

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 1467 (Senate Committee Substitute)

SHORT TITLE: Strengthen Child Restraint Law

SPONSOR(S): Senators W. Martin and Cooper

FISCAL IMPACT: Expenditures: Increase ( ) Decrease ( )  
 Revenues: Increase ( ) Decrease ( )  
 No Impact ( )  
 No Estimate Available ( )

FUNDS AFFECTED: General Fund ( ) Highway Fund ( ) Local Fund ( )  
 Other Fund ( )

BILL SUMMARY: "TO STRENGTHEN THE REQUIREMENTS TO HAVE A CHILD IN A RESTRAINT SYSTEM WHILE OPERATING A MOTOR VEHICLE." Amends GS 20-137.1 to require drivers to see to it that passengers under age 16 (now, six) are secured in a child passenger restraint system. Raises the minimum age at which seat belt may be used to meet this requirement from three to five. Eliminates exemptions for vehicles registered outside NC, for times when the child's personal needs are being attended to, and for times when all seats with proper restraints are occupied.

SENATE AMENDMENTS/COMMITTEE SUSTITUTES - June 23, 1994

Senate committee substitute makes the child safety seat requirement apply to children less than five years of age whose weight is less than fifty pounds. Provides that if the child is five or older and weighs 50 pounds or more, use of seat belt satisfies the requirement. Specifies that these requirements apply to children being transported in the front and rear seats of a passenger motor vehicle manufactured with seat safety belts in compliance with federal law. Also retains current law's provision that the child safety seat requirements do not apply when all seating positions equipped with safety restraints are occupied, but limits that exemption to member's of the driver's family.

EFFECTIVE DATE: December 1, 1994

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Judicial Branch; Department of Correction

FISCAL IMPACT

	<u>FY</u> 94-95	<u>FY</u> 95-96	<u>FY</u> 96-97	<u>FY</u> 97-98	<u>FY</u>
98-99					

EXPENDITURES No Reliable Estimate Available

**POSITIONS:**

**ASSUMPTIONS AND METHODOLOGY:** Judicial Branch

The Administrative Office of the Courts (AOC) anticipates that this legislation would generate new infraction charges, some bringing new offenders into the court system that otherwise would not have been charged, and some being additional charges after drivers are stopped for other violations. However, the AOC has no data which would allow for an accurate estimation of the frequency of such offenses, or the extent to which the expanded coverage of this bill would bring new offenders into the court system. Preliminary AOC data from the fourth quarter of 1993 demonstrate that 17,091 defendants were charged with violation of the child restraint law during FY 92-93, with 13,960 defendants being found responsible for that infraction offense, when an infraction-level violation was the most serious violation charged. In addition, the AOC estimates that approximately 2,539 defendants were charged with this offense, with 1,740 being found responsible, when it was a companion charge to a more serious misdemeanor or felony charge. The AOC anticipates that about 13% of all charged for this offense are in the context of more serious charges, and therefore are not instances of "new" filings. However, the AOC cannot determine the degree to which violation of the child restraint law is charged in connection with other infraction-level offenses.

Thus, based on this information, no reliable fiscal impact can be determined at this time.

**SOURCES OF DATA:** Administrative Office of the Courts; North Carolina Sentencing and Policy Advisory Commission

**TECHNICAL CONSIDERATIONS:** None

**FISCAL RESEARCH DIVISION**

733-4910

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**DATE:** June 27, 1994

**[FRD#003]**



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