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SENATE BILL NO. 376

Offered January 8, 2014

Prefiled January 7, 2014

A BILL to amend and reenact §§ 46.2-920 and 46.2-1023 of the Code of Virginia, relating to emergency vehicles of the Virginia National Guard.

Patron—Reeves

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-920 and 46.2-1023 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-920. Certain 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, stopped or slow-moving vehicles, by going to the left of the stopped or slow-moving vehicle either in a no-passing zone or by crossing the highway centerline; or

7. Pass or overtake with due regard to the safety of persons and property, while en route to an emergency, 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 in subdivisions A1, A3, A4, A5, and A6 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 and 46.2-1023 and sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals, as may be reasonably necessary. The exemption granted under subdivision A 2 shall apply only when the operator of such emergency vehicle displays a flashing, blinking, or alternating emergency light or lights as provided in §§ 46.2-1022 and 46.2-1023 and either (a) sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals or (b) slows the vehicle down to a speed reasonable for the existing conditions, yields right-of-way to the driver of another vehicle approaching or entering the intersection from another direction or, if required for safety, brings the vehicle to a complete stop before proceeding with due regard for the safety of persons and property. In addition, the exemptions granted to emergency vehicles by subsection A shall apply 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.

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

1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer (i) in the chase or apprehension of violators of the law or persons charged with or suspected of any such violation or (ii) in response to an emergency call;
2. Any regional detention center vehicle operated by or under the direction of a correctional officer responding to an emergency call or operating in an emergency situation;

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

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

63 5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services
64 vehicle, when responding to an emergency call or operating in an emergency situation;

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

69 7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white
70 secondary warning lights under the provisions of § 46.2-1029.2; *and*

71 8. *Any Virginia National Guard vehicle when responding to an emergency.*

72 D. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local
73 law-enforcement officer may disregard speed limits, while having due regard for safety of persons and
74 property, (i) in testing the accuracy of speedometers of such vehicles, (ii) in testing the accuracy of
75 speed measuring devices specified in § 46.2-882, or (iii) in following another vehicle for the purpose of
76 determining its speed.

77 E. A Department of Environmental Quality vehicle, while en route to an emergency and with due
78 regard to the safety of persons and property, may overtake and pass stopped or slow-moving vehicles by
79 going off the paved or main traveled portion of the highway on the right or on the left. These
80 Department of Environmental Quality vehicles shall not be required to sound a siren or any device to
81 give automatically intermittent signals, but shall display red or red and white warning lights when
82 performing such maneuvers.

83 F. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local
84 law-enforcement officer while conducting a funeral escort, wide-load escort, dignitary escort, or any
85 other escort necessary for the safe movement of vehicles and pedestrians may, without subjecting
86 himself to criminal prosecution:

87 1. Disregard speed limits, while having due regard for safety of persons and property;

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

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

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

94 5. Pass or overtake, with due regard for the safety of persons and property, another vehicle.

95 Notwithstanding other provisions of this section, vehicles exempted in this subsection may sound a
96 siren or any device to give automatically intermittent signals.

97 **§ 46.2-1023. Flashing red or red and white warning lights.**

98 Fire apparatus, forest warden vehicles, ambulances, rescue and life-saving vehicles, vehicles of the
99 Department of Emergency Management, vehicles of the Department of Environmental Quality, *vehicles*
100 *of the Virginia National Guard when responding to an emergency on orders for duty under Title 32 of*
101 *the United States Code or state active duty*, vehicles of county, city, or town Departments of Emergency
102 Management, vehicles of the Office of Emergency Medical Services, animal warden vehicles, and
103 vehicles used by security personnel of the Northrop Grumman Shipbuilding, Inc., Bassett-Walker, Inc.,
104 the Winchester Medical Center, the National Aeronautics and Space Administration's Wallops Flight
105 Facility, and, within those areas specified in their orders of appointment, by special conservators of the
106 peace and policemen for certain places appointed pursuant to §§ 19.2-13 and 19.2-17 may be equipped
107 with flashing, blinking, or alternating red or red and white combination warning lights of types approved
108 by the Superintendent. Such warning lights may be of types constructed within turn signal housings or
109 motorcycle headlight housings, subject to approval by the Superintendent.