

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 46.2-1098 of the Code of Virginia, relating to use of child-restraint*
3 *devices in motor vehicles; penalties.*

4 [H 131]

5 Approved

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

8 § 46.2-1098. Penalties; violations not negligence per se.

9 Any person, including those subject to jurisdiction of a juvenile and domestic relations district court,
10 found guilty of violating this article shall be subject to a civil penalty of ~~fifty dollars~~ \$50, which shall
11 not be suspended in whole or in part, for a violation of § 46.2-1095, ~~or, if applicable, a;~~ however, any
12 *person found guilty of violating § 46.2-1095 a second or subsequent time when the violations occurred*
13 *on different dates shall be subject to a civil penalty of up to \$500. An additional civil penalty of twenty*
14 ~~dollars~~ \$20 shall be imposed for failure to carry a statement as required by § 46.2-1096. Notwithstanding
15 the foregoing provisions of § 46.2-1095, the court may waive or suspend the imposition of the penalty
16 for a violation of § 46.2-1095 if it finds that the failure of the defendant to comply with the section was
17 due to his financial inability to acquire a child restraint system. All civil penalties collected pursuant to
18 this section shall be paid into the Child Restraint Device Special Fund as provided for in § 46.2-1097.

19 No assignment of demerit points shall be made under Article 19 (§ 46.2-489 et seq.) of Chapter 3 of
20 this title and no court costs shall be assessed for violation of § 46.2-1095.

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

ENROLLED

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