

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 46.2-1095 and 46.2-1096 of the Code of Virginia, relating to*
3 *forward-facing child restraint devices.*

4 [H 708]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That §§ 46.2-1095 and 46.2-1096 of the Code of Virginia are amended and reenacted as follows:**8 **§ 46.2-1095. Child restraint devices required when transporting certain children; safety belts for**
9 **passengers less than 18 years old required.**

10 A. Any person who drives on the highways of Virginia any motor vehicle manufactured after
11 January 1, 1968, shall ensure that any child, up to age eight, whom he transports therein is provided
12 with and properly secured in a child restraint device of a type which meets the standards adopted by the
13 United States Department of Transportation. *Such child restraint device shall not be forward-facing until*
14 *at least (i) the child reaches two years of age or (ii) the child reaches the minimum weight limit for a*
15 *forward-facing child restraint device as prescribed by the manufacturer of the device.* Further,
16 ~~rear-facing~~ child restraint devices shall be placed in the back seat of a vehicle. In the event the vehicle
17 does not have a back seat, the child restraint device may be placed in the front passenger seat only if
18 the vehicle is either not equipped with a passenger side airbag or the passenger side airbag has been
19 deactivated.

20 B. Any person transporting another person less than 18 years old, except for those required pursuant
21 to subsection A to be secured in a child restraint device, shall ensure that such person is provided with
22 and properly secured by an appropriate safety belt system when driving on the highways of Virginia in
23 any motor vehicle manufactured after January 1, 1968, equipped or required by the provisions of this
24 title to be equipped with a safety belt system, consisting of lap belts, shoulder harnesses, combinations
25 thereof or similar devices.

26 C. A violation of this section shall not constitute negligence, be considered in mitigation of damages
27 of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for
28 the recovery of damages in a civil action.

29 D. A violation of this section may be charged on the uniform traffic summons form.

30 E. Nothing in this section shall apply to taxicabs, school buses, executive sedans, or limousines.

31 **§ 46.2-1096. Exceptions for certain children.**

32 Whenever any physician licensed to practice medicine in the Commonwealth or any other state
33 determines, through accepted medical procedures, that use of a child restraint system by a particular
34 child would be impractical by reason of the child's weight *or height*, physical unfitness, or other medical
35 reason, the child shall be exempt from the provisions of this article. Any person transporting a child so
36 exempted shall carry on his or her person or in the vehicle a signed written statement of the physician
37 identifying the child so exempted and stating the grounds therefor.

38 **2. That the provisions of this act shall become effective on July 1, 2019.**

ENROLLED

HB708ER