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HOUSE BILL NO. 1999

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on January 23, 1997)

(Patron Prior to Substitute—Delegate Sherwood)

A BILL to amend and reenact §§ 18.2-324 and 33.1-345 of the Code of Virginia, relating to throwing or depositing certain substances upon a road or highway.

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-324 and 33.1-345 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-324. Throwing or depositing certain substances upon highway; removal of such substances.

No person shall throw or deposit or cause to be deposited upon any highway any glass bottle, glass, nail, tack, wire, can, or any other substance likely to injure any person or animal, or damage any vehicle upon such highway, nor shall any person throw or deposit or cause to be deposited upon any highway any soil, sand, mud, gravel or other substances so as to create a hazard to the traveling public. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive, hazardous or injurious material shall immediately remove the same or cause it to be removed. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle. Any persons violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

This section shall not apply to the use, by a law-enforcement officer while in the discharge of official duties, of any device designed to deflate tires. The Division of Purchase and Supply shall, pursuant to §2.1-446, set minimum standards for such devices and shall give notice of such standards to law-enforcement offices in the Commonwealth. No such device shall be used which does not meet or exceed the standards.

§ 33.1-345. Cutting or injuring trees near highways, injuring bridges, markers, etc.; obstructing roads, etc.

Any person shall be guilty of a Class 1 misdemeanor who shall:

(1) Cut or injure a tree within fifty feet of a road so as to render it liable to fall and leave it standing;

(2) Knowingly and willfully, without lawful authority, break down, destroy or injure any bridge or log placed across a stream for the accommodation of pedestrians;

(3) Obstruct any road or any ditch made for the purpose of draining any such road;

(4), (5) [Repealed.]

(6) Willfully or maliciously displace, remove, destroy or injure any highway sign or historical marker or any inscription thereon lawfully within a highway;

(7) Put or cast into any public road any glass, bottles, glassware, crockery, porcelain or pieces thereof, or any pieces of iron or hard or sharp metal, or any nails, tacks or sharp-pointed instruments of any kind, likely in their nature to cut or puncture any tire of any vehicle or injure any animal traveling thereon. *This subdivision shall not apply to the use of any tire deflation device by a law enforcement officer while in the discharge of his official duties, provided the device was approved for use by the Division of Purchase and Supply.*

(8) [Repealed.]