

23100569D

## SENATE BILL NO. 1293

Senate Amendments in [ ] - January 31, 2023

Prefiled January 10, 2023

A *BILL to amend and reenact §§ 46.2-821 and 46.2-833 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 13 of Title 46.2 a section numbered 46.2-1316, relating to bicycles; exemptions to certain traffic control devices; local ordinances.*

Patron Prior to Engrossment—Senator Deeds

Referred to Committee on Transportation

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

**1. That §§ 46.2-821 and 46.2-833 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 13 of Title 46.2 a section numbered 46.2-1316 as follows:**

**§ 46.2-821. Vehicles before entering certain highways shall stop or yield right-of-way.**

A. The driver of a vehicle approaching an intersection on a highway controlled by a stop sign shall, immediately before entering such intersection, stop at a clearly marked stop line, or, in the absence of a stop line, stop before entering the crosswalk on the near side of the intersection, or, in the absence of a marked crosswalk, stop at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. Before proceeding, he shall yield the right-of-way to the driver of any vehicle approaching on such other highway from either direction. *The provisions of this subsection shall not apply to the operator of a bicycle otherwise authorized by the local governing body in which the stop sign is located pursuant to § 46.2-1316.*

B. Where a "Yield Right-of-Way" sign is posted, the driver of a vehicle approaching or entering such intersection shall slow down to a speed reasonable for the existing conditions, yield the right-of-way to the driver of another vehicle approaching or entering such intersection from another direction, and, if required for safety, shall stop at a clearly marked stop or yield line, or, in the absence of a stop or yield line, stop before entering the crosswalk on the near side of the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway, and shall yield the right-of-way to the driver of any vehicle approaching on such other highway from either direction.

**§ 46.2-833. Traffic lights; penalty.**

A. Signals by traffic lights shall be as follows:

Steady red indicates that moving traffic shall stop and remain stopped as long as the red signal is shown, except in the direction indicated by a steady green arrow.

Green indicates the traffic shall move in the direction of the signal and remain in motion as long as the green signal is given, except that such traffic shall yield to other vehicles and pedestrians lawfully within the intersection.

Steady amber indicates that a change is about to be made in the direction of the moving of traffic. When the amber signal is shown, traffic which has not already entered the intersection, including the crosswalks, shall stop if it is not reasonably safe to continue, but traffic which has already entered the intersection shall continue to move until the intersection has been cleared.

Flashing circular red indicates that traffic shall stop before entering an intersection. Such traffic shall yield the right-of-way to pedestrian and vehicular traffic lawfully within the intersection.

Flashing red arrow indicates that traffic shall stop before entering an intersection. After stopping, traffic may cautiously enter the intersection to turn in the direction of the signal. Such traffic shall yield the right-of-way to pedestrian and vehicular traffic lawfully within the intersection.

Flashing circular amber indicates that traffic may proceed through the intersection or past such signal with reasonable care under the circumstances. Such traffic shall yield the right-of-way to pedestrian and vehicular traffic lawfully within the intersection.

Flashing amber arrow indicates that traffic may turn in the direction of such signal with reasonable care under the circumstances. Such traffic shall yield the right-of-way to pedestrian and vehicular traffic lawfully within the intersection.

B. Notwithstanding any other provision of law, if a driver of a motorcycle or moped or a bicycle rider approaches an intersection that is controlled by a traffic light, the driver or rider may proceed through the intersection on a steady red light only if the driver or rider (i) comes to a full and complete stop at the intersection for two complete cycles of the traffic light or for two minutes, whichever is shorter, *unless otherwise authorized by the local governing body in which the traffic light is located pursuant to § 46.2-1316;* (ii) exercises due care as provided by law; (iii) otherwise treats the traffic

ENGROSSED

SB1293E

59 control device as a stop sign; (iv) determines that it is safe to proceed; and (v) yields the right of way  
60 to the driver of any vehicle approaching on such other highway from either direction.

61 C. If the traffic lights controlling an intersection are out of service because of a power failure or  
62 other event that prevents the giving of signals by the traffic lights, the drivers of vehicles approaching  
63 such an intersection shall proceed as though such intersection were controlled by a stop sign on all  
64 approaches. The provisions of this subsection shall not apply to: intersections controlled by portable stop  
65 signs, intersections with law-enforcement officers or other authorized persons directing traffic, or  
66 intersections controlled by traffic lights displaying flashing red or flashing amber lights as provided in  
67 subsection A.

68 D. The driver of any motor vehicle may be detained or arrested for a violation of this section if the  
69 detaining law-enforcement officer is in uniform, displays his badge of authority, and (i) has observed the  
70 violation or (ii) has received a message by radio or other wireless telecommunication device from  
71 another law-enforcement officer who observed the violation. In the case of a person being detained or  
72 arrested based on a radio message, the message shall be sent immediately after the violation is observed,  
73 and the observing officer shall furnish the license number or other positive identification of the vehicle  
74 to the detaining officer.

75 Violation of any provision of this section shall constitute a traffic infraction punishable by a fine of  
76 no more than \$350.

77 ***§ 46.2-1316. Operation of bicycles; exceptions to certain traffic control devices.***

78 A. *[ The Notwithstanding § 46.2-830, the ] governing body of any county, city, or town may by*  
79 *ordinance authorize a person operating a bicycle when approaching a stop sign, after slowing to a*  
80 *reasonable speed and yielding the right-of-way if necessary, to make a turn or proceed through the*  
81 *intersection without stopping, provided that no other vehicle will be in the intersection or approaching*  
82 *on another highway so closely as to constitute an immediate hazard while the person operating the*  
83 *bicycle is moving across or within the intersection.*

84 B. *[ The Notwithstanding § 46.2-830, the ] governing body of any county, city, or town may by*  
85 *ordinance authorize a person operating a bicycle when approaching an intersection that is controlled by*  
86 *a traffic light to proceed through the intersection on a steady red light, provided that the operator (i)*  
87 *first comes to a complete stop, (ii) exercises due care, (iii) otherwise treats the steady red light as a*  
88 *stop sign, (iv) determines that it is safe to proceed, and (v) yields the right of way to the driver of any*  
89 *vehicle in the intersection or approaching on such other highway from either direction.*