

084567472

HOUSE BILL NO. 225

Offered January 9, 2008

Prefiled December 28, 2007

A *BILL to amend and reenact §§ 46.2-1095 and 46.2-1099 of the Code of Virginia, relating to child restraint systems in vehicles.*

Patron—Cosgrove

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That §§ 46.2-1095 and 46.2-1099 of the Code of Virginia are 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, up to age 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.

F. *No child restraint of a type specified in subsection A shall be required to be used when transporting a child six years old or older in either (i) a van having a capacity to transport 12 or more passengers, including the driver or (ii) a minibus, as defined in § 46.2-2000, provided any such child being transported in any such van or minibus is properly secured by an appropriate safety belt system.*

§ 46.2-1099. Further exemptions.

This article shall not apply to:

The transporting of any child in a vehicle having an interior design which makes the use of such device impractical; or

The transporting of children by public transportation, bus, school bus, or farm vehicle.

For the purposes of this section, "farm vehicle" means a vehicle which is either (i) exempt from registration pursuant to §§ 46.2-664, 46.2-665, 46.2-666, 46.2-667, 46.2-670, or § 46.2-672, (ii) registered as a farm vehicle pursuant to § 46.2-698, or (iii) owned by a resident of another state under whose laws the vehicle is either registered as a farm vehicle or exempt from registration by virtue of its use as a farm vehicle and "bus" means a motor vehicle designed for the transportation of passengers that has a capacity to transport at least 31 passengers, including the driver.

INTRODUCED

HB225