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HOUSE BILL NO. 1662

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation
on February 6, 2019)

(Patron Prior to Substitute—Delegate Head)

A *BILL to amend and reenact § 46.2-1095 of the Code of Virginia, relating to child restraint devices and safety belts; emergency and law-enforcement vehicles.*

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1095 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1095. Child restraint devices required when transporting certain children; safety belts for passengers less than 18 years old required.

A. (Effective until July 1, 2019) 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.

A. (Effective July 1, 2019) 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. Such child restraint device shall not be forward-facing until at least (i) the child reaches two years of age or (ii) the child reaches the minimum weight limit for a forward-facing child restraint device as prescribed by the manufacturer of the device. Further, 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 another person less than 18 years old, except for those required pursuant to subsection A to be secured in a child restraint device, shall ensure that such person 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 *any person operating* taxicabs, school buses, executive sedans, or limousines. *The provisions of (i) subsection B shall not apply to any person operating an emergency medical services agency vehicle, fire company vehicle, fire department vehicle, or law-enforcement agency vehicle while in the performance of his official duties and (ii) subsection A shall not apply to any person operating any such vehicle in the performance of his official duties, under exigent circumstances, provided that no child restraint device is readily available.*