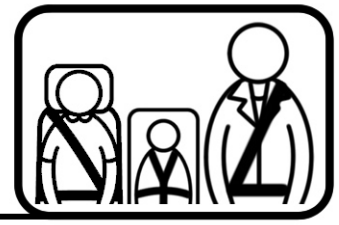


# The North Carolina Child Passenger Safety & Booster Seat Law: Commonly Asked Questions



## What are the basic requirements of this law?

- ◆ All children less than 16 years of age must be properly restrained in all vehicle seating positions. All drivers and occupants 16 and older must also be buckled up in any seating position, but they are covered by the NC Seat Belt Law.
- ◆ Vehicles covered are those required by federal standards to be equipped with seat belts. This includes cars made since 1968 as well as pickup trucks, sport utility vehicles, and vans made since 1972. Ambulances and other emergency vehicles are exempt.
- ◆ Children younger than age 8 AND who weigh less than 80 pounds must be properly secured in child restraints (CRs) appropriate for their weight and height. Most drivers are able to comply with this law by using belt-positioning booster seats for children over 40 pounds. Belt-positioning boosters raise children up to make lap and shoulder combination belts fit correctly.
- ◆ When a child reaches age 8 (regardless of weight) OR 80 pounds (regardless of age), a properly fitted seat belt may be used to restrain the child. Shoulder belts behind the back or under the arm are unsafe and are not allowed.
- ◆ If there is no lap and shoulder belt equipped seating position available for using a belt-positioning booster, a child who weighs at least 40 pounds may be restrained by a properly fitted lap belt only. **WARNING:** Belt-positioning booster seats can only be used with lap and shoulder combination seat belts. Belt-positioning booster seats must NEVER be used with just a lap belt.

### Basic Types of Restraints



Rear-facing Only



Rear-facing Convertible



Front-facing Convertible



High Back Booster



Backless Booster



Lap and Shoulder Belt

Images courtesy of Children's Hospital of Philadelphia

## Is it "8 OR 80" or "8 AND 80"???

In part the answer lies in which question is being asked:

Q: "Which children are required to be in a booster seat or other child restraint?"

A: Children who are both less than age 8 AND less than 80 pounds are required to be in some type of child restraint. Note that "some type of child restraint" includes booster seats.

Q: "When can children be switched to seat belts alone?"

A: Children may be restrained by properly fitted seat belts when they reach age 8 (regardless of weight) OR reach 80 pounds (regardless of age).

◆ Note, however, that a child who has reached 40 pounds, regardless of age, may be restrained by just a properly fitted lap belt if there is not a lap and shoulder belt equipped seating position available for using a belt-positioning booster seat.

◆ There are no booster seats currently being made that can be used with just a lap belt. Belt-positioning booster seats may only be used with lap and shoulder combination belts and must NEVER be used with just a lap belt.

## Which car seats are approved for use in NC, and how can I tell if I have an approved seat?

◆ Any type of child restraint (CR) is legal to use as long as: 1) It is certified to

meet Federal Motor Vehicle Safety Standard 213; 2) the child is within the weight range specified for the CR; and 3) the CR is being used correctly according to the manufacturer's instructions.

- ◆ Car booster seats, harnesses, and CR's built into vehicles are legal and safe to use. Look for labels on the CR which certifies that it meets federal standards for use in a motor vehicle and gives the model number and date of manufacturer.
- ◆ A child restraint should not be used if it has labels missing, or it is older than 10 years, or if it has missing or broken parts. CRs that have previously been involved in severe crashes should not be used either.

## When can infants be turned around to face the front of the car?

- ◆ In NC it is legal to turn an infant to face the front of the vehicle whenever the manufacturer of the child restraint (CR) being used allows it. However, the American Academy of Pediatrics (AAP) recommends that children be kept rear-facing but at least until age two for maximum protection. Children are five times safer riding rear-facing than forward-facing into the second year of life.
- ◆ Most current convertible CR's, those that can be used either rear- or front-facing, can be used up to 30-40 pounds rear-facing (depending on model).

