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HOUSE BILL NO. 708

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Dunnavant

on March 1, 2018)

(Patron Prior to Substitute—Delegate Filler-Corn)

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

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; 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 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, ~~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. *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.*

F. Nothing in this section shall apply to taxicabs, school buses, executive sedans, or limousines.

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