

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE DRH10025-MA-40A (1/16)

Short Title: Child Restraint Systems/Federal Compliance. (Public)

Sponsors: Representatives Weiss, Goodwin, Glazier, and Folwell (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE CHILD RESTRAINT LAW TO ENSURE COMPLIANCE  
3 WITH FEDERAL REGULATIONS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 20-137.1 reads as rewritten:  
6 **"§ 20-137.1. Child restraint systems required.**

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

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

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

25 (c) Any driver found responsible for a violation of this section may be punished  
26 by a penalty not to exceed twenty-five dollars (\$25.00), even when more than one child

1 less than 16 years of age was not properly secured in a restraint system. No driver  
2 charged under this section for failure to have a child under eight years of age properly  
3 secured in a restraint system shall be convicted if he produces at the time of his trial  
4 proof satisfactory to the court that he has subsequently acquired an approved child  
5 passenger restraint system for a vehicle in which the child is normally transported.

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

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

8 (2) No insurance points shall be assessed.

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

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

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