

Virginia Legislative Update: Feb. 20, 2025

With the Virginia General Assembly in session, lawmakers are considering several bills that could impact personal injury law. As always, we stay informed to anticipate changes that may affect our clients and cases. This update highlights key legislation focused on road safety and employer liability that could shape the legal landscape in the years ahead.

Bills:

HB 1730 & SB 894: Sexual Assault or Injury by Employee or Agent


This is an act to amend the Code of Virginia by adding a section numbered 8.01-42.6, that holds employers responsible when their employees harm vulnerable victims through injury, sexual assault, or wrongful death. It has passed both house and senate and is awaiting the governor's signature.

The bill is designed to protect vulnerable victims, which include people who are at a disadvantage compared to an employee. Examples encompass children, patients receiving healthcare, people with disabilities, and residents of assisted living facilities.

This amendment makes it easier for victims to seek justice in civil court by broadening the circumstances under which an employer can be held liable. With that said, it still allows employers to present defenses as the law does not automatically hold employers liable either. Overall, this strengthens protections for people who are more vulnerable to harm while ensuring employers take reasonable precautions to prevent abuse, assault, or injury by their employees.

SB 1416: Careless Driving

SB1416 enhances legal protections for pedestrians and vulnerable road users by creating new penalties for drivers who fail to stop for pedestrians. Notably, the final version of the bill removes language about "careless or distracted" driving from the introduced version and instead focuses on the requirement that drivers stop for pedestrians. By removing the ambiguity of "careless or distracted" acts and instead focusing on whether a driver failed to stop for a pedestrian, the law creates a more enforceable standard. This bill It has passed both house and senate and is awaiting the governor's signature.



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SB 1233: Traffic Violation Monitoring Systems

SB1233, currently held up in the House, would allow state and local law enforcement to install pedestrian crossing and stop sign violation monitoring systems in school zones, highway work zones, and high-risk intersections. These systems would record violations for enforcement purposes, similar to existing photo speed monitoring devices. The bill also requires a public awareness campaign before implementing or expanding such systems.

SB1233 has the potential to strengthen pedestrian injury cases by providing concrete evidence of traffic violations, making it easier to hold negligent drivers accountable, and ultimately enhancing pedestrian safety. However, the failure of a similar bill to pass - HB2041, raises concerns about the likelihood of SB1233 advancing successfully.

SB 1007: NOVA Bicycle & Pedestrians Network Study

SB1007, which has passed the Virginia Senate and in house committee, establishes the Bicycle, Pedestrian, and Safety Improvements Infrastructure Fund and Program, administered by the Northern Virginia Transportation Authority (NVTa). The fund will support bicycle, pedestrian, and safety infrastructure projects that are not tied to road-widening initiatives.

To finance these projects, the bill imposes an annual \$0.50 tax per parking space on off-street parking facilities in counties and cities under NVTa's jurisdiction. SB1007 could improve pedestrian and cyclist safety in Northern Virginia, while potentially creating new legal considerations around infrastructure maintenance and liability.