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HOUSE BILL NO. 1785

Offered January 11, 2023

Prefiled January 10, 2023

A BILL to amend and reenact §§ 46.2-874.1 and 46.2-878 of the Code of Virginia, relating to speed limit in residence districts; local authority; penalty.

Patron—Carr

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-874.1 and 46.2-878 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-874.1. Excess speed in residence districts; local ordinance; penalty.

A. The governing body of any town with a population between 14,000 and 15,000 may by ordinance (i) prohibit the operation of a motor vehicle at a speed of twenty miles per hour or more in excess of the applicable maximum speed limit in a residence district and (ii) provide that any person who violates the prohibition shall be subject to a mandatory civil penalty of \$100, not subject to suspension.

B. The governing body of ~~the City of Falls Church, or the City of Manassas~~ *any city* may by ordinance (i) prohibit the operation of a motor vehicle at a speed of fifteen miles per hour or more in excess of the applicable maximum speed limit in a residence district, as defined in § 46.2-100 of the Code of Virginia, when indicated by appropriately placed signs displaying the maximum speed limit and the penalty for violations, and (ii) provide that any person who violates the prohibition shall be subject to a civil penalty of \$100, in addition to other penalty provided by law.

§ 46.2-878. Authority to change speed limits.

A. Notwithstanding the other provisions of this article, the Commissioner of Highways or other authority having jurisdiction over highways may decrease the speed limits set forth in § 46.2-870 and may increase or decrease the speed limits set forth in §§ 46.2-873 through 46.2-875 on any highway under its jurisdiction; and may establish differentiated speed limits for daytime and nighttime by decreasing for nighttime driving the speed limits set forth in § 46.2-870 and by increasing for daytime or decreasing for nighttime the speed limits set forth in §§ 46.2-873 through 46.2-875 on any highway under his jurisdiction. Such increased or decreased speed limits and such differentiated speed limits for daytime and nighttime driving shall be effective only when prescribed after a traffic engineering investigation and when indicated on the highway by signs. It shall be unlawful to operate any motor vehicle in excess of speed limits established and posted as provided in this section. The increased or decreased speed limits over highways under the control of the Commissioner of Highways shall be effective only when prescribed in writing by the Commissioner of Highways and kept on file in the Central Office of the Department of Transportation. Whenever the speed limit on any highway has been increased or decreased or a differential speed limit has been established and such speed limit is properly posted, there shall be a rebuttable presumption that the change in speed was properly established in accordance with the provisions of this section.

B. Notwithstanding any other provision of this article, including the provisions of subsection A, the governing body of any town located entirely within the confines of a United States military base may by ordinance reduce the speed limit to less than 25 miles per hour on any highway within its boundaries, provided such reduced speed limit is indicated by lawfully placed signs.

C. *Notwithstanding any other provision of this article, including the provisions of subsection A, the governing body of any city may by ordinance reduce the default speed limit on any highway maintained by such city that is located in a residence district to less than 25 miles per hour, unless otherwise indicated by a sign. The provisions of § 46.2-879 shall not apply to violations of any ordinance adopted pursuant to this subsection.*

INTRODUCED

HB1785