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## HOUSE BILL NO. 1439

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation  
on February 20, 2020)

(Patron Prior to Substitute—Delegate Jones)

A BILL to amend and reenact §§ 46.2-1094 and 46.2-1300 of the Code of Virginia, relating to transportation safety.

**Be it enacted by the General Assembly of Virginia:**

1. That §§ 46.2-1094 and 46.2-1300 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1094. Occupants of front seats of motor vehicles required to use safety lap belts and shoulder harnesses; penalty.

A. Any driver, and any other person at least 18 years of age and occupying the front seat, any seat of a motor vehicle 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, shall wear the appropriate safety belt system at all times while the motor vehicle is in motion on any public highway. A passenger under the age of 18 years, however, shall be protected as required by the provisions of Article 13 (§ 46.2-1095 et seq.) of this chapter.

B. This section shall not apply to:

1. Any person for whom a licensed physician determines that the use of such safety belt system would be impractical by reason of such person's physical condition or other medical reason, provided the person so exempted carries on his person or in the vehicle a signed written statement of the physician identifying the exempted person and stating the grounds for the exemption; or

2. Any law-enforcement officer transporting persons in custody or traveling in circumstances which render the wearing of such safety belt system impractical; or

3. Any person while driving a motor vehicle and performing the duties of a rural mail carrier for the United States Postal Service; or

4. Any person driving a motor vehicle and performing the duties of a rural newspaper route carrier, newspaper bundle hauler or newspaper rack carrier; or

5. Drivers of and passengers in taxicabs; or

6. Personnel of commercial or municipal vehicles while actually engaged in the collection or delivery of goods or services, including but not limited to solid waste, where such collection or delivery requires the personnel to exit and enter the cab of the vehicle with such frequency and regularity so as to render the use of safety belt systems impractical and the safety benefits derived therefrom insignificant. Such personnel shall resume the use of safety belt systems when actual collection or delivery has ceased or when the vehicle is in transit to or from a point of final disposition or disposal, including but not limited to solid waste facilities, terminals, or other location where the vehicle may be principally garaged; or

7. Any person driving a motor vehicle and performing the duties of a utility meter reader; or

8. Law-enforcement agency personnel driving motor vehicles to enforce laws governing motor vehicle parking; or

9. Any person in a motor vehicle not equipped with seat belts.

C. Any person who violates this section shall be subject to a civil penalty of ~~twenty-five dollars~~ \$25 for a first offense, \$35 for a second offense, and \$50 for a third or subsequent offense to be paid into the state treasury and credited to the Literary Fund. Upon a conviction under this section, the court shall furnish the Commissioner of the Department of Motor Vehicles in accordance with § 46.2-383 an abstract of the record of such conviction, which shall become part of the person's driving record. No assignment of demerit points shall be made under Article 19 of Chapter 3 (§ 46.2-489 et seq.) of this title and no court costs shall be assessed for violations of this section.

D. 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 arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action.

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

F. No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute.

G. The governing body of the City of Lynchburg may adopt an ordinance not inconsistent with the

60 provisions of this section, requiring the use of safety belt systems. The penalty for violating any such  
61 ordinance shall not exceed a fine or civil penalty of ~~twenty-five dollars~~ \$25.

62 **§ 46.2-1300. Powers of local authorities generally; erection of signs and markers; maximum**  
63 **penalties.**

64 A. The governing bodies of counties, cities, and towns may adopt ordinances not in conflict with the  
65 provisions of this title to regulate the operation of vehicles on the highways in such counties, cities, and  
66 towns. They may also repeal, amend, or modify such ordinances and may erect appropriate signs or  
67 markers on the highway showing the general regulations applicable to the operation of vehicles on such  
68 highways. The governing body of any county, city, or town may by ordinance, or may by ordinance  
69 authorize its chief administrative officer to:

70 1. Increase or decrease the speed limit within its boundaries, provided such increase or decrease in  
71 speed shall be based upon an engineering and traffic investigation by such county, city or town and  
72 provided such speed area or zone is clearly indicated by markers or signs;

73 2. Authorize the city or town manager or such officer thereof as it may designate, to reduce for a  
74 temporary period not to exceed ~~sixty~~ 60 days, without such engineering and traffic investigation, the  
75 speed limit on any portion of any highway of the city or town on which work is being done or where  
76 the highway is under construction or repair;

77 3. Require vehicles to come to a full stop or yield the right-of-way at a street intersection if one or  
78 more of the intersecting streets has been designated as a part of the primary state highway system in a  
79 town which has a population of less than 3,500;

80 4. *Reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on any*  
81 *highway within its boundaries that is located in a business district or residential district, provided that*  
82 *such reduced speed limit is indicated by lawfully placed signs.*

83 B. No such ordinance shall be violated if at the time of the alleged violation the sign or marker  
84 placed in conformity with this section is missing, substantially defaced, or obscured so that an ordinarily  
85 observant person under the same circumstances would not be aware of the existence of the ordinance.

86 C. No governing body of a county, city, or town may provide penalties for violating a provision of  
87 an ordinance adopted pursuant to this section which is greater than the penalty imposed for a similar  
88 offense under the provisions of this title.

89 D. No county whose roads are under the jurisdiction of the Department of Transportation shall  
90 designate, in terms of distance from a school, the placement of flashing warning lights unless the  
91 authority to do so has been expressly delegated to such county by the Department of Transportation, in  
92 its discretion.