

2008 SESSION

HOUSE SUBSTITUTE

083548596

HOUSE BILL NO. 131

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation
on February 5, 2008)

(Patron Prior to Substitute—Delegate Lewis)

A BILL to amend and reenact § 46.2-1098 of the Code of Virginia, relating to use of child-restraint devices in motor vehicles; penalties.

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1098 of the Code of Virginia is amended and reenacted as follows:

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

Any person, including those subject to jurisdiction of a juvenile and domestic relations district court, found guilty of violating this article shall be subject to a civil penalty of fifty dollars, which shall not be suspended in whole or in part, for a violation of § 46.2-1095; ~~or, if applicable, a;~~ however, any person convicted of a second or subsequent violation of § 46.2-1095 shall be guilty of a Class 3 misdemeanor, and, in addition, the driving privileges of any person convicted of a third or subsequent violation shall be suspended for 30 days. A civil penalty of twenty dollars shall be imposed for failure to carry a statement as required by § 46.2-1096. Notwithstanding the foregoing provisions of § 46.2-1095, the court may waive or suspend the imposition of the penalty for a violation of § 46.2-1095 if it finds that the failure of the defendant to comply with the section was due to his financial inability to acquire a child restraint system. All civil penalties collected pursuant to this section shall be paid into the Child Restraint Device Special Fund as provided for in § 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 violation of § 46.2-1095.

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

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