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HOUSE BILL NO. 16

Offered January 8, 2020

Prefiled November 19, 2019

A BILL to amend and reenact § 46.2-1094 of the Code of Virginia, relating to safety belt system use in motor vehicles.

Patrons—Krizek, Hope, Kory, McQuinn, Plum, Rasoul, Roem and Samirah

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

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

§ 46.2-1094. Occupants of motor vehicles required to use safety belt systems; penalty.

A. Any ~~driver,~~ ~~and~~ ~~any~~ ~~other~~ ~~person~~ ~~at least~~ ~~18~~ ~~years~~ ~~of~~ ~~age~~ ~~and~~ *person* occupying ~~the~~ *a* front 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 *of age*, however, shall be protected as required by the provisions of Article 13 (§ 46.2-1095 et seq.) ~~of~~ ~~this~~ ~~chapter~~.

B. *Any person occupying a seat other than a front seat of a motor vehicle equipped with 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 18 years of age, however, shall be protected as required by the provisions of Article 13 (§ 46.2-1095 et seq.). No citation for a violation of this subsection 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.*

C. 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 *that* 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.

~~C.~~ *D.* Any person who violates this section ~~shall~~ ~~be~~ *is* subject to a civil penalty of ~~twenty-five~~ ~~dollars~~ *$25* to be paid into the state treasury and credited to the Literary Fund. No assignment of demerit points shall be made under Article 19 *(§ 46.2-489 et seq.)* of Chapter 3 ~~(§ 46.2-489 et seq.)~~ ~~of~~ ~~this~~ ~~title~~ and no court costs shall be assessed for violations of this section.

~~D.~~ *E.* 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

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such civil action.

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