

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**SENATE BILL 23**

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

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Sponsors: Senators Purcell; Allran, Atwater, Bingham, Dannelly, Dorsett, Foriest, Jones, Malone, Rand, Shaw, and Snow.

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Referred to: Health Care.

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February 12, 2007

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 charged under this section for failure to have a child under eight years of age properly

1 secured in a restraint system shall be convicted if he produces at the time of his trial  
2 proof satisfactory to the court that he has subsequently acquired an approved child  
3 passenger restraint system for a vehicle in which the child is normally transported.

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

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

6 (2) No insurance points shall be assessed.

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

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

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