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**HOUSE BILL NO. 403**

Offered January 13, 2010

Prefiled January 12, 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, red, or amber 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.

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.

INTRODUCED

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