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**HOUSE BILL NO. 1785**

Offered January 11, 2017

Prefiled January 9, 2017

*A BILL to amend and reenact §§ 46.2-920 and 46.2-1024 of the Code of Virginia, relating to privately owned vehicles operated by operational officers of professional or volunteer fire departments exempt from driving regulations; warning lights on such vehicles.*

Patrons—Bell, Robert B. and Rasoul

Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:****1. That §§ 46.2-920 and 46.2-1024 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 46.2-1024 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 46.2-1024 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;

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59 2. Any regional detention center vehicle operated by or under the direction of a correctional officer  
60 responding to an emergency call or operating in an emergency situation;

61 3. Any vehicle used to fight fire, *or privately owned vehicle operated by an operational officer of a*  
62 *professional or volunteer fire department*, including publicly owned state forest warden vehicles, when  
63 traveling in response to a fire alarm or emergency call;

64 4. Any emergency medical services vehicle, *or privately owned vehicle operated by an operational*  
65 *officer of a professional or volunteer fire department*, designed or used for the principal purpose of  
66 providing emergency medical services where human life is endangered;

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

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

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

75 8. Any Virginia National Guard Civil Support Team vehicle when responding to an emergency.

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

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

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

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

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

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

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

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

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

101 **§ 46.2-1024. Flashing or steady-burning red or red and white warning lights.**

102 Any member of a fire department, volunteer fire company, or volunteer emergency medical services  
103 agency and any police chaplain may equip one vehicle owned by him with ~~no more than two~~ flashing or  
104 steady-burning red or red and white combination warning lights of types approved by the  
105 Superintendent. Warning lights permitted by this section shall be lit only when answering emergency  
106 calls. A vehicle equipped with lighting devices as authorized in this section shall be operated by a police  
107 chaplain only if he has successfully completed a course of training in the safe operation of a motor  
108 vehicle under emergency conditions and a certificate attesting to such successful completion, signed by  
109 the course instructor, is carried at all times in the vehicle when operated by the police chaplain to whom  
110 the certificate applies.