

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 46.2-1095 and 46.2-1100 of the Code of Virginia, relating to child*  
3 *restraint devices; use of standard seat belts for certain children; penalty.*

4 [H 1328]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That §§ 46.2-1095 and 46.2-1100 of the Code of Virginia are amended and reenacted as follows:**

8 § 46.2-1095. Child restraint devices required when transporting certain children; safety belts for other  
9 children less than sixteen years old required; penalty.

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

14 B. Any person transporting any child ~~at least four years of age~~, *but less than sixteen years of age*  
15 *old, except for those required pursuant to subsection A to be secured in a child restraint device*, shall  
16 ensure that such child is provided with and properly secured by an appropriate safety belt system when  
17 driving on the highways of Virginia in any motor vehicle manufactured after January 1, 1968, equipped  
18 or required by the provisions of this title to be equipped with a safety belt system, consisting of lap  
19 belts, shoulder harnesses, combinations thereof or similar devices.

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

23 D. Any person who violates subsection B of this section shall be subject to a civil penalty of  
24 twenty-five dollars to be paid into the state treasury and credited to the Child Restraint Device Special  
25 Fund pursuant to § 46.2-1097. No assignment of demerit points shall be made under Article 19  
26 (§ 46.2-489 et seq.) of Chapter 3 of this title and no court costs shall be assessed for violations of this  
27 section.

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

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

31 § 46.2-1100. Use of standard seat belts permitted for certain children.

32 The use of a seat belt of the type which is standard equipment ~~in new automobiles sold in the~~  
33 ~~Commonwealth~~ shall not violate this article if (i) the affected child is ~~between three and at least four~~  
34 *years old but less than six years old* and (ii) the weight and size of the child is such as to make the use  
35 of such seat belt practical and the use of an approved child restraint impractical.

ENROLLED

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