

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 46.2-861.1 and to repeal*  
3 *§ 46.2-921.1 of the Code of Virginia, relating to duties of drivers of vehicles approaching stationary*  
4 *vehicles displaying certain warning lights; penalty.*

5 [H 1911]

6 Approved

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8 **Be it enacted by the General Assembly of Virginia:**9 **1. That the Code of Virginia is amended by adding a section numbered 46.2-861.1 as follows:**10 **§ 46.2-861.1. Drivers to yield right-of-way or reduce speed when approaching stationary vehicles**  
11 **displaying certain warning lights on highways; penalties.**12 *A. The driver of any motor vehicle, upon approaching a stationary vehicle that is displaying a*  
13 *flashing, blinking, or alternating blue, red, or amber light or lights as provided in § 46.2-1022,*  
14 *46.2-1023, or 46.2-1024 or subsection B of § 46.2-1026 shall (i) on a highway having at least four*  
15 *lanes, at least two of which are intended for traffic proceeding as the approaching vehicle, proceed with*  
16 *caution and, if reasonable, with due regard for safety and traffic conditions, yield the right-of-way by*  
17 *making a lane change into a lane not adjacent to the stationary vehicle or (ii) if changing lanes would*  
18 *be unreasonable or unsafe, proceed with due caution and maintain a safe speed for highway conditions.*  
19 *A violation of any provision of this subsection is reckless driving.*20 *B. The driver of any motor vehicle, upon approaching a stationary vehicle that is displaying a*  
21 *flashing, blinking, or alternating amber light or lights as provided in subdivision A 1 or 2 of*  
22 *§ 46.2-1025 shall (i) on a highway having at least four lanes, at least two of which are intended for*  
23 *traffic proceeding as the approaching vehicle, proceed with caution and, if reasonable, with due regard*  
24 *for safety and traffic conditions, yield the right-of-way by making a lane change into a lane not adjacent*  
25 *to the stationary vehicle or (ii) if changing lanes would be unreasonable or unsafe, proceed with due*  
26 *caution and maintain a safe speed for highway conditions. A violation of any provision of this*  
27 *subsection shall be punishable as a traffic infraction.*28 *C. If the violation resulted in damage to property of another person, the court may, in addition,*  
29 *order the suspension of the driver's privilege to operate a motor vehicle for not more than one year. If*  
30 *the violation resulted in injury or death to another person, the court may, in addition to any other*  
31 *penalty imposed, order the suspension of the driver's privilege to operate a motor vehicle for not more*  
32 *than two years.*33 *D. The provisions of this section shall not apply in highway work zones as defined in § 46.2-878.1.*34 **2. That § 46.2-921.1 of the Code of Virginia is repealed.**35 **3. That the provisions of this act may result in a net increase in periods of imprisonment or**  
36 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the**  
37 **necessary appropriation cannot be determined for periods of imprisonment in state adult**  
38 **correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2018, Special Session I,**  
39 **requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of**  
40 **\$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**  
41 **appropriation cannot be determined for periods of commitment to the custody of the Department**  
42 **of Juvenile Justice.**

ENROLLED

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