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SENATE BILL NO. 751

Offered January 24, 2000

A BILL to amend and reenact § 46.2-1095 of the Code of Virginia and to amend the Code of Virginia by adding in Article 20 of Chapter 10 of Title 46.2 a section numbered 46.2-1156.1, relating to limitations and conditions applicable to transportation of children in various vehicles; penalties

Patrons—Norment, Puckett, Stolle, Ticer and Whipple; Delegates: Darner, Grayson, McEachin, Moran and Robinson

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1095 of the Code of Virginia is amended and reenacted and the Code of Virginia is amended by adding in Article 20 of Chapter 10 of Title 46.2 a section numbered 46.2-1156.1 as follows:

§ 46.2-1095. Child restraint devices required; safety belts for children four to sixteen required; penalty.

A. Any person who drives on the highways of Virginia any motor vehicle manufactured after January 1, 1968, shall ensure that any child under the age of four whom he transports therein is provided with and properly secured in a child restraint device of a type which meets the standards adopted by the United States Department of Transportation.

B. Any person transporting any child at least four years of age, but less than sixteen years of age, shall ensure that such child is provided with and properly secured by an appropriate safety belt system when driving on the highways of Virginia in any motor vehicle manufactured after January 1, 1968, equipped or required by the provisions of this title to be equipped with a safety belt system, consisting of lap belts, shoulder harnesses, combinations thereof or similar devices.

C. A violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages in a civil action.

D. Any person who violates subsection B of this section shall be subject to a civil penalty of twenty-five dollars to be paid into the state treasury and credited to the Child Restraint Device Special Fund pursuant to § 46.2-1097. No assignment of demerit points shall be made under Article 19 (§ 46.2-489 et seq.) of Chapter 3 of this title and no court costs shall be assessed for violations of this section.

E. A violation of this section may be charged on the uniform traffic summons form.

F. Nothing in this section shall apply to taxicabs, school buses, executive sedans, or limousines, or the rear cargo area of pickup trucks or other vehicles.

§ 46.2-1156.1. Transportation of persons less than sixteen years old in pickup truck beds prohibited; exception; penalty.

No person less than sixteen years old shall be transported in the bed of any pickup truck. The driver of any pickup truck transporting a person in violation of this section shall be guilty of a traffic infraction.

INTRODUCED

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