

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 46.2-1095 and 46.2-1098 of the Code of Virginia, relating to child*
3 *restraint devices; penalty.*

4 [H 254]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That §§ 46.2-1095 and 46.2-1098 of the Code of Virginia are amended and reenacted as follows:**

8 § 46.2-1095. Child restraint devices required; safety belts for children four to sixteen required;
9 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 whom he transports therein is
12 provided with and properly secured in a child restraint device of a type which meets the standards
13 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 shall ensure that such child is provided with and properly secured by an appropriate safety belt system
16 when driving on the highways of Virginia in any motor vehicle manufactured after January 1, 1968,
17 equipped or required by the provisions of this title to be equipped with a safety belt system, consisting
18 of lap belts, shoulder harnesses, combinations thereof or similar devices.

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

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

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

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

30 § 46.2-1098. Penalties; violations not negligence per se.

31 Any person, including those subject to jurisdiction of a juvenile and domestic relations district court,
32 found guilty of violating this article shall be subject to a civil penalty of fifty dollars, *which shall not be*
33 *suspended in whole or in part*, for a violation of § 46.2-1095, or, if applicable, a civil penalty of twenty
34 dollars for failure to carry a statement as required by § 46.2-1096. *Notwithstanding the foregoing*
35 *provisions of this section*, the court may waive or suspend the imposition of the penalty for a violation
36 of § 46.2-1095 if it finds that the failure of the defendant to comply with the section was due to his
37 financial inability to acquire a child restraint system. All civil penalties collected pursuant to this section
38 shall be paid into the Child Restraint Device Special Fund as provided for in § 46.2-1097.

39 *No assignment of demerit points shall be made under Article 19 (§ 46.2-489 et seq.) of Chapter 3 of*
40 *this title and no court costs shall be assessed for violation of this section.*

41 Violations of this article shall not constitute negligence per se; nor shall violation of this article
42 constitute a defense to any claim for personal injuries to a child or recovery of medical expenses for
43 injuries sustained in any motor vehicle accident.

ENROLLED

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