## When can children be put in a booster seat?

- ◆ It is legal to switch to a booster seat at any weight as long as the child is within the booster's weight range. However, it is not generally recommended to use booster seats until after the front-facing child restraint (CR) with a harness is outgrown, usually about 40 pounds.
- ◆ Belt-positioning booster seats, designed to make lap and shoulder belts fit correctly on children and youth, should be used. **WARNING:** Belt-positioning boosters must be used with vehicle lap and shoulder combination seat belts - NEVER with just a lap belt.
- ◆ Older shield type booster seats, those with just a padded bar or shield in front of the child, are no longer being made and are not generally recommended.

## When is my child big enough for a seat belt?

- ◆ NC law does not allow the use of a lap and shoulder combination seat belt until a child is at least 8 years old OR at least 80 pounds, whichever comes first.
- ◆ In addition to the legal requirements, properly fitted lap belts fit low and snug across the hips and should be at least touching the upper thighs. Properly fitted shoulder belts must fit correctly across the collar bone and chest.
- ◆ An improperly fitted seat belt, with the shoulder belt placed under the arm or behind the back, is neither legal nor safe for children or adults. Improper use such as this can lead to serious injuries to the head, internal organs, or spine in a crash.
- ◆ Add-on shoulder belt adjusters are not legal, nor are they recommended, since they are not covered by any Federal standards and may, in fact, do more harm than good.
- ◆ SafetyBeltSafe U.S.A. has developed a simple "5-Step Test" to see if a child is big enough to ride in a lap and shoulder belt combination. If you answer "no" to any of these questions, your child needs a booster seat to ride safely and comfortably in the car:

- 1) Does the child sit all the way back against the auto seat?
- 2) Do the child's knees bend comfortably at the edge of the auto seat?
- 3) Does the belt cross the shoulder between the neck and arm?
- 4) Is the lap belt as low as possible, touching the thighs?
- 5) Can the child stay seated like this for the whole trip?

**Do children have to ride in the back seat?**

- ◆ NC law requires that a child restraint (CR) be properly installed in the rear seat if the child is less than 5 years of age and less than 40 pounds in weight and the vehicle has an active passenger side air bag.
- ◆ The CR may be installed in the front seat if it is designed for use with air bags or if the vehicle has an air bag on-off switch that is turned off.
- ◆ Regardless of what is legal, it is strongly recommended that:
  - ▶ All children age 12 and under should ride buckled up in a rear seat in restraints appropriate for their ages and sizes.
  - ▶ Infants in rear facing child restraints should NEVER ride in the front seat of a vehicle with an active passenger side air bag.
  - ▶ If a child over 1 year old MUST ride in the front seat with a passenger side air bag, put the child in a front facing full harness CR, belt-positioning booster seat, or a properly fitted lap and shoulder belt and move the vehicle seat as far back as possible.

**Who is responsible for the children in a car?**

- ◆ The driver is legally responsible for obeying the law and would get the ticket even if the child's parent is also in the car.

**What are the penalties for violations of this law?**

- ◆ Violations carry a fine of up to \$25 plus court costs (currently \$130) plus two driver license points.

