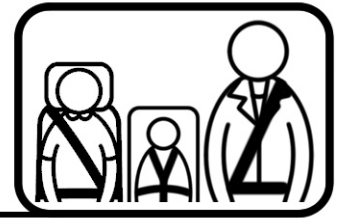


The North Carolina CPS Technician Liability Protection Law: Commonly Asked Questions



What are the basic provisions of this law?

This law provides that a certified child passenger safety technician or sponsoring organization would not be liable as a result of:

- ◆ Any act or omission occurring solely in the inspection, installation, or adjustment of a child safety seat, or
- ◆ Providing education regarding the installation or adjustment of a child safety seat if the certified technician or sponsoring organization acts in good faith and within the scope of the training for which the technician is currently certified, and the service is provided without fee or charge other than reimbursement for expenses.

Why is this law needed?

- ◆ Each year, around 125,000 babies are born in NC, all requiring car seats. As those babies grow, their safety needs change and different seats are needed to keep them safe. Each time a seat is removed from a vehicle and re-installed there is the possibility that the seat will not be installed correctly.
- ◆ Certified CPS technicians are needed to provide education and training to parents and other caregivers who transport young children to enable them properly install and use child restraints for their children. The more certified CPS technicians available to educate the public, the more seats will be properly installed.
- ◆ “Good Samaritan” protection is needed for those volunteer CPS technicians who provide such an important service to North Carolinians but who may not be covered by liability insurance through their employer, sponsoring organization or through individual liability coverage.

Who is covered by this liability protection?

- ◆ This law defines a Certified Child Passenger Safety Technician as being an individual who successfully completes and maintains a current child passenger safety technician or technician instructor certification through the current certifying body for the National Child Passenger Safety Training Program as designated by the National Highway Traffic Safety Administration. The current certifying body is Safe Kids Worldwide.
- ◆ A CPS Technician can receive compensation from a sponsoring organization or his or her employer and still be covered under this law as long as the service is not provided in conjunction with the for-profit sale of a child safety seat and as long as the service is provided without fee or charge other than reimbursement for expenses.
- ◆ A sponsoring organization is defined as a person or organization other than a manufacturer of child safety seats that either 1) offers or arranges a nonprofit child safety seat educational program or event using certified technicians, or 2) owns property on which a nonprofit child safety seat educational program or event is held.

Are there any exceptions to this Technician liability protection?

The limitation on liability does not apply if:

- ◆ The act or omission of the certified child passenger safety technician or sponsoring organization constitutes willful or wanton misconduct or gross negligence, or
- ◆ The inspection, installation, or adjustment of a child safety seat or education provided regarding the installation or adjustment of a child safety seat is in conjunction with the for-profit sale of a child safety seat.

For further information contact:

UNC Highway Safety Research Center
800-672-4527 / 919-962-2202
www.buckleupnc.org
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/secretary/GHSP

NC Department of Insurance
NC Safe Kids Buckle Up
888-347-3737 / 919-661-5880
www.ncsafekids.org

