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HOUSE BILL NO. 2211

Offered January 13, 2025

Prefiled January 7, 2025

A BILL to amend and reenact §§ 46.2-920, 46.2-1023, and 46.2-1030 of the Code of Virginia, relating to flashing red and white warning lights; emergency vehicle exemptions; mine rescue team vehicles.

Patron—O'Quinn

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-920, 46.2-1023, and 46.2-1030 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-920. Certain vehicles exempt from regulations in certain situations; exceptions and additional requirements.

A. The driver of any emergency vehicle, when such vehicle is being used in the performance of public services, and when such vehicle is operated under emergency conditions, may, without subjecting himself to criminal prosecution:

- 1. Disregard speed limits, while having due regard for safety of persons and property;
- 2. Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating moving traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal, traffic light, or device with due regard to the safety of persons and property;
- 3. Park or stop notwithstanding the other provisions of this chapter;
- 4. Disregard regulations governing a direction of movement of vehicles turning in specified directions so long as the operator does not endanger life or property;
- 5. Pass or overtake, with due regard to the safety of persons and property, another vehicle at any intersection;
- 6. Pass or overtake with due regard to the safety of persons and property, while en route to an emergency, stopped or slow-moving vehicles, by going to the left of the stopped or slow-moving vehicle either in a no-passing zone or by crossing the highway centerline; or
- 7. Pass or overtake with due regard to the safety of persons and property, while en route to an emergency, stopped or slow-moving vehicles, by going off the paved or main traveled portion of the roadway on the right. Notwithstanding other provisions of this section, vehicles exempted in this instance will not be required to sound a siren or any device to give automatically intermittent signals.

B. The exemptions granted to emergency vehicles by ~~subsection A~~ in subdivisions ~~A 1, A 3, A 4, A 5, and A 6~~ shall apply only when the operator of such vehicle displays a flashing, blinking, or alternating emergency light or lights as provided in §§ 46.2-1022 and 46.2-1023 and sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals, as may be reasonably necessary. The exemption granted under subdivision A 2 shall apply only when the operator of such emergency vehicle displays a flashing, blinking, or alternating emergency light or lights as provided in §§ 46.2-1022 and 46.2-1023 and either (a) sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals or (b) slows the vehicle down to a speed reasonable for the existing conditions, yields right-of-way to the driver of another vehicle approaching or entering the intersection from another direction or, if required for safety, brings the vehicle to a complete stop before proceeding with due regard for the safety of persons and property. In addition, the exemptions granted to emergency vehicles by subsection A shall apply only when there is in force and effect for such vehicle either (i) standard motor vehicle liability insurance covering injury or death to any person in the sum of at least \$100,000 because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of \$300,000 because of bodily injury to or death of two or more persons in any one accident, and to a limit of \$20,000 because of injury to or destruction of property of others in any one accident or (ii) a certificate of self-insurance issued pursuant to § 46.2-368. Such exemptions shall not, however, protect the operator of any such vehicle from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property. Nothing in this section shall release the operator of any such vehicle from civil liability for failure to use reasonable care in such operation.

C. For the purposes of this section, the term "emergency vehicle" shall mean means:

- 1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer (i) in the chase or apprehension of violators of the law or persons charged with or suspected of any such violation or (ii) in response to an emergency call;
- 2. Any regional detention center vehicle operated by or under the direction of a correctional officer

59 responding to an emergency call or operating in an emergency situation;

60 3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in
61 response to a fire alarm or emergency call;

62 4. Any emergency medical services vehicle designed or used for the principal purpose of providing
63 emergency medical services where human life is endangered;

64 5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services vehicle,
65 when responding to an emergency call or operating in an emergency situation;

66 6. Any Department of Corrections vehicle designated by the Director of the Department of Corrections,
67 when (i) responding to an emergency call at a correctional facility, (ii) participating in a drug-related
68 investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request for assistance
69 from a law-enforcement officer;

70 7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white
71 secondary warning lights under the provisions of § 46.2-1029.2;

72 8. Any Virginia National Guard Civil Support Team vehicle when responding to an emergency; ~~and~~

73 9. Any vehicle operated by the Response and Recovery Coordination Branch of the Washington
74 Metropolitan Area Transit Authority's Office of Emergency Preparedness, when responding to an emergency,
75 provided that the operator of any such vehicle (i) has completed an initial emergency vehicle operators course
76 from an approved course list prepared by the Department of Fire Programs, the Office of Emergency Medical
77 Services, or an equivalent agency and (ii) recertifies as an emergency vehicle operator every two years; *and*

78 10. *Any vehicle operated by a mine rescue team that is certified as a mine rescue team by the Mine Safety
79 and Health Administration under 30 C.F.R. Part 49 when responding to a mine emergency, provided that the
80 operator of any such vehicle (i) has completed an initial emergency vehicle operator course from an
81 approved course list prepared by the Department of Fire Programs, the Office of Emergency Medical
82 Services, or an equivalent agency and (ii) recertifies as an emergency vehicle operator every two years.*

83 D. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local
84 law-enforcement officer may disregard speed limits, while having due regard for safety of persons and
85 property, (i) in testing the accuracy of speedometers of such vehicles, (ii) in testing the accuracy of speed
86 measuring devices specified in § 46.2-882, or (iii) in following another vehicle for the purpose of determining
87 its speed.

