

VIRGINIA ACTS OF ASSEMBLY -- 1997 SESSION

CHAPTER 431

An Act to amend and reenact §§ 46.2-888, 46.2-894, 46.2-896, and 46.2-1200 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-1212.1, relating to abandoned vehicles and vehicles involved in accidents.

[S 678]

Approved March 16, 1997

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-888, 46.2-894, 46.2-896, and 46.2-1200 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-1212.1 as follows:

§ 46.2-888. Stopping on highways; general rule.

No person shall stop a vehicle in such manner as to impede or render dangerous the use of the highway by others, except in the case of an emergency, an accident, or a mechanical breakdown. In the event of such an emergency, accident, or breakdown, the emergency flashing lights of such vehicle shall be turned on if the vehicle is equipped with such lights and such lights are in working order. *If the driver is capable of doing so and the vehicle is movable, the driver may move the vehicle only so far as is necessary to prevent obstructing the regular flow of traffic; provided, however, that the movement of the vehicle to prevent the obstruction of traffic shall not relieve the law-enforcement officer of his duty pursuant to § 46.2-373.* A report of the vehicle's location shall be made to the nearest law-enforcement officer as soon as practicable, and the vehicle shall be moved from the roadway to the shoulder as soon as possible and removed from the shoulder without unnecessary delay. If the vehicle is not promptly removed, such removal may be ordered by a law-enforcement officer at the expense of the owner if the disabled vehicle creates a traffic hazard.

§ 46.2-894. Duty of driver to stop, etc., in event of accident involving injury or death or damage to attended property.

The driver of any vehicle involved in an accident in which a person is killed or injured or in which an attended vehicle or other attended property is damaged shall immediately stop as close to the scene of the accident as possible without obstructing traffic, *as provided in § 46.2-888*, and report his name, address, driver's license number, and vehicle registration number forthwith to the State Police or local law-enforcement agency, to the person struck and injured if such person appears to be capable of understanding and retaining the information, or to the driver or some other occupant of the vehicle collided with or to the custodian of other damaged property. The driver shall also render reasonable assistance to any person injured in such accident, including taking such injured person to a physician, surgeon, or hospital if it is apparent that medical treatment is necessary or is requested by the injured person.

Where, because of injuries sustained in the accident, the driver is prevented from complying with the foregoing provisions of this section, the driver shall, as soon as reasonably possible, make the required report to the State Police or local law-enforcement agency and make a reasonable effort to locate the person struck, or the driver or some other occupant of the vehicle collided with, or the custodian of the damaged property, and report to such person or persons his name, address, driver's license number, and vehicle registration number.

§ 46.2-896. Duties of driver in event of accident involving damage only to unattended property.

The driver of any vehicle involved in an accident in which no person is killed or injured, but in which an unattended vehicle or other unattended property is damaged, shall make a reasonable effort to find the owner or custodian of such property and shall report to the owner or custodian the information which the driver is required to report pursuant to § 46.2-894 if such owner or custodian is found. If the owner or custodian of such damaged vehicle or property cannot be found, the driver shall leave a note in a conspicuous place at the scene of the accident and shall report the accident in writing within twenty-four hours to the State Police or, ~~if the accident occurs in a city or town, to the local~~ law-enforcement agency. Such note and written report shall contain the information which the driver is required to report pursuant to § 46.2-894 ~~and such~~. The written report shall ~~state~~, in addition, ~~state~~ the date, time, and place of the accident and the driver's estimate of the property damage.

Where, ~~as a result because~~ of injuries sustained in the accident, the driver is prevented from complying with the ~~above foregoing~~ provisions of this section, the driver shall, as soon as reasonably possible, make the required report to the State Police or local law-enforcement agency and make a reasonable effort to ~~find~~ locate the owner or custodian of the unattended vehicle or property and report to ~~such person or persons such~~ him the information as is required to be reported pursuant to by § 46.2-894.

§ 46.2-1200. Definitions.

As used in this article:

"Abandoned motor vehicle" means a motor vehicle, trailer, or semitrailer or part of a motor vehicle, trailer, or semitrailer that:

1. Is inoperable and is left unattended on public property, *other than an interstate highway or primary highway*, for more than forty-eight hours, or
2. Has remained illegally on public property for more than forty-eight hours, or
3. Has remained for more than forty-eight hours on private property without the consent of the property's owner, regardless of whether it was brought onto the private property with the consent of the owner or person in control of the private property, or
4. *Is inoperable, left unattended, or both, on an interstate highway, or*
5. *Is inoperable, left unattended, or both, on the shoulder of a primary highway.*

"Inoperable abandoned motor vehicle" means an abandoned motor vehicle which is inoperable and whose fair market value, as determined by the locality's official responsible for assessing motor vehicles under § 58.1-3503, is less than the cost of its restoration to an operable condition.

§ 46.2-1212.1. *Authority to provide for removal and disposition of vehicles and cargoes of vehicles involved in accidents.*

A. *As a result of a motor vehicle accident or incident, the Department of State Police and/or local law-enforcement agency in conjunction with other public safety agencies may, without the consent of the owner or carrier, remove:*

1. *A vehicle, cargo, or other personal property that has been (i) damaged or spilled within the right-of-way or any portion of a roadway in the state highway system and (ii) is blocking the roadway or may otherwise be endangering public safety; or*

2. *Cargo or personal property that the Department of Transportation, Department of Emergency Services, or the fire officer in charge has reason to believe is a hazardous material, hazardous waste or regulated substance as defined by the Virginia Waste Management Act (§ 10.1-1400 et seq.), a hazardous waste or regulated substance as defined by the Hazardous Materials Transportation Act (49 U.S.C. § 1808 et seq.) or the State Water Control Law (§ 62.1-44 et seq.), if the Department of Transportation or applicable person complies with the applicable procedures and instructions defined either by the Department of Emergency Services or the fire officer in charge.*

B. *The Department of Transportation, Department of State Police, Department of Emergency Services, local law-enforcement agency and other local public safety agencies and their officers, employees and agents, shall not be held responsible for any damages or claims that may result from the failure to exercise any authority granted under this section provided they are acting in good faith.*

C. *The owner and carrier, if any, of the vehicle, cargo or personal property removed or disposed of under the authority of this section shall reimburse the Department of Transportation, Department of State Police, Department of Emergency Services, local law-enforcement agency, and local public safety agencies for all costs incurred in the removal and subsequent disposition of such property.*