

SUPPORT SB 687 – Sen Adam Ebbin (D)

Topic: Careless driving and infliction of injury or death on vulnerable road users; penalty.

Bill Patrons: Senator Ebbin

Reasons to support:

- Current Virginia traffic code has only two levels of penalties for drivers who kill or seriously injure a vulnerable road user who had the legal right of way.
 - The driver can be charged with “reckless” driving or “failure to yield the right of way”.
 - A “reckless” driver is a felony with potential jail time of up to 1 year plus fines of up to \$3,000. However, reckless driving is hard to prove b/c, among other criteria, the driver must be proven to be traveling more than 20 mph above the speed limit.
 - Failure to yield is deemed to be an “infraction” with a nominal fine, maybe up to \$250 but nothing else.
 - Despite the “vulnerable road user” law being passed into law 2 years ago; the courts have subsequently found that the definition of “careless or distracted driving” is not clearly defined in Virginia traffic code so the attempt to create in middle level of penalties between reckless and failure to yield has failed to fill that void.
 - SB 687 is drafted to properly define the terms “careless or distracted manner” so the courts can impose penalties of some level of consequence to a derelict driver.

What the bill does:

The bill defines “careless or distracted manner” to mean (i) failure 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 person; (ii) operating a motor vehicle while engaged in another activity that diverts the driver’s attention from driving, including talking or texting on a cell phones or any other 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.

Why this matters:

- Establishing penalties with consequences to a driver who kills or seriously injures a vulnerable road user that had the legal right of way will be a significant deterrent.



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