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SENATE BILL NO. 1073

Offered January 9, 2019

Prefiled December 13, 2018

A *BILL to amend and reenact § 46.2-888 of the Code of Virginia, relating to removing motor vehicles from roadway.*

Patrons—Marsden; Delegate: Kory

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-888 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-888. Stopping on highways; removing motor vehicle from roadway.

A. No person shall stop a vehicle in such manner as to impede or render dangerous the use of the highway by others, except in the case of an emergency, an accident, or a mechanical breakdown.

B. In the event of such an emergency, accident, or breakdown, the emergency flashing lights of such vehicle shall be turned on if the vehicle is equipped with such lights and such lights are in working order. If the driver is capable of safely doing so, the vehicle is movable, and there are no injuries or deaths resulting from the emergency, accident, or breakdown, the driver shall move the vehicle from the roadway to prevent obstructing the regular flow of traffic, provided, however, that the movement of the vehicle to prevent the obstruction of traffic shall not relieve the law-enforcement officer of his duty pursuant to § 46.2-373. A report of the vehicle's location shall be made to the nearest law-enforcement officer as soon as practicable, and the vehicle shall be moved from the roadway to the shoulder as soon as possible and removed from the shoulder without unnecessary delay. If the vehicle is not promptly removed, such removal may be ordered by a law-enforcement officer at the expense of the owner if the disabled vehicle creates a traffic hazard.

C. In the event of an accident on a HOT lane as defined in § 33.2-500 that is under construction on Interstate 66 and the shoulders of the HOT lane are being or have been removed, the driver shall move the vehicle from the roadway to the nearest pull-off area if the driver is capable of safely doing so, the vehicle is movable, and there are no injuries or deaths resulting from the accident, provided, however, that the movement of the vehicle shall not relieve the law-enforcement officer of his duty pursuant to § 46.2-373. For purposes of this subsection, "pull-off area" includes an exit ramp or otherwise agreed-upon location. A violation of this subsection is a traffic infraction punishable by a fine of \$20.

2. That the provisions of this act shall expire upon the certification by the Secretary of Transportation that the HOT lane construction on Interstate 66 is complete.

INTRODUCED

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