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HOUSE BILL NO. 1071

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation
on February 1, 2024)

(Patron Prior to Substitute—Delegate Carr)

A *BILL to amend and reenact §§ 46.2-878 and 46.2-1300 of the Code of Virginia, relating to speed limits; local authority.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-878 and 46.2-1300 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-878. Authority to change speed limits.

A. Notwithstanding the other provisions of this article, *and except as otherwise provided in subdivision A 4 of § 46.2-1300*, 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~~ *is* 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.

§ 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~~ 60 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~~ *that* has a population of less than 3,500;

4. 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 state highway system*, within its boundaries that is located in a business district or residence district *for which the existing posted speed limit is 25 miles per hour, and restore a speed limit that had been reduced pursuant to this subdivision to the speed limit that had been previously posted at that location*, provided that such reduced or restored speed limit is indicated by lawfully placed signs. *At least 30 days prior to changing a speed limit on any highway in the state highway system pursuant to this subdivision, the governing body shall provide written notice of the change to the Commissioner of Highways. If any provision of this subdivision is inconsistent with the provisions of § 33.2-310, 33.2-317, 33.2-326, or 46.2-878, this subdivision shall be controlling.*

B. No such ordinance shall be violated if at the time of the alleged violation the sign or marker

60 placed in conformity with this section is missing, substantially defaced, or obscured so that an ordinarily
61 observant person under the same circumstances would not be aware of the existence of the ordinance.

62 C. No governing body of a county, city, or town may (i) provide penalties for violating a provision
63 of an ordinance adopted pursuant to this section ~~which~~ *that* is greater than the penalty imposed for a
64 similar offense under the provisions of this title or (ii) provide that a violation of a provision of an
65 ordinance adopted pursuant to this section is cause for a stop or arrest of a driver when such a stop or
66 arrest is prohibited for a similar offense under the provisions of this title.

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

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