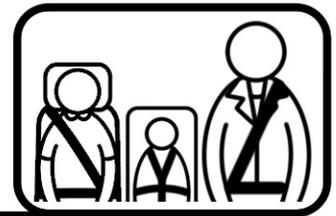


The North Carolina Child Passenger Safety & Booster Seat Law: Commonly Asked Questions



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. Belt-positioning booster seats can be used 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. 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

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

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

Q: "Is my child required to be in a booster seat or other child restraint?"

A: A child who is both less than age 8 AND less than 80 pounds is required to be in some type of child restraint. This could include a booster seat.

Q: "Can I switch my child to just a seat belt alone?"

A: A child may be restrained by properly fitted seat belts when he reaches age 8 (regardless of weight) OR reaches 80 pounds (regardless of age).

◆ Note, however, that a child who has reached 40 pounds, regardless of age, may be restrained by only a properly fitted lap belt if there is no lap and shoulder belt equipped seating position available for use with 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? 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/height range specified for the CR; and 3) the CR is being used correctly according to the manufacturer's instructions.

◆ Booster seats, harnesses, and CRs 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 missing labels, is expired, has missing or broken parts, or has been involved in a severe crash.

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

◆ The American Academy of Pediatrics (AAP) recommends that children be kept rear-facing until at least age two for maximum protection. Children are five times safer riding rear-facing than forward-facing into the second year of life. However, 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, generally at 1 year old and 20 pounds.

◆ Many rear-facing only CRs and most current convertible CRs, 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 point as long as the child is within the height/weight/age range stated by the booster manufacturer. However, it is not generally recommended to use booster seats until after the forward-facing child restraint (CR) with a harness is outgrown and the child is mature enough to stay properly seated in the booster seat. Most seats on the market today have harnesses that can accommodate children weighing more than 40 pounds and some can accommodate children weighing up to 90 pounds.

◆ 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 weighs at least 80 pounds and the belt fits properly. Properly fitted lap belts fit low and snug across the hips and should touch the upper thighs. Properly fitted shoulder belts must fit correctly across the collar bone and chest.

◆ A 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 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?

Images courtesy of
Children's Hospital of Philadelphia

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 the vehicle has an air bag on-off switch that is turned off.
- ◆ Infants in rear-facing child restraints should NEVER ride in the front seat of a vehicle with an active passenger side air bag.
- ◆ 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 age and size.
 - ▶ If a child over two years old MUST ride in the front seat with a passenger side air bag, put the child in a forward facing full harness CR, belt-positioning booster seat, or a properly fitted lap and shoulder belt (whichever is appropriate given the child's age and size) 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?

- ◆ Failure to secure a child in an appropriate CRS or seat belt violations carry a fine of up to \$25 plus full court costs and fees (currently \$238) for a total of \$263 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.
 - ▶ Once turned around facing to the front, children should ride in a front-facing seat with a full harness until it is outgrown. Most seats that can be used forward facing with a harness on the market today have harnesses that can accommodate children weighing much more than 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, generally around 4'9" tall, over 80 pounds, and between the ages of 8 and 12. Except for children in lap-belt-only positions, NC law does not allow the use of a seat belt until at least 8 years old 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 only 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 a higher weight harness (more than 40 lbs.) CR.
- ▶ 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 for a child to use with a belt-positioning booster.

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

- ◆ Child restraints 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 and age 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 large 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. These vehicles 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 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 16 from riding in the open bed of a pickup truck or other open cargo area (more details at www.buckleupnc.org). 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
www.hsrc.unc.edu

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

NC Governor's Highway Safety Program
 919-733-3083
www.ncdot.org/programs/GHSP

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