

23104693D

SENATE BILL NO. 847

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation
on January 26, 2023)

(Patrons Prior to Substitute—Senators Favola and DeSteph [SB 1009])

A BILL to amend and reenact §§ 46.2-800 and 46.2-833 of the Code of Virginia, relating to pedestrian control signals; persons riding bicycles and other devices.

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-800 and 46.2-833 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-800. Riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, or motorized skateboards or scooters; riding or driving animals.

A. Every person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, motorized skateboard or scooter, or animal or driving an animal on a highway shall be subject to the provisions of this chapter and shall have all of the rights and duties applicable to the driver of a vehicle, unless the context of the provision clearly indicates otherwise.

B. Notwithstanding the provisions of this section, § 46.2-830, and subsection B of § 46.2-833, a person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or motorized skateboard or scooter may follow the pedestrian control signal indicating Walk straight through an intersection corresponding to the person's direction of travel, provided that such person shall yield to pedestrians in the crosswalk controlled by the same signal.

C. The provisions of subsections A and C of § 46.2-920 applicable to operation of emergency vehicles under emergency conditions shall also apply, mutatis mutandis, to bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, and motorized skateboards or scooters operated under similar emergency conditions by law-enforcement officers.

§ 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, *except the provisions of subsection B of § 46.2-800*, 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, (ii) exercises due care as provided by law, (iii) otherwise treats the traffic control device as a stop sign, (iv) determines that it is safe to proceed, and (v) yields the right of way to the driver of any vehicle approaching on such other highway from either direction.

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

60 intersections controlled by traffic lights displaying flashing red or flashing amber lights as provided in
61 subsection A.

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

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