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## HOUSE BILL NO. 2754

Offered January 17, 2019

A BILL to amend and reenact §§ 46.2-111, 46.2-1012, 46.2-1029.1, and 46.2-1030 of the Code of Virginia, relating to vehicle headlights; required to be lighted.

Patrons—Plum, Hope, Kory and Simon

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-111, 46.2-1012, 46.2-1029.1, and 46.2-1030 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-111. Flares and other signals relating to stopped commercial motor vehicles.

A. Whenever any commercial motor vehicle as defined in § 46.2-341.4 is stopped on any roadway or on the shoulder of any highway in the Commonwealth at any time for any cause other than stops necessary to comply with traffic control devices, lawfully installed signs, or signals of law-enforcement officers, the operator of such vehicle shall immediately activate the vehicular hazard warning signal flashers and as soon as possible, but in any event within 10 minutes of stopping, place or cause to be placed on the roadway or shoulder three red reflectorized triangular warning devices of a type approved by the Superintendent. One of the red reflectorized triangular warning devices shall be placed in the center of the lane of traffic or shoulder occupied by the stopped vehicle and not less than 100 feet therefrom in the direction of traffic approaching in that lane, a second not less than 100 feet from such vehicle in the opposite direction and a third at the traffic side of such vehicle not closer than 10 feet from its front or rear. However, if such vehicle is stopped within 500 feet of a curve or crest of a hill, or other obstruction to view, the red reflectorized triangular warning devices in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than 500 feet from the stopped vehicle. Vehicular hazard warning signal flashers shall continue to flash until the operator has placed the three red reflectorized triangular warning devices required in this subsection. The placement of red reflectorized triangular warning devices is not required within the corporate limits of cities unless, during the time which lights are required to be illuminated on motor vehicles by § 46.2-1030, the street or highway lighting is insufficient to make such vehicle clearly discernible at a distance of 500 feet to a person on the highway (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. Flares or torches of a type approved by the Superintendent may be used in lieu of red reflectorized warning devices. In the event that the operator of the stopped vehicle elects to use flares or torches in lieu of red reflectorized triangular warning devices, the operator shall ensure that at least one flare or torch remains lighted at each of the prescribed locations as long as the vehicle is stopped. If gasoline or any other flammable liquid or combustible liquid or gas seeps or leaks from a fuel container or a commercial motor vehicle stopped upon a highway, no emergency warning signal producing a flame shall be lighted or placed except at such a distance from any such liquid or gas as will ensure the prevention of a fire or explosion.

The exception provided in this subsection with respect to highways within the corporate limits of cities shall not apply to any portion of any interstate highway within the corporate limits of any city. The provisions of this section shall not apply to any vehicle in a work zone protected by flagmen or approved temporary traffic control channeling devices, as required by the Virginia Work Area Protection Manual or to any vehicle displaying a flashing amber light authorized by § 46.2-1025 when such vehicle is (i) (a) used for the principal purpose of towing or servicing disabled vehicles, or (ii) (b) engaged in road or utility construction or maintenance.

B. If any such vehicle is used for the transportation of flammable liquids in bulk, whether loaded or empty, or for transporting inflammable gases, red reflectorized triangular warning devices or red electric lanterns of a type approved by the Superintendent of State Police shall be used. Such reflectors or lanterns shall be lighted and placed on the roadway in the manner provided in subsection A of this section.

C. [Repealed.]

§ 46.2-1012. Headlights, auxiliary headlights, tail lights, brake lights, auxiliary lights, and illumination of license plates on motorcycles or autocycles.

Every motorcycle or autocycle shall be equipped with at least one headlight which shall be of a type

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HB2754

that has been approved by the Superintendent and shall be capable of projecting sufficient light to the front of such motorcycle or auticycle to render discernible a person or object at a distance of 200 feet. However, the lights shall not project a glaring or dazzling light to persons approaching such motorcycles or auticycles. In addition, each motorcycle or auticycle may be equipped with not more than two auxiliary headlights of a type approved by the Superintendent except as otherwise provided in this section.

Motorcycles or auticycles may be equipped with means of modulating the high beam of their headlights between high and low beam at a rate of 200 to 280 flashes per minute. Such headlights shall not be so modulated ~~during periods when headlights would ordinarily be required to be lighted under § 46.2-1030 (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.~~

Notwithstanding § 46.2-1002, motorcycles or auticycles may be equipped with standard bulb running lights or light-emitting diode (LED) pods or strips as auxiliary lighting. Such lighting shall be ~~(i)~~ (a) either red or amber in color, ~~(ii)~~ (b) directed toward the ground in such a manner that no part of the beam will strike the level of the surface on which the motorcycle or auticycle stands at a distance of more than 10 feet from the vehicle, and ~~(iii)~~ (c) designed for vehicular use. Such lighting shall not ~~(a)~~ (1) project a beam of light of an intensity greater than 25 candlepower or its equivalent from a single lamp or bulb; ~~(b)~~ (2) be blinking, flashing, oscillating, or rotating; or ~~(c)~~ (3) be attached to the wheels of the motorcycle or auticycle.

Every motorcycle or auticycle registered in the Commonwealth and operated on the highways of the Commonwealth shall be equipped with at least one brake light of a type approved by the Superintendent. Motorcycles or auticycles may be equipped with one or more auxiliary brake lights of a type approved by the Superintendent. The Superintendent may by regulation prescribe or limit the size, number, location, and configuration of such auxiliary brake lights.

Every motorcycle or auticycle shall carry at the rear at least one or more red lights plainly visible in clear weather from a distance of 500 feet to the rear of such vehicle. Such tail lights shall be constructed and so mounted in their relation to the rear license plate as to illuminate the license plate with a white light so that the same may be read from a distance of 50 feet to the rear of such vehicle. Alternatively, a separate white light shall be so mounted as to illuminate the rear license plate from a distance of 50 feet to the rear of such vehicle. Any such tail lights or special white light shall be of a type approved by the Superintendent.

Motorcycles or auticycles may be equipped with a means of varying the brightness of the vehicle's brake light upon application of the vehicle's brakes.

#### **§ 46.2-1029.1. Flashing of headlights on certain vehicles.**

Emergency vehicles as defined in subsection C of § 46.2-920 may be equipped with the means to flash their headlights when their warning lights are activated if (i) the headlights are wired to allow either the high beam or low beam to flash, but not both, and (ii) the headlight system includes a switch or device ~~which that prevents flashing of headlights when headlights are required to be lighted under § 46.2-1030 (a) from sunset to sunrise; (b) 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 (c) whenever windshield wipers are in use as a result of fog, rain, sleet, or snow.~~

The provisions of clause (ii) above shall not apply in the City of Chesapeake, the City of Portsmouth, the City of Poquoson, or the County of York.

#### **§ 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 *at all times* 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, motorcycles may be equipped with and use not more than five approved lights in order to provide general illumination ahead of the motorcycle. These limitations 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 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 shall not constitute negligence per se, nor shall violation of clause (iii) of subsection A 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.

F. No citation for a violation of clause (iii) of subsection A 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.