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HOUSE BILL NO. 244

Offered January 18, 1994

A BILL to amend and reenact §§ 46.2-829, 46.2-920 and 46.2-1029.1 of the Code of Virginia, relating to emergency vehicles.

 Patron—Reid

Referred to Committee on Roads and Internal Navigation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-829, 46.2-920 and 46.2-1029.1 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-829. Approach of law-enforcement or fire-fighting vehicles, rescue vehicles, or ambulances; violation as failure to yield right-of-way.

Upon the approach of any emergency vehicle as defined in § 46.2-920 giving audible signal by siren, exhaust whistle, or air horn designed to give automatically intermittent signals, and displaying a flashing, blinking, or alternating emergency light or lights as provided in §§ 46.2-1022 through 46.2-1024 and 46.2-1023, the driver of every other vehicle shall, as quickly as traffic and other highway conditions permit, drive to the nearest edge of the roadway, clear of any intersection of highways, and stop and remain there, unless otherwise directed by a law-enforcement officer, until the emergency vehicle has passed. This provision shall not relieve the driver of any such vehicle to which the right-of-way is to be yielded of the duty to drive with due regard for the safety of all persons using the highway, nor shall it protect the driver of any such vehicle from the consequences of an arbitrary exercise of such right-of-way.

Violation of this section shall constitute failure to yield the right-of-way; however, any violation of this section that involves overtaking or passing a moving emergency vehicle giving an audible signal and displaying activated warning lights as provided for in this section shall constitute reckless driving, punishable as provided in § 46.2-868.

§ 46.2-920. Emergency vehicles exempt from regulations in certain situations; exceptions and additional requirements.

A. The driver of any emergency vehicle, when such vehicle is being used in the performance of public services, and when such vehicle is operated under emergency conditions, may, without subjecting himself to criminal prosecution:

1. Disregard speed limits, while having due regard for safety of persons and property;
2. Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating moving traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal, traffic light, or device with due regard to the safety of persons and property;

3. Park or stop notwithstanding the other provisions of this chapter;

4. Disregard regulations governing a direction of movement of vehicles turning in specified directions so long as the operator does not endanger life or property;

5. Pass or overtake, with due regard to the safety of persons and property, another vehicle at any intersection;

6. Pass or overtake with due regard to the safety of persons and property, while en route to an emergency, other stopped or slow-moving vehicles, by going off the paved or main traveled portion of the roadway on the right. Notwithstanding other provisions of this section, vehicles exempted in this instance will not be required to sound a siren or any device to give automatically intermittent signals.

B. The exemptions granted to emergency vehicles by subsection A of this section shall apply only when the operator of such vehicle displays a flashing, blinking, or alternating emergency light or lights as provided in §§ 46.2-1022 through 46.2-1024 and 46.2-1023 and sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals, as may be reasonably necessary, and, only when there is in force and effect for such vehicle either (i) standard motor vehicle liability insurance covering injury or death to any person in the sum of at least \$100,000 because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of \$300,000 because of bodily injury to or death of two or more persons in any one accident, and to a limit of \$20,000 because of injury to or destruction of property of others in any one accident or (ii) a certificate of self-insurance issued pursuant to § 46.2-368. Such exemptions shall not, however, protect the operator of any such vehicle from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property. Nothing in this section shall release the operator of any such vehicle from civil liability for failure to use reasonable care in such operation.

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60 C. For the purposes of this section, the term "emergency vehicle" shall mean:

61 1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local
62 law-enforcement officer (i) in the chase or apprehension of violators of the law or persons charged with
63 or suspected of any such violation, or (ii) in response to an emergency call;

64 2. Any regional detention center vehicle operated by or under the direction of a correctional officer
65 responding to an emergency call or operating in an emergency situation;

66 3. Any vehicle used to fight fire, including publicly-owned state forest warden vehicles, when
67 traveling in response to a fire alarm or emergency call;

68 4. Any ambulance, rescue, or life-saving vehicle designed or used for the principal purpose of
69 supplying resuscitation or emergency relief where human life is endangered;

70 5. Any Department of Emergency Services vehicle, when responding to an emergency call or
71 operating in an emergency situation; and

72 6. Any Department of Corrections vehicle designated by the Director of the Department of
73 Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a
74 drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a
75 request for assistance from a law-enforcement officer.

76 D. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local
77 law-enforcement officer may disregard speed limits, while having due regard for safety of persons and
78 property, (i) in testing the accuracy of speedometers of such vehicles or (ii) in testing the accuracy of
79 speed measuring devices specified in § 46.2-882.

80 § 46.2-1029.1. Flashing of headlights on certain vehicles.

81 ~~Vehicles permitted by this article to be equipped with flashing, blinking or alternating red, red and~~
82 ~~white, blue, or blue and red warning lights~~ *Emergency vehicles as defined in subsection C of § 46.2-920*
83 may be equipped with the means to flash their headlights when their warning lights are activated if (i)
84 the headlights are wired to allow either the high beam or low beam to flash, but not both, and (ii) the
85 headlight system includes a switch or device which prevents flashing of headlights when head lights are
86 required to be lighted under § 46.2-1030.