

22105147D

HOUSE BILL NO. 793

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation
on January 27, 2022)

(Patron Prior to Substitute—Delegate LaRock)

A BILL to amend and reenact §§ 46.2-1029.2 and 46.2-1030 of the Code of Virginia, relating to traffic incident management vehicles.

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1029.2 and 46.2-1030 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1029.2. Certain vehicles may be equipped with secondary warning lights.

A. For purposes of this section, "traffic incident management vehicle" means any vehicle operating en route to or at the scene of a traffic accident or similar emergency that affects the travel lanes of a highway, provided that such vehicle is a (i) Department of Transportation vehicle operated by an incident management coordinator or (ii) vehicle operated pursuant to the Department of Transportation safety service patrol program or a contract with the Department of Transportation that includes traffic incident management services as defined in § 46.2-920.1.

B. In addition to other lights authorized by this article, any (i) fire apparatus, (ii) government-owned vehicle operated on official business by a local fire chief or other local fire official, and (iii) emergency medical services vehicle, or (iv) traffic incident management vehicle may be equipped with alternating, blinking, or flashing red or red and white secondary warning lights mounted inside the vehicle's taillights, headlights, or marker lights of a type approved by the Superintendent of State Police.

C. In order to operate a traffic incident management vehicle with lighted warning lights pursuant to this section, a traffic incident management vehicle operator shall be required to (i) complete an initial emergency vehicle operators course from an approved course list prepared by the Department of Fire Programs, the Office of Emergency Medical Services, or an equivalent agency and (ii) recertify as an emergency vehicle operator every two years.

§ 46.2-1030. When lights to be lighted; number of lights to be lighted at any time; use of warning lights.

A. Every vehicle in operation on a highway in the Commonwealth shall display lighted headlights and illuminating devices as required by this article (i) from sunset to sunrise; (ii) during any other time when, because of rain, smoke, fog, snow, sleet, insufficient light, or other unfavorable atmospheric conditions, visibility is reduced to a degree whereby persons or vehicles on the highway are not clearly discernible at a distance of 500 feet; and (iii) whenever windshield wipers are in use as a result of fog, rain, sleet, or snow. The provisions of this subsection, however, shall not apply to instances when windshield wipers are used intermittently in misting rain, sleet, or snow.

B. Not more than four lights used to provide general illumination ahead of the vehicle, including at least two headlights and any other combination of fog lights or other auxiliary lights approved by the Superintendent, shall be lighted at any time. However, motorcycles may be equipped with and use not more than five approved lights in order to provide general illumination ahead of the motorcycle. These limitations shall not preclude the display of warning lights authorized in §§ 46.2-1020 through 46.2-1027, or other lights as may be authorized by the Superintendent.

C. Vehicles equipped with warning lights authorized in §§ 46.2-1020 through 46.2-1027 shall display lighted warning lights as authorized in such sections at all times when responding to emergency calls, responding to traffic incidents, towing disabled vehicles, or constructing, repairing, and maintaining public highways or utilities on or along public highways, except that amber lights on vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbackers," need not be lit while the vehicle is in motion unless it is actually towing a vehicle.

D. The failure to display lighted headlights and illuminating devices under the conditions set forth in clause (iii) of subsection A shall not constitute negligence per se, nor shall violation of clause (iii) of subsection A constitute a defense to any claim for personal injury or recovery of medical expenses for injuries sustained in a motor vehicle accident.

E. No demerit points shall be assessed for failure to display lighted headlights and illuminating devices during periods of fog, rain, sleet, or snow in violation of clause (iii) of subsection A.

F. No citation for a violation of clause (iii) of subsection A shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute. No law-enforcement officer shall stop a motor vehicle for a

60 violation of this section, except that a law-enforcement officer may stop a vehicle if it displays no
61 lighted headlights during the time periods set forth in subsection A. No evidence discovered or obtained
62 as the result of a stop in violation of this subsection, including evidence discovered or obtained with the
63 operator's consent, shall be admissible in any trial, hearing, or other proceeding.