

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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SENATE BILL 1734

Short Title: Transporting Children in Open Bed of Vehicle. (Public)

Sponsors: Senators Purcell; Atwater, Dannelly, Dorsett, Jones, Malone, and Snow.

Referred to: Judiciary I (Civil).

May 21, 2008

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE PROTECTION OF CHILDREN WHO RIDE IN THE
BACK OF PICKUP TRUCKS OR OPEN BEDS OF VEHICLES BY RAISING
THE MINIMUM AGE, REMOVING THE EXEMPTIONS THAT MAKE
ALLOWANCES FOR SMALL COUNTIES AND ADULTS RIDING WITH
CHILDREN, AND INCREASE THE PENALTIES TO BE IN LINE WITH OTHER
CHILD SAFETY VIOLATIONS AS RECOMMENDED BY THE CHILD
FATALITY TASK FORCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-135.2B reads as rewritten:

"§ 20-135.2B. Transporting children under 12-16 years of age in open bed or open cargo area of a vehicle prohibited; exceptions.

(a) The operator of a vehicle having an open bed or open cargo area shall ~~insure~~ ensure that no child under ~~12~~16 years of age is transported in the bed or cargo area of that vehicle. An open bed or open cargo area is a bed or cargo area without permanent overhead restraining construction.

(b) Subsection (a) of this section does not apply in any of the following circumstances:

- ~~(1) An adult is present in the bed or cargo area of the vehicle and is supervising the child.~~
- (2) The child is secured or restrained by a seat belt manufactured in compliance with Federal Motor Vehicle Safety Standard No. 208, installed to support a load strength of not less than 5,000 pounds for each belt, and of a type approved by the Commissioner.
- (3) An emergency situation exists.
- (4) The vehicle is being operated in a parade pursuant to a valid permit.
- (5) The vehicle is being operated in an agricultural enterprise.
- ~~(6) The vehicle is being operated in a county that has no incorporated area with a population in excess of 3,500.~~

1 (c) Any person violating this section shall have committed an infraction and shall
2 pay a penalty of not more than twenty-five dollars (\$25.00). ~~(\$25.00), even if more than~~
3 one child less than 16 years of age are riding in the open bed or open cargo area of a
4 vehicle. Conviction of an infraction under this section has no consequence other than
5 payment of a penalty. A person found responsible for a violation of this section ~~may not~~
6 shall be assessed court costs. A person violating this section shall be assessed two
7 drivers license points by the division.

8 (d) No ~~drivers license points or~~ insurance surcharge shall be assessed on account
9 of violation of this section. A violation of this section shall not constitute negligence per
10 se or contributory negligence per se. A violation of this section shall not be evidence of
11 negligence or contributory negligence."

12 **SECTION 2.** This act becomes effective October 1, 2008.