

SUMMARY OF NORTH CAROLINA'S OCCUPANT RESTRAINT LAWS AS OF OCTOBER 2009

Child Passenger Safety G.S. 20-137.1	Seat Belt G.S. 20-135.2A	Children in Pickup Trucks G.S. 20-135.2B
<p>Ages/Positions Covered:</p> <ul style="list-style-type: none"> ▶ Children less than age 16 in front or back seats. <p>Vehicles Covered:</p> <ul style="list-style-type: none"> ▶ All vehicles required by federal standards to have seat belts. <p>Restraint Required:</p> <ul style="list-style-type: none"> ▶ Any type of properly used child restraint device (CRD) meeting Federal standards (FMVSS 213) in effect at time of manufacture if child is less than age 8 <u>AND</u> less than 80 pounds. ▶ The CRD must be in the rear seat if 1) the child is < than age 5 and < 40 lbs., and 2) the vehicle has an active passenger side air bag, and 3) the vehicle has a rear seat [unless the CRD is designed for use with air bags]. ▶ Children may be secured in a properly fitted seat belt at age 8 <u>OR</u> if they reach 80 pounds before their 8th birthday. ▶ If there is no lap and shoulder belt available for a belt-positioning booster, a child less than age 8 <u>and</u> heavier than 40 lbs. may be restrained by a properly fitted lap belt only. <p>Exemptions:</p> <ul style="list-style-type: none"> ▶ Vehicles not required to have seat belts (includes most school buses). ▶ Ambulances and other emergency vehicles ▶ If all seating positions with belts are occupied. <p>Responsibility/Penalties:</p> <ul style="list-style-type: none"> ▶ Driver responsible for all children less than 16. ▶ Fine not to exceed \$25. ▶ \$130 court cost. ▶ Two (2) driver license points. ▶ No insurance points. ▶ No conviction if child is <8 and proof presented at trial that CRD has been acquired since violation for vehicle normally used to transport child. 	<p>Ages/Positions Covered:</p> <ul style="list-style-type: none"> ▶ All drivers and passengers -front seat and back seat - ages 16 and older. <p>Vehicles Covered:</p> <ul style="list-style-type: none"> ▶ All vehicles required by federal standards to have seat belts. <p>Restraint Required:</p> <ul style="list-style-type: none"> ▶ Properly worn full restraint system provided for the seating position. <p>Exemptions:</p> <ul style="list-style-type: none"> ▶ Vehicles not required to have belts. ▶ Professionally certified medical condition or phobia preventing use (if not driving a commercial vehicle). ▶ Rural letter carriers and newspaper carriers while performing duties. ▶ Frequently stopping delivery vehicles if speed between stops is <21 mph. ▶ Vehicles with "Farm" license plates while being used for agricultural purposes in intrastate commerce. ▶ Occupants in rear of motor homes (as defined in G.S. 20-4.01(27)d2), age 16 or older. ▶ Backseat occupants of law enforcement vehicles while in custody. ▶ Driver of a residential garbage or recycling truck while the truck is operating during collection rounds. <p>Responsibility/Penalties:</p> <ul style="list-style-type: none"> ▶ Driver responsible for self and all children less than 16. ▶ Ages 16 and older responsible for selves (receive their own tickets). ▶ Penalties for Driver and Front Seat (age 16+): <ul style="list-style-type: none"> ▶ Penalty of \$25.50. ▶ \$100.50 court cost. ▶ No driver license or insurance points. ▶ Standard (Primary) enforcement. ▶ Penalties for Rear Seat (age 16+): <ul style="list-style-type: none"> ▶ Penalty of \$10. ▶ No court cost. ▶ No driver license or insurance points. ▶ Secondary enforcement. 	<p>Ages/Positions Covered:</p> <ul style="list-style-type: none"> ▶ Children less than age 16 in open bed or open cargo area. <p>Vehicles Covered:</p> <ul style="list-style-type: none"> ▶ Vehicles having open beds or cargo areas without permanent overhead restraining construction. <p>Restraint Required:</p> <ul style="list-style-type: none"> ▶ Transport in open bed or open cargo area prohibited. <p>Exemptions:</p> <ul style="list-style-type: none"> ▶ If adult is present in bed or cargo area and is supervising the child. ▶ If child is secured or restrained by seat belt in compliance with FMVSS 208 installed to support load of 5000 lbs. for each belt and of a type approved by the Commissioner. ▶ An emergency situation exists ▶ Vehicle is being operated in a parade. ▶ Vehicle is being operated in an agricultural enterprise, including providing transportation to and from the principal place of the agricultural enterprise <p>Responsibility/Penalties:</p> <ul style="list-style-type: none"> ▶ Driver responsible for all children less than age 16. ▶ Penalty of \$25. ▶ No court costs apply. ▶ No driver license or insurance points.