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## HOUSE BILL NO. 1939

Offered January 11, 2023

Prefiled January 10, 2023

*A BILL to amend and reenact §§ 33.2-326 and 46.2-1300 of the Code of Virginia, relating to powers of local authorities; reducing speed limits; highways in the primary and secondary state highway systems.*

Patrons—Plum and Kory

Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 33.2-326 and 46.2-1300 of the Code of Virginia are amended and reenacted as follows:**

**§ 33.2-326. Control, supervision, and management of secondary state highway system components.**

A. The control, supervision, management, and jurisdiction over the secondary state highway system shall be vested in the Department, and the maintenance and improvement, including construction and reconstruction, of such secondary state highway system shall be by the Commonwealth under the supervision of the Commissioner of Highways. The boards of supervisors or other governing bodies of the counties shall have no control, supervision, management, or jurisdiction over such public highways, causeways, bridges, landings, and wharves constituting the secondary state highway system, *except as otherwise provided in § 46.2-1300*. Except as otherwise provided in this article, the Board shall be vested with the same powers, control, and jurisdiction over the secondary state highway system in the counties and towns of the Commonwealth, and such additions as may be made, as were vested in the boards of supervisors or other governing bodies of the counties on June 21, 1932, and in addition thereto shall be vested with the same power, authority, and control as to the secondary state highway system as is vested in the Board in connection with the primary state highway system.

B. Nothing in this chapter shall be construed as requiring the Department, when undertaking improvements to any secondary state highway system component or any portion of any such component, to fully reconstruct such component or portion thereof to bring it into compliance with all design and engineering standards that would be applicable to such component or portion thereof if the project involved new construction.

**§ 46.2-1300. Powers of local authorities generally; erection of signs and markers; maximum penalties.**

A. The governing bodies of counties, cities, and towns may adopt ordinances not in conflict with the provisions of this title to regulate the operation of vehicles on the highways in such counties, cities, and towns. They may also repeal, amend, or modify such ordinances and may erect appropriate signs or markers on the highway showing the general regulations applicable to the operation of vehicles on such highways. The governing body of any county, city, or town may by ordinance, or may by ordinance authorize its chief administrative officer to:

1. Increase or decrease the speed limit within its boundaries, provided such increase or decrease in speed shall be based upon an engineering and traffic investigation by such county, city or town and provided such speed area or zone is clearly indicated by markers or signs;

2. Authorize the city or town manager or such officer thereof as it may designate, to reduce for a temporary period not to exceed sixty days, without such engineering and traffic investigation, the speed limit on any portion of any highway of the city or town on which work is being done or where the highway is under construction or repair;

3. Require vehicles to come to a full stop or yield the right-of-way at a street intersection if one or more of the intersecting streets has been designated as a part of the primary state highway system in a town which has a population of less than 3,500;

4. ~~Reduce~~ *Notwithstanding the provisions of § 33.2-326 or 46.2-878, reduce* the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on any highway, *including those in the primary and secondary state highway systems*, within its boundaries that is located in a business district or residence district, provided that such reduced speed limit is indicated by lawfully placed signs.

B. No such ordinance shall be violated if at the time of the alleged violation the sign or marker placed in conformity with this section is missing, substantially defaced, or obscured so that an ordinarily observant person under the same circumstances would not be aware of the existence of the ordinance.

C. No governing body of a county, city, or town may (i) provide penalties for violating a provision of an ordinance adopted pursuant to this section which is greater than the penalty imposed for a similar

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59 offense under the provisions of this title or (ii) provide that a violation of a provision of an ordinance  
60 adopted pursuant to this section is cause for a stop or arrest of a driver when such a stop or arrest is  
61 prohibited for a similar offense under the provisions of this title.

62 D. No county whose roads are under the jurisdiction of the Department of Transportation shall  
63 designate, in terms of distance from a school, the placement of flashing warning lights unless the  
64 authority to do so has been expressly delegated to such county by the Department of Transportation, in  
65 its discretion.

66 E. No law-enforcement officer shall stop a motor vehicle for a violation of a local ordinance relating  
67 to the ownership or maintenance of a motor vehicle unless such violation is a jailable offense. No  
68 evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence  
69 discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other  
70 proceeding.