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HOUSE BILL NO. 934**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Transportation
on February 12, 1998)

(Patron Prior to Substitute—Delegate Guest)

*A BILL to amend and reenact §§ 46.2-870 and 46.2-878 of the Code of Virginia, relating to speed limits, changes in speed limits, and reckless driving.***Be it enacted by the General Assembly of Virginia:****1. That §§ 46.2-870 and 46.2-878 of the Code of Virginia are amended and reenacted as follows:**

§ 46.2-870. Maximum speed limits generally.

Except as otherwise provided in this article, the maximum speed limit shall be ~~fifty-five~~ *seventy* miles per hour on interstate highways ~~or, fifty-five miles per hour for commercial vehicles and sixty-five miles per hour for all other vehicles on~~ other limited access highways with divided roadways, *fifty-five miles per hour for commercial vehicles and sixty miles per hour for all other vehicles on* nonlimited access highways having four or more lanes, and *fifty-five miles per hour on* all other state primary highways.

The maximum speed limit on all other highways shall be fifty-five miles per hour if the vehicle is a passenger motor vehicle, bus, pickup or panel truck, or a motorcycle, but forty-five miles per hour on such highways if the vehicle is a truck, tractor truck, or combination of vehicles designed to transport property, or is a motor vehicle being used to tow a vehicle designed for self-propulsion, or a house trailer.

Notwithstanding the foregoing provisions of this section, the maximum speed limits on (i) highways constructed pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.) and (ii) those rural interstate highways where both (a) permitted by federal laws and (b) indicated by lawfully placed signs shall be sixty-five miles per hour.

§ 46.2-878. Authority to change speed limits.

Notwithstanding the other provisions of this article, the Commonwealth Transportation Commissioner or other authority having jurisdiction over highways may decrease the speed limits set forth in § 46.2-870 and may increase or decrease the speed limits set forth in §§ 46.2-873 through 46.2-875 on any highway under its jurisdiction; and may establish differentiated speed limits for daytime and nighttime by decreasing for nighttime driving the speed limits set forth in § 46.2-870 and by increasing for daytime or decreasing for nighttime the speed limits set forth in §§ 46.2-873 through 46.2-875 on any highway under his jurisdiction. Such increased or decreased speed limits and such differentiated speed limits for daytime and nighttime driving shall be effective only when prescribed after a traffic engineering investigation and when indicated on the highway by signs. It shall be unlawful to operate any motor vehicle in excess of speed limits established and posted as provided in this section. *Before increasing or decreasing any speed limit as provided in this section, the Commonwealth Transportation Commissioner shall solicit and consider advice and comments from the local governing body of the locality in which the increased or decreased speed limit would apply.* The increased or decreased speed limits over highways under the control of the Commonwealth Transportation Commissioner shall be effective only when prescribed in writing by the Transportation Commissioner and kept on file in the Central Office of the Department of Transportation. Whenever the speed limit on any highway has been increased or decreased or a differential speed limit has been established and such speed limit is properly posted, there shall be a rebuttable presumption that the change in speed was properly established in accordance with the provisions of this section.