

## NC Child Passenger Safety Law - General Statute (G.S.) 20-137.1

### ***Ages/Positions Covered:***

- Children less than age 16 in front or back seats are covered under the NC Child Passenger Safety law.
- Drivers and passengers 16 years old and older are covered by the NC Seat Belt Law.

### ***Vehicles Covered:***

- All vehicles required by federal standards to have seat belts are covered. This includes:
  - All passenger cars manufactured after 1967
  - Vans, pickup trucks and sport utility vehicles manufactured after 1971
- There are no exemptions for vehicles registered in other states or vehicles driven by out-of-state drivers.

### ***Restraint Required:***

- A properly used child restraint device (CRD) is required if the child is less than 8 years old AND weighs less than 80 pounds, and:
  - The child must be within the weight range for the child restraint/booster seat
  - The CRD must meet Federal standards in effect at time of manufacture
- Children may be secured in a properly fitted seat belt:
  - At age 8 (regardless of weight) OR at 80 pounds (regardless of age) - whichever comes first
  - Placing the shoulder belt under a child's (or adult's) arm or behind the back is both dangerous and illegal
- A child who weighs 40 pounds or more may be restrained by a properly fitted lap belt only if no seating position equipped with a lap and shoulder belt (to properly secure a belt positioning booster seat) is available

### ***Position in Vehicle:***

- The CRD must be installed in the rear seat if
  - The child is less than age 5 and less than 40 lbs. and
  - If the vehicle has a passenger side air bag and
  - If the vehicle has a rear seat.

### ***Exemptions (not necessarily considered to be safe):***

- Vehicles not required to have belts:
  - Cars made before 1968
  - Pickup trucks, SUVs, and vans made before 1972
  - Large buses such as school buses
- Ambulances and other emergency vehicles
- If all seating positions with belts are occupied

### ***Responsibility/Penalties:***

- The driver is responsible for all children less than sixteen - even if a child's parent is also in the vehicle
- Penalty not to exceed \$25, even if multiple children are unrestrained.
- Full court costs apply (\$188 as of August 2011)
- Two (2) driver license points, but no insurance points, are assessed for a CPS conviction
- There is no conviction if the child is less than 8 years old and proof is presented at trial that an appropriate CRD/Booster seat has been acquired for a vehicle in which the child is normally transported since the violation.

## NC Seat Belt Law - G.S. 20-135.2A

### ***Ages/Positions Covered:***

- All drivers and passengers, in the rear seat as well as in the front seat, ages 16 and older must wear their seat belts.
- Children less than age 16 are covered by the NC Child Passenger Safety law.

### ***Vehicles Covered:***

- All vehicles required by federal standards to have seat belts are covered. This includes:
  - All passenger cars manufactured after 1967
  - Vans, pickup trucks and sport utility vehicles manufactured after 1971
- There are no exemptions for vehicles registered in other states or vehicles driven by out-of-state drivers.

### ***Restraint Required:***

- The full restraint system provided for the seating position must be properly worn.
- Placing the shoulder belt behind the back or under the arm is not allowed.

### ***Exemptions (not necessarily considered to be safe):***

- Vehicles not required to have belts:
  - Cars made before 1968
  - Pickup trucks, SUVs, and vans made before 1972
  - Large buses such as school buses
- Drivers of noncommercial motor vehicles with a