

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 46.2-920 and 46.2-1023 of the Code of Virginia, relating to flashing red and*
 3 *white warning lights; emergency vehicle exemptions; Department of Military Affairs emergency vehicles.*

4 [H 351]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That §§ 46.2-920 and 46.2-1023 of the Code of Virginia are amended and reenacted as follows:**8 **§ 46.2-920. Certain vehicles exempt from regulations in certain situations; exceptions and additional**
 9 **requirements.**10 A. The driver of any emergency vehicle, when such vehicle is being used in the performance of public
 11 services, and when such vehicle is operated under emergency conditions, may, without subjecting himself to
 12 criminal prosecution:

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

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

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

18 4. Disregard regulations governing a direction of movement of vehicles turning in specified directions so
 19 long as the operator does not endanger life or property;20 5. Pass or overtake, with due regard to the safety of persons and property, another vehicle at any
 21 intersection;22 6. Pass or overtake with due regard to the safety of persons and property, while en route to an emergency,
 23 stopped or slow-moving vehicles, by going to the left of the stopped or slow-moving vehicle either in a no-
 24 passing zone or by crossing the highway centerline; or25 7. Pass or overtake with due regard to the safety of persons and property, while en route to an emergency,
 26 stopped or slow-moving vehicles, by going off the paved or main traveled portion of the roadway on the
 27 right. Notwithstanding other provisions of this section, vehicles exempted in this instance will not be required
 28 to sound a siren or any device to give automatically intermittent signals.29 B. The exemptions granted to emergency vehicles in subdivisions A 1, 3, 4, 5, and 6 shall apply only
 30 when the operator of such vehicle displays a flashing, blinking, or alternating emergency light or lights as
 31 provided in §§ 46.2-1022 and 46.2-1023 and sounds a siren, exhaust whistle, or air horn designed to give
 32 automatically intermittent signals, as may be reasonably necessary. The exemption granted under subdivision
 33 A 2 shall apply only when the operator of such emergency vehicle displays a flashing, blinking, or alternating
 34 emergency light or lights as provided in §§ 46.2-1022 and 46.2-1023 and either (a) sounds a siren, exhaust
 35 whistle, or air horn designed to give automatically intermittent signals or (b) slows the vehicle down to a
 36 speed reasonable for the existing conditions, yields right-of-way to the driver of another vehicle approaching
 37 or entering the intersection from another direction or, if required for safety, brings the vehicle to a complete
 38 stop before proceeding with due regard for the safety of persons and property. In addition, the exemptions
 39 granted to emergency vehicles by subsection A shall apply only when there is in force and effect for such
 40 vehicle either (i) standard motor vehicle liability insurance covering injury or death to any person in the sum
 41 of at least \$100,000 because of bodily injury to or death of one person in any one accident and, subject to the
 42 limit for one person, to a limit of \$300,000 because of bodily injury to or death of two or more persons in any
 43 one accident, and to a limit of \$20,000 because of injury to or destruction of property of others in any one
 44 accident or (ii) a certificate of self-insurance issued pursuant to § 46.2-368. Such exemptions shall not,
 45 however, protect the operator of any such vehicle from criminal prosecution for conduct constituting reckless
 46 disregard of the safety of persons and property. Nothing in this section shall release the operator of any such
 47 vehicle from civil liability for failure to use reasonable care in such operation.

48 C. For the purposes of this section, "emergency vehicle" means:

49 1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-
 50 enforcement officer (i) in the chase or apprehension of violators of the law or persons charged with or
 51 suspected of any such violation or (ii) in response to an emergency call;52 2. Any regional detention center vehicle operated by or under the direction of a correctional officer
 53 responding to an emergency call or operating in an emergency situation;54 3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in
 55 response to a fire alarm or emergency call;

56 4. Any emergency medical services vehicle designed or used for the principal purpose of providing

57 emergency medical services where human life is endangered;

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

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

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

66 8. Any *Department of Military Affairs emergency vehicle* or Virginia National Guard Civil Support Team
67 vehicle when responding to an emergency;

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

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

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

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

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

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

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

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

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

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

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

102 **§ 46.2-1023. Flashing red or red and white warning lights.**

103 Fire apparatus, forest warden vehicles, emergency medical services vehicles, vehicles of the Department
104 of Emergency Management, vehicles of the Department of Environmental Quality, *emergency vehicles of the*
105 *Department of Military Affairs and* vehicles of the Virginia National Guard Civil Support Team and the
106 Virginia National Guard Chemical, Biological, Radiological, Nuclear and High Yield Explosive (CBRNE)
107 Enhanced Response Force Package (CERFP) when responding to an emergency, vehicles of county, city, or
108 town Departments of Emergency Management, vehicles of the Office of Emergency Medical Services,
109 animal warden vehicles, vehicles of the Response and Recovery Coordination Branch of the Washington
110 Metropolitan Area Transit Authority's Office of Emergency Preparedness, vehicles of mine rescue teams that
111 are certified as mine rescue teams by the Mine Safety and Health Administration under 30 C.F.R. Part 49,
112 and vehicles used by security personnel of the Huntington Ingalls Industries, Bassett-Walker, Inc., the
113 Winchester Medical Center, the National Aeronautics and Space Administration's Wallops Flight Facility,
114 and, within those areas specified in their orders of appointment, by special conservators of the peace and
115 policemen for certain places appointed pursuant to §§ 19.2-13 and 19.2-17 may be equipped with flashing,
116 blinking, or alternating red or red and white combination warning lights of types approved by the
117 Superintendent. Such warning lights may be of types constructed within turn signal housings or motorcycle
118 headlight housings, subject to approval by the Superintendent.