88 E. A Department of Environmental Quality vehicle, while en route to an emergency and with due regard
89 to the safety of persons and property, may overtake and pass stopped or slow-moving vehicles by going off
90 the paved or main traveled portion of the highway on the right or on the left. These Department of
91 Environmental Quality vehicles shall not be required to sound a siren or any device to give automatically
92 intermittent signals, but shall display red or red and white warning lights when performing such maneuvers.

93 F. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-
94 enforcement officer while conducting a funeral escort, wide-load escort, dignitary escort, or any other escort
95 necessary for the safe movement of vehicles and pedestrians may, without subjecting himself to criminal
96 prosecution:

97 1. Disregard speed limits, while having due regard for safety of persons and property;

98 2. Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating moving
99 traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal, traffic light, or
100 device with due regard for the safety of persons and property;

101 3. Park or stop notwithstanding the other provisions of this chapter;

102 4. Disregard regulations governing a direction of movement of vehicles turning in specified directions so
103 long as the operator does not endanger life or property; or

104 5. Pass or overtake, with due regard for the safety of persons and property, another vehicle.

105 Notwithstanding other provisions of this section, vehicles exempted in this subsection may sound a siren
106 or any device to give automatically intermittent signals.

107 **§ 46.2-1023. Flashing red or red and white warning lights.**

108 Fire apparatus, forest warden vehicles, emergency medical services vehicles, vehicles of the Department
109 of Emergency Management, vehicles of the Department of Environmental Quality, vehicles of the Virginia
110 National Guard Civil Support Team and the Virginia National Guard Chemical, Biological, Radiological,
111 Nuclear and High Yield Explosive (CBRNE) Enhanced Response Force Package (CERFP) when responding
112 to an emergency, vehicles of county, city, or town Departments of Emergency Management, vehicles of the
113 Office of Emergency Medical Services, animal warden vehicles, vehicles of the Response and Recovery
114 Coordination Branch of the Washington Metropolitan Area Transit Authority's Office of Emergency
115 Preparedness, *vehicles of mine rescue teams that are certified as mine rescue teams by the Mine Safety and
116 Health Administration under 30 C.F.R. Part 49,* and vehicles used by security personnel of the Huntington
117 Ingalls Industries, Bassett-Walker, Inc., the Winchester Medical Center, the National Aeronautics and Space
118 Administration's Wallops Flight Facility, and, within those areas specified in their orders of appointment, by
119 special conservators of the peace and policemen for certain places appointed pursuant to §§ 19.2-13 and

120 19.2-17 may be equipped with flashing, blinking, or alternating red or red and white combination warning
121 lights of types approved by the Superintendent. Such warning lights may be of types constructed within turn
122 signal housings or motorcycle headlight housings, subject to approval by the Superintendent.

123 **§ 46.2-1030. When lights to be lighted; number of lights to be lighted at any time; use of warning**
124 **lights.**

125 A. Every vehicle in operation on a highway in the Commonwealth shall display lighted headlights and
126 illuminating devices as required by this article (i) from sunset to sunrise; (ii) during any other time when,
127 because of rain, smoke, fog, snow, sleet, insufficient light, or other unfavorable atmospheric conditions,
128 visibility is reduced to a degree whereby persons or vehicles on the highway are not clearly discernible at a
129 distance of 500 feet; and (iii) whenever windshield wipers are in use as a result of fog, rain, sleet, or snow.
130 The provisions of this subsection, however, shall not apply to instances when windshield wipers are used
131 intermittently in misting rain, sleet, or snow.

132 B. Not more than four lights used to provide general illumination ahead of the vehicle, including at least
133 two headlights and any other combination of fog lights or other auxiliary lights approved by the
134 Superintendent, shall be lighted at any time. However, motorcycles may be equipped with and use not more
135 than five approved lights in order to provide general illumination ahead of the motorcycle. These limitations
136 shall not preclude the display of warning lights authorized in §§ 46.2-1020 through 46.2-1027, or other lights
137 as may be authorized by the Superintendent.

138 C. Vehicles equipped with warning lights authorized in §§ 46.2-1020 through 46.2-1027 shall display
139 lighted warning lights as authorized in such sections at all times when responding to emergency calls,
140 responding to traffic incidents, responding to metropolitan transit-related incidents, *responding to mine*
141 *rescue incidents*, towing disabled vehicles, or constructing, repairing, and maintaining public highways or
142 utilities on or along public highways, except that amber lights on vehicles designed with a ramp on wheels
143 and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks," need
144 not be lit while the vehicle is in motion unless it is actually towing a vehicle.

145 D. The failure to display lighted headlights and illuminating devices under the conditions set forth in
146 clause (iii) of subsection A shall not constitute negligence per se, nor shall violation of clause (iii) of
147 subsection A constitute a defense to any claim for personal injury or recovery of medical expenses for
148 injuries sustained in a motor vehicle accident.

149 E. No demerit points shall be assessed for failure to display lighted headlights and illuminating devices
150 during periods of fog, rain, sleet, or snow in violation of clause (iii) of subsection A.

151 F. No citation for a violation of clause (iii) of subsection A shall be issued unless the officer issuing such
152 citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision
153 of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any
154 criminal statute. No law-enforcement officer shall stop a motor vehicle for a violation of this section, except
155 that a law-enforcement officer may stop a vehicle if it displays no lighted headlights during the time periods
156 set forth in subsection A. No evidence discovered or obtained as the result of a stop in violation of this
157 subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any
158 trial, hearing, or other proceeding.