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**HOUSE BILL NO. 289**

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee on Transportation  
on February 17, 2016)

(Patron Prior to Substitute—Delegate Hesel)

A *BILL* to amend the Code of Virginia by adding a section numbered 46.2-800.3, relating to local regulation of driving in flooded areas; no wake.

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 46.2-800.3 as follows:**

**§ 46.2-800.3. Driving in flooded areas prohibited.**

*The governing body of any locality may by ordinance prohibit any person from operating a motor vehicle or watercraft on a flooded highway, street, alley, or parking lot, regardless of whether such highway, street, alley, or parking lot is publicly or privately owned, in such a willful and wanton manner as to increase the level or extent of floodwaters to a level or extent that is the proximate cause of damage to any real or personal property.*

*Such ordinance shall not apply to any law-enforcement officer, firefighter, or emergency medical services personnel engaged in the performance of their duties nor to the operator of any vehicle owned or controlled by the Department of Transportation or a public utility company as defined in § 56-265.1. Any locality adopting such an ordinance shall provide for adequate notice, including signs that, at a minimum, warn operators of motor vehicles of the prohibition and penalties.*

*A violation of such ordinance shall constitute a Class 4 misdemeanor.*