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SENATE BILL NO. 1060

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation
on January 25, 2007)

(Patrons Prior to Substitute—Senators Watkins and O'Brien [SB 1035])

A BILL to amend and reenact §§ 46.2-1095 and 46.2-1100 of the Code of Virginia, relating to relating to child restraint devices.

Be it enacted by the General Assembly of Virginia:**1. That § of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-1095. Child restraint devices required when transporting certain children; safety belts for other children less than sixteen years old 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, ~~through up to age five~~ *eight*, 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. *Further, rear-facing child restraint devices shall be placed in the back seat of a vehicle. In the event the vehicle does not have a back seat, the child restraint device may be placed in the front passenger seat only if the vehicle is either not equipped with a passenger side airbag or the passenger side airbag has been deactivated.*

B. Any person transporting any child less than sixteen years old, except for those required pursuant to subsection A to be secured in a child restraint device, 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. A violation of this section may be charged on the uniform traffic summons form.

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

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

The use of a seat belt of the type which is standard equipment shall not violate this article if (i) the affected child is at least four years old but less than ~~six~~ *eight* years old and (ii) ~~the weight and size of the child is such as to make the use of such seat belt practical and the use of an approved child restraint impractical~~ *any physician licensed to practice medicine in the Commonwealth or any other state determines that use of a child restrain system by a particular child would be impractical by reason of the child's weight, physical fitness, or other medical reason, provided that any person transporting a child so exempted shall carry on his person or in the vehicle a signed written statement of the physician identifying the child so exemption and stating the grounds for the determination.*