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HOUSE BILL NO. 708

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation
on February 8, 2018)

(Patron Prior to Substitute—Delegate Filler-Corn)

A BILL to amend and reenact §§ 46.2-1095 and 46.2-1096 of the Code of Virginia, relating to rear-facing child restraint devices.

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1095 and 46.2-1096 of the Code of Virginia are 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; penalty.

A. 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 be rear-facing until (i) the child reaches two years of age or (ii) the child reaches the weight or height limit of the rear-facing child restraint device as prescribed by the manufacturer of the device, whichever occurs later.* 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.

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 taxicabs, school buses, executive sedans, or limousines.

F. *As used in this section, "rear-facing child restraint device" means a child restraint device that is designed by the manufacturer to position a child to face in the direction opposite to the normal direction of travel of the motor vehicle.*

§ 46.2-1096. Exceptions for certain children.

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

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