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SENATE BILL NO. 163

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation
on February 18, 2016)

(Patron Prior to Substitute—Senator Locke)

A *BILL to amend the Code of Virginia by adding a section numbered 46.2-800.3, relating to local regulation 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 manner as to increase the level of floodwaters to a level that causes or could reasonably be expected to cause 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 his 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 and watercraft of the prohibition and penalties.

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

HOUSE SUBSTITUTE

SB163H1