

The North Carolina Children in Back of a Pickup Truck Law: Commonly Asked Questions



What are the basic provisions of this law?

This law prohibits children less than age 16 from riding in the open bed of a pickup truck or other open cargo area. An open bed or open cargo area is a bed or cargo area without permanent overhead restraining construction.

What is “permanent overhead restraining construction”?

What constitutes a permanent overhead restraining construction has never been defined by the NC Legislature or the courts. The generally accepted interpretation is that this is a structure welded or bolted to the vehicle.

Note, however, that “permanent overhead restraining constructions” may help to reduce ejection from the vehicle but do not protect occupants as seat belts and child safety seats do. Riders in camper shells and other similar structures are also exposed to a greater risk of carbon monoxide poisoning.



What are the exemptions to this law?

There are a number of exemptions to this law, most of which are not considered to be safe. Two exemptions that are not likely to present a threat to the safety of the child are:

- ◆ If the child is secured or restrained by seat belt in compliance with FMVSS 208 installed to support load of 5,000 lbs. for each belt and of a type approved by the Commissioner.
- ◆ If the vehicle is being operated in a parade.

Other exemptions, not considered to be safe, are:

- ◆ If an adult is present in the bed or cargo area and is supervising the child.
- ◆ If an emergency situation exists
- ◆ If the vehicle is being operated in an agricultural enterprise, including providing transportation to and from the principal place of the agricultural enterprise.

What will happen to me if I don't comply with this law?

Violators are issued tickets and are subject to a penalty of \$25.00. Violations of this law have been defined as "infractions" and do not incur court costs, driver license points or insurance surcharges.

Of course, the worst outcome of non-compliance would be a crash in which a child is seriously injured or killed because of not being properly buckled up.

Can child restraints be safely and legally used on side facing-seats in a truck cab?

This is illegal since the NC Child Passenger Safety Law requires use of the restraint system according to the manufacturer's instructions, all of which specify that the safety seats should not be used in side-facing seats.