

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE DRS75017-MA-54 (1/25)

Short Title: Child Restraint Systems/Federal Compliance.

(Public)

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Sponsors: Senator Purcell.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHILD RESTRAINT LAW TO ENSURE COMPLIANCE  
WITH FEDERAL REGULATIONS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 20-137.1 reads as rewritten:

**"§ 20-137.1. Child restraint systems required.**

(a) Every driver who is transporting one or more passengers of less than 16 years of age shall have all such passengers properly secured in a child passenger restraint system or seat belt which meets federal standards applicable at the time of its manufacture.

(a1) A child less than eight years of age and less than 80 pounds in weight shall be properly secured in a weight-appropriate child passenger restraint system. In vehicles equipped with an active passenger-side front air bag, if the vehicle has a rear seat, a child less than five years of age and less than 40 pounds in weight shall be properly secured in a rear seat, unless the child restraint system is designed for use with air bags. If no seating position equipped with a lap and shoulder belt to properly secure the weight-appropriate child passenger restraint system is available, a child less than eight years of age and between 40 and 80 pounds may be restrained by a properly fitted lap belt only.

(b) The provisions of this section shall not apply: (i) to ambulances or other emergency vehicles; ~~(ii) when the child's personal needs are being attended to;~~ ~~(iii)~~ (ii) if all seating positions equipped with child passenger restraint systems or seat belts are occupied; or ~~(iv)~~ (iii) to vehicles which are not required by federal law or regulation to be equipped with seat belts.

(c) Any driver found responsible for a violation of this section may be punished by a penalty not to exceed twenty-five dollars (\$25.00), even when more than one child less than 16 years of age was not properly secured in a restraint system. No driver

1 charged under this section for failure to have a child under eight years of age properly  
2 secured in a restraint system shall be convicted if he produces at the time of his trial  
3 proof satisfactory to the court that he has subsequently acquired an approved child  
4 passenger restraint system for a vehicle in which the child is normally transported.

5 (d) A violation of this section shall have all of the following consequences:

6 (1) Two drivers license points shall be assessed pursuant to G.S. 20-16.

7 (2) No insurance points shall be assessed.

8 (3) The violation shall not constitute negligence per se or contributory  
9 negligence per se.

10 (4) The violation shall not be evidence of negligence or contributory  
11 negligence."

12 **SECTION 2.** This act becomes effective July 1, 2007, and applies to  
13 offenses committed on or after that date.