

	POLICY & PROCEDURE	SERIES # 1014	PAGE 1 OF 2
	SUBJECT		EFFECTIVE DATE
	SEATBELT ENFORCEMENT		11/18/09
			OVERSIGHT Operations
DISTRIBUTION ALL MANUALS	AMENDS/SUPERSEDES/CANCELS P & P #1014 dated 10/20/04.		

I. PURPOSE:

The purpose of this policy is to establish guidelines for seatbelt enforcement.

II. POLICY:

It is the policy of the Hampton Police Division to ensure that at every traffic enforcement contact, the use of safety restraints is addressed, to include positive reinforcement if the use of safety restraints is observed. Officers will be familiar with the following codes that address safety restraints:

A. Child Restraint Law: Primary Enforcement

1. **46.2-1095:** 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.

2. **46.2-1100:** The use of a seat belt of the type which is standard equipment shall not violate this article if (i) the affected child is at least four years old but less than eight years old and (ii) any physician licensed to practice medicine in the Commonwealth or any other state determines that use of a child restraint system by a particular child would be impractical by reason of the child's weight, physical fitness, or other medical reason, provided that any person transporting a child so exempted shall carry on his person or in the vehicle a signed written statement of the physician identifying the child so exempted.

3. Exemptions: from **46.2-1095** and **46.2-1099**: Public transportation, bus, school bus, farm vehicle, medical reasons if physician statement is displayed, impractical interior designs, taxicabs, executive sedans,

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limousines or the rear cargo area of vehicles other than pickup trucks.

B. Safety Belt Law: Secondary Enforcement

1. **46.2-1094:** The driver and each passenger 16 years of age and older occupying the front seat must wear a safety belt. Exceptions are mail carriers, newspaper delivery persons, taxi drivers, certain law enforcement officers, some commercial and municipal vehicles involved in the collection or delivery of goods or services and some persons with physical disabilities.
2. **46.2-1092:** The driver is responsible if safety belts have been removed or rendered inoperable.

III. PROCEDURE:

- A. When safety restraints are not being used correctly, officers should provide the appropriate educational information to encourage their proper use.
- B. If the non-use or intentional misuse of safety restraints is noted, the appropriate enforcement action should be taken.
- C. The following methods will be utilized when addressing violations concerning safety restraints:
 1. Verbal warning
 2. Summons

