

SUMMARY OF NORTH CAROLINA'S OCCUPANT RESTRAINT LAWS AS OF MAY 2013

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 < age 5 and < 40 lbs., 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 (regardless of weight) <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 positions with belts are occupied <p>Responsibility/Penalties:</p> <ul style="list-style-type: none"> ▶ Driver responsible for all children < 16 ▶ Fine not to exceed \$25 ▶ \$238 in court costs if no CR or belt, \$188 in court costs if not in rear seat when required ▶ 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 ▶ Passenger 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 passengers age 16 and older: <ul style="list-style-type: none"> ▶ Fine of \$25.50 ▶ \$135.50 court costs ▶ No driver license or insurance points ▶ Standard (Primary) enforcement ▶ Penalties for rear seat passengers age 16 and older: <ul style="list-style-type: none"> ▶ Fine 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 with 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