

SENATE BILL NO. 687

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation

on January 25, 2024)

(Patron Prior to Substitute--Senator Ebbin)

A BILL to amend and reenact § 46.2-816.1 of the Code of Virginia, relating to careless driving and infliction of injury or death on vulnerable road users; penalty.

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-816.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-816.1. Careless driving and infliction of injury or death on vulnerable road users; penalty.

~~A. As used in~~ For purposes of this section,:

"Careless or distracted manner" means (i) failing to operate a motor vehicle in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic, and all other attendant circumstances, so as not to endanger the life, limb, or property of any vulnerable road user; (ii) operating a motor vehicle while engaged in another activity that diverts the driver's attention from driving, including talking or texting on a handheld mobile telephone or any other handheld wireless communication device, adjusting a radio, navigation system, or other equipment, or eating or drinking; or (iii) operating a motor vehicle in violation of any provision of this chapter.

~~"vulnerable~~ Vulnerable road user" means a pedestrian; the operator of or passenger on a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, wheel chair or wheel chair conveyance, skateboard, roller skates, motorized skateboard or scooter, or animal-drawn vehicle or any attached device; or any person riding an animal.

B. It is a Class 1 misdemeanor to operate a motor vehicle in a careless or distracted manner such that the careless or distracted operation is the proximate cause of serious bodily injury as defined in §

26 18.2-51.4 to or the death of a vulnerable road user who is lawfully present on the highway at the time of
27 injury or death.

28 C. A prosecution or proceeding under § 46.2-852 is a bar to a prosecution or proceeding under this
29 section for the same act, and a prosecution or proceeding under this section is a bar to a prosecution or
30 proceeding under § 46.2-852 for the same act.

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