**What are the differences between what the NC law allows and what is recommended for buckling up children?**

- ◆ What is allowed under this law can be considered to be "minimum standards" and is not necessarily what is recommended to provide the best protection for a child or adult.
- ◆ For best protection, recommendations are that:
  - ▶ Children should ride in a rear-facing-only or rear-facing convertible child restraint (CR) as long as possible but at least until at least until age two for maximum protection.
  - ▶ Once turned around facing to the front, children should ride in a front-facing seat with a full harness or harness-shield until it is outgrown, usually at about 40 pounds. Several models can be used with their harnesses over 40 pounds.
  - ▶ Children should switch to a belt-positioning booster seat when the full harness seat is outgrown and continue riding in the booster seat until the seat belt fits correctly without the booster seat - but remember that NC law does not allow the use of a seat belt for most children until 8 years or 80 pounds.
  - ▶ Children should not be switched to a seat belt until the child is big enough for a correct fit of the belt and is mature enough to sit reasonably still.
  - ▶ Lap belts alone should be used if nothing else is available. Currently, there are no boosters on the market certified for use over 40 pounds in a lap-belt-only position, so options for larger children are limited. Safer options for lap-belt-only positions are as follow:
    - ▶ Purchase and use one of the full harness CRs with weight ranges higher than 40 pounds.
    - ▶ Order, install, and use a harness that is designed for children over 40 pounds. These require extra installation, but do provide good upper body protection in lap belt only positions.

- ▶ Check with your local car dealer or vehicle manufacturer to see if retrofit shoulder belt kits are available for the rear seat. If so, these can be installed and a child can be secured in a belt-positioning booster.
- ▶ No one should ever ride unrestrained in the vehicle or in a non-belted position such as the cargo area of a station wagon or pickup truck.

**How important is it that car seats are used the way the instructions say?**

- ◆ Child restraints (CRs) that are not used correctly lose much of their ability to protect children in crashes. Correct use requires three important steps:
  - 1) the CR must be the right type for the size of the child,
  - 2) the child must be buckled correctly into the CR, and
  - 3) the CR must be correctly buckled to the car.
- ◆ If you have any questions about the proper use of child restraints or need to obtain complete manufacturer's instructions, call the manufacturer or the UNC Highway Safety Research Center.

**Are there any exemptions to this law?**

- ◆ Ambulances and other emergency vehicles and vehicles not required to have seat belts, such as buses and pre-1967 passenger cars, are exempt.
- ◆ Another exemption allows children to be left unbuckled if all belted seating positions are occupied. This exemption was added to get the law first passed in 1981 and has never been removed. It has never been considered to be a safe practice and the driver must choose which child(ren) to leave unprotected.

**Are organizations such as schools, churches, and child care centers covered under this law?**

- ◆ No organizations - including public and private schools, churches, child care centers, and camps - are exempt from the NC CPS Law. Any organization or agency transporting children in vehicles required by Federal standards to have seat belts must comply with all provisions of the NC CPS law.
- ◆ Most buses, including school, charter and public transit buses, are not required to be equipped with seat belts -other than for the driver - and thus are exempt from the NC CPS law.
- ◆ Large school buses do not have passenger seat belts because they rely on strong, closely spaced, well-padded, energy absorbing seats and higher seat backs to "compartmentalize" and protect passengers during a crash. Seat belts are required on small school buses (under 10,000 lbs.) and children being transported in these smaller buses are covered under this law.
- ◆ Refer to "Requirements and Recommendations for the Transportation of Children by Schools, Child Care Centers and other Organizations in North Carolina", available through [www.buckleupnc.org](http://www.buckleupnc.org) for more information.

**Can I let my children ride in the back of a pickup truck?**

- ◆ A separate NC law prohibits most children less than age 12 from riding in the open bed of a pickup truck or other cargo area. No child or adult should ride in the bed of a pickup truck or any other place in the vehicle not designated as a seating position.

For further information contact:

**UNC Highway Safety Research Center**  
800-672-4527 / 919-962-2202  
[www.buckleupnc.org](http://www.buckleupnc.org)  
[www.hsrc.unc.edu](http://www.hsrc.unc.edu)

For further information or to order brochures or other educational materials, contact:

**NC Governor's Highway Safety Program**  
800-999-9676 / 919-733-3083  
[www.ncdot.org/programs/GHSP](http://www.ncdot.org/programs/GHSP)

**NC Department of Insurance**  
**NC Safe Kids Buckle Up**  
888-347-3737 / 919-661-5880  
[www.ncsafekids.org](http://www.ncsafekids.org)