

2008 SESSION

INTRODUCED

084542596

HOUSE BILL NO. 131

Offered January 9, 2008

Prefiled December 20, 2007

A BILL to amend and reenact § 46.2-1098 of the Code of Virginia, relating to records of child-restraint violations.

Patron—Lewis

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 fifty dollars, which shall not be suspended in whole or in part, for a violation of § 46.2-1095, or, if applicable, a civil penalty of twenty dollars 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.

Whenever any court finds any person guilty of violating this article, the court shall furnish to the Commissioner of the Department of Motor Vehicles in accordance with § 46.2-383 an abstract of such finding, which shall become a part of the person's driving record.

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

HB131