefiled January 13, 2010

A BILL to amend and reenact § 46.2-921.1 of the Code of Virginia, relating to duties of drivers of vehicles approaching stationary vehicles displaying certain warning lights.

Patron—Oder

Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:****1. That § 46.2-921.1 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-921.1. Drivers to yield right-of-way or reduce speed when approaching certain stationary vehicles on highways; penalties.

A. The driver of any motor vehicle, upon approaching a stationary emergency vehicle, as defined in § 46.2-920, that is displaying a flashing, blinking, or alternating emergency blue or red light or lights as provided in §§ 46.2-1022, 46.2-1023, and or 46.2-1024, or subdivision A 1 or A 2 of § 46.2-1025, shall (i) on a highway having at least four lanes, at least two of which are intended for traffic proceeding as the approaching vehicle, proceed with caution and, if reasonable, with due regard for safety and traffic conditions, yield the right-of-way by making a lane change into a lane not adjacent to the stationary emergency vehicle or (ii) if changing lanes would be unreasonable or unsafe, proceed with due caution and maintain a safe speed for highway conditions.

B. ~~Violation~~ A violation of any provision of this section is punishable as a traffic infraction. A second or subsequent violation of any provision of this section shall constitute is punishable as a Class 1 misdemeanor. Any violation of any provision of this section that results in the death of any person is punishable as a Class 6 felony.

C. If the violation resulted in damage to property of another person, the court may, in addition, order the suspension of the driver's privilege to operate a motor vehicle for not more than one year. If the violation resulted in injury to another person, the court may, in addition to any other penalty imposed, order the suspension of the driver's privilege to operate a motor vehicle for not more than two years. If the violation resulted in the death of another person, the court may, in addition to any other penalty imposed, order the suspension of the driver's privilege to operate a motor vehicle for two years.

D. The provisions of this section shall not apply in highway work zones as defined in § 46.2-878.1.

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 is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

HB1159