

SENATE BILL NO. \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_

1 A BILL to amend and reenact §§ 46.2-1095 and 46.2-1100 of the Code of Virginia, relating to child  
2 restraint devices; penalty.

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

4 **1. That §§ 46.2-1095 and 46.2-1100 of the Code of Virginia are amended and reenacted as follows:**

5 § 46.2-1095. Child restraint devices required when transporting certain children; safety belts for  
6 other children less than sixteen years old required; penalty.

7 A. Any person who drives on the highways of Virginia any motor vehicle manufactured after  
8 January 1, 1968, shall ensure that any child, through age ~~five~~ seven, whom he transports therein is  
9 provided with and properly secured in a child restraint device of a type which meets the standards  
10 adopted by the United States Department of Transportation. No person shall secure a child in the front  
11 passenger seat with a rear facing child restraint device unless the vehicle is either not equipped with a  
12 passenger side airbag or the passenger side airbag is deactivated.

13 B. Any person transporting any child less than sixteen years old, except for those required  
14 pursuant to subsection A to be secured in a child restraint device, shall ensure that such child is provided  
15 with and properly secured by an appropriate safety belt system when driving on the highways of  
16 Virginia in any motor vehicle manufactured after January 1, 1968, equipped or required by the  
17 provisions of this title to be equipped with a safety belt system, consisting of lap belts, shoulder  
18 harnesses, combinations thereof or similar devices.

19 C. A violation of this section shall not constitute negligence, be considered in mitigation of  
20 damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any  
21 action for the recovery of damages in a civil action.

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

23 E. Nothing in this section shall apply to taxicabs, school buses, executive sedans, or limousines,  
24 ~~or the rear cargo area of vehicles other than pickup trucks.~~

25 § 46.2-1100. Use of standard seat belts permitted for certain children.

26 The use of a seat belt of the type which is standard equipment shall not violate this article if (i)  
27 the affected child is at least four years old but less than ~~six~~ eight years old and (ii) the weight and size of  
28 the child is such as to make the use of such seat belt practical and the use of an approved child restraint  
29 impractical.

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