

From: **Edwina Williams** <edwina.williams@dss.virginia.gov>
Date: Wed, Jul 17, 2019 at 11:45 AM
Subject: Changes to Child Restraint Device Laws Effective July 1, 2019
To: <DSS_LICENSING@listserv.cov.virginia.gov>

The attached files are being sent to child day centers, family day homes, voluntarily registered family day homes, family day systems, religious exempt child day centers, certified preschools, short-term child day centers, children's residential facilities, independent foster homes, child placing agencies, child caring institutions, and unlicensed child day programs receiving child care subsidy assistance from the Virginia Department of Social Services Email Distribution Service.

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The attachments are to notify child welfare agency providers about a legislative change to Virginia transportation laws when transporting children.

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COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

DATE: July 16, 2019

TO: Licensed Child Day Centers
Religious Exempt Child Day Centers
Licensed Family Day Homes
Voluntarily Registered Family Day Homes
Licensed Family Day System
Certified Preschools
Unlicensed Child Day Programs Receiving Child Care Subsidy Assistance
Independent Foster Homes
Children's Residential Facilities
Licensed Child-Placing Agencies
Child Caring Institutions

FROM: Tara Ragland, Director, Division of Licensing Programs

SUBJECT: Changes to Child Restraint Device Laws effective July 1, 2019

There is additional new legislation that may impact your program if young children are transported. House Bill 708 (2018) amended §§ 46.2-1095 and 46.2-1096 of the Code of Virginia relating to child restraint devices when transporting children, and is effective July 1, 2019. The law requires that children, up to age eight, be provided with and properly secured in a child restraint device that meets standards adopted by U.S. Department of Transportation. **Effective July 1, 2019, the 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.**

The law allows for a physician to exempt a particular child from these provisions if the use of a child restraint system is impractical by reason of the child's weight, height, physical fitness or other medical reason.

Sections 46.2-1095 and 46.2-1096 of the Code of Virginia, effective July 1, 2019, are attached for review. Providers must comply with these new transportation laws when young children are transported.

Please direct any questions to your licensing inspector.

Code of Virginia
Title 46.2. Motor Vehicles
Chapter 10. Motor Vehicle and Equipment Safety

§ 46.2-1095. Child restraint devices required when transporting certain children; safety belts for passengers less than 18 years old required.

A. (Effective until July 1, 2019) 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. 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.

A. (Effective July 1, 2019) 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, 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.

1982, c. 634, § 46.1-314.2; 1984, c. 280; 1986, c. 283; 1989, c. 727; 1992, cc. 119, 405; 1997, c. 793; 2000, c. 736; 2002, cc. 358, 616, 660; 2007, cc. 91, 935; 2010, c. 661; 2018, c. 402.

Code of Virginia
Title 46.2. Motor Vehicles
Chapter 10. Motor Vehicle and Equipment Safety

This section has more than one version with varying effective dates. Scroll down to see all versions.

§ 46.2-1096. (Effective until July 1, 2019) 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, 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.

1982, c. 634, § 46.1-314.3; 1983, c. 296; 1989, c. 727.

§ 46.2-1096. (Effective July 1, 2019) 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.

1982, c. 634, § 46.1-314.3; 1983, c. 296; 1989, c. 727; 2018, c. 402.