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**SENATE BILL NO. 705**

Offered January 9, 2013

Prefiled November 27, 2012

A *BILL to amend and reenact § 46.2-1098 of the Code of Virginia, relating to child restraint devices; penalty.*

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Patron—Stuart

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Referred to Committee on Transportation**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 \$50, which shall not be suspended in whole or in part, for a violation of § 46.2-1095; however, any person found guilty of violating § 46.2-1095 a second or subsequent time when the violations occurred on different dates shall be subject to a civil penalty of up to \$500. An additional civil penalty of \$20 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.

*Any person found guilty of a violation of this article where the child suffers injury or death as a result of the violation is guilty of a Class 1 misdemeanor.*

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.

INTRODUCED

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