

SUPPORT SB 1416 – 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”.
 - “Reckless” driving is a more serious felony when a VRU is killed. The driver could get up to 5 years in jail. However, reckless driving is hard to prove, e.g., proof that the driver was traveling 20 mph above the speed limit.
 - Failure to yield is deemed to be an “infraction” with a nominal fine, maybe up to \$250 but no other penalty even though the driver killed a VRU in a crosswalk.
 - The “vulnerable road user” bill was passed into law 3 years ago, but 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.
 - Under SB 1416, the bill now says that when a driver crashes into vulnerable road user who is legally in a crosswalk and causes serious bodily harm or the death of that person, the driver could be charged with a Class 1 misdemeanor (a fine up to \$2,500 and up to 12 months in jail)

What the bill does:

SB 1416 strengthens the traffic infraction penalty when a driver seriously injures or kills a vulnerable road user who was legally in a crosswalk. This infraction applies to an intersection when the driver is approaching on a highway where the speed limit is not more than 35 mph. The penalty under SB 1416 fills the gap between a failure to yield charge (only a \$250 fine) and reckless driving, which is a more serious felony when a person is killed but hard to prove.

Why this matters:

- Establishing penalties with consequences for a driver who kills or seriously injures a person who had the legal right of way provides for a more significant deterrent.



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