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SENATE BILL NO. 293

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on January 27, 2014)

(Patron Prior to Substitute—Senator Puckett)

A BILL to amend the Code of Virginia by adding a section numbered 46.2-867.1, relating to reckless driving resulting in death or injury to certain persons; penalties.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-867.1 as follows:

§ 46.2-867.1. Reckless driving resulting in death or injury to certain workers; penalties.

A. As used in this section:

"Emergency medical services personnel" means the same as that term is defined in § 32.1-111.1.

"Firefighter" means the same as that term is defined in § 9.1-300 and includes any member of a volunteer fire department.

"Government employee or contractor" means (i) an employee of the Department of Transportation, (ii) a contractor or employee of a contractor while working under contract with the Department of Transportation, (iii) an employee of a county, city, or town, (iv) a contractor or employee of a contractor while working under contract with a county, city, or town, or (v) employees of the Department of Motor Vehicles appointed or designated as size and weight compliance agents pursuant to § 46.2-217, when such "government employee or contractor" is someone who (a) performs maintenance, repair, or construction of interstate, state highway, or local street or road infrastructures and associated rights-of-way on interstate, highway, or local street or road work zones, (b) operates equipment on interstate, state highway, or local street or road infrastructures and associated rights-of-way on interstates, highways, or local street or road work zones, or (c) performs maintenance work on interstates, state highways, or local street or road work zones.

"Law-enforcement officer" means the same as that term is defined in § 9.1-101.

"Worker" means any emergency medical services personnel, firefighter, government employee or contractor, or law-enforcement officer as defined in this subsection.

B. Any person who violates any misdemeanor provision of this article or violates § 46.2-921.1 and as a direct and proximate cause strikes a worker who was not in a vehicle, was on a public roadway or work zone, and was engaged in his official duties and thereby causes the death or permanent and significant physical impairment of such worker is guilty of a Class 5 felony, and such person shall be ordered to pay a mandatory minimum fine of \$2,500.

C. For any person convicted under this section, the court shall suspend the privilege to operate a motor vehicle for one year. In addition, the court may impose a civil penalty of up to \$10,000 and the proceeds shall be deposited into the general fund.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 806 of the Acts of Assembly of 2013 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.