

VIRGINIA ACTS OF ASSEMBLY -- 2023 SESSION

CHAPTER 616

An Act to amend and reenact § 46.2-861.1 of the Code of Virginia, relating to yielding or reducing speed for stationary vehicles; vehicles displaying hazard lights, caution signs, or road flares.

[H 1932]

Approved March 26, 2023

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-861.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-861.1. Drivers to yield right-of-way or reduce speed when approaching stationary vehicles displaying certain warning lights on highways; penalties.

A. The driver of any motor vehicle, upon approaching a stationary vehicle that is displaying a flashing, blinking, or alternating blue, red, or amber light or lights as provided in § 46.2-1022, 46.2-1023, or 46.2-1024 or subsection B of § 46.2-1026 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 vehicle or (ii) if changing lanes would be unreasonable or unsafe, proceed with due caution and maintain a safe speed for highway conditions. A violation of any provision of this subsection is reckless driving.

B. The driver of any motor vehicle, upon approaching a stationary vehicle that (i) is displaying a flashing, blinking, or alternating amber light or lights as provided in subdivision A 1 or 2 of § 46.2-1025, (ii) *has activated the vehicular hazard warning signal flashers*, (iii) *is displaying caution signs*, or (iv) *is marked with properly lit flares or torches* shall ~~(i)~~ (a) 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 vehicle or ~~(ii)~~ (b) if changing lanes would be unreasonable or unsafe, proceed with due caution and maintain a safe speed for highway conditions. A violation of any provision of this subsection shall be punishable as a traffic infraction.

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 or death 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.

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