

VIRGINIA ACTS OF ASSEMBLY -- 1997 SESSION

CHAPTER 149

An Act to amend and reenact §§ 46.2-1025 and 46.2-1102 of the Code of Virginia, relating to size of certain farm machinery and motor vehicles; amber warning lights.

[H 2144]

Approved March 6, 1997

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1025 and 46.2-1102 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1025. Flashing amber warning lights.

A. The following vehicles may be equipped with flashing, blinking, or alternating amber warning lights of types approved by the Superintendent:

1. Vehicles used for the principal purpose of towing or servicing disabled vehicles;

2. Vehicles used in constructing, maintaining, and repairing highways or utilities on or along public highways;

3. Vehicles used for the principal purpose of removing hazardous or polluting substances from state waters and drainage areas on or along public highways;

4. Vehicles used for servicing automatic teller machines, provided the amber lights are not lit while the vehicle is in motion;

5. Vehicles used in refuse collection, provided the amber lights are lit only when the vehicles are engaged in refuse collection operations;

6. Vehicles used by individuals for emergency snow-removal purposes;

7. Hi-rail vehicles;

8. Fire apparatus, ambulances, and rescue and life-saving vehicles, provided the amber lights are mounted or installed on the rear of the vehicles and are used in addition to lights permitted under § 46.2-1023;

9. Vehicles owned and used by businesses providing security services, provided the amber lights are not lit while the vehicle is being operated on a public highway;

10. Vehicles used to collect and deliver the United States mail, provided the amber lights are lit only when the vehicle is actually engaged in such collection or delivery;

11. Vehicles used to provide escorts for funeral processions;

12. Vehicles used to transport petroleum products, provided the amber light is mounted on the rear of the vehicle and is lit only when the vehicle's back-up lights are lit and its device producing an audible signal when the vehicle is operated in reverse gear, as provided for in § 46.2-1175.1, is in operation;

13. Vehicles used by law-enforcement agency personnel in the enforcement of laws governing motor vehicle parking;

14. Government-owned law-enforcement vehicles, provided the lights are used for the purpose of giving directional warning to vehicular traffic to move one direction or another and are not lit while the vehicle is being operated on a public highway; ~~and~~

15. Chase vehicles when used to unload a hot air balloon or used to load a hot air balloon after landing, provided the amber lights are not lit while the vehicle is in motion; *and*

16. *Vehicles used for farm, agricultural, or horticultural purposes, or any farm tractor.*

B. Such lights on hi-rail vehicles shall be activated only when the vehicles are operated on railroad rails. Such lights on other vehicles shall be lit only when performing the functions which qualify them to be equipped with such lights.

§ 46.2-1102. Size limitations inapplicable to farm machinery, agricultural multipurpose drying units, and fire-fighting equipment; amber warning lights.

A. The vehicle size limitations contained in Articles 14 through 17 (§ 46.2-1101 et seq.) of this chapter shall not apply to any farm machinery or agricultural multipurpose drying unit when such farm machinery or agricultural multipurpose drying unit is temporarily propelled, hauled, transported, or moved on the highway by a farm machinery distributor or dealer, fertilizer distributor, or farmer in the ordinary course of business. Nor shall those limitations apply to fire-fighting equipment of any county, city, town, or fire-fighting company or association. Any farm tractor or agricultural multipurpose drying unit wider than 108 inches, however, which is so propelled, hauled, transported, or moved on the highway shall be equipped with a safety light of a type approved by the Superintendent of State Police. The light shall be plainly visible from the rear of the tractor or agricultural multipurpose drying unit.

B. *Notwithstanding subsection A of this section, any farm tractor or other farm, agricultural, or horticultural vehicle wider than 108 inches may be equipped with an amber flashing, blinking, or alternating warning light as provided in § 46.2-1025. Any such light may be installed in lieu of or in*

addition to the safety light described in subsection A of this section. The absence of amber flashing, blinking, or alternating warning lights on any farm tractor or other farm, agricultural, or horticultural vehicle, as authorized under this subsection, shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of any motor vehicle or farm tractor, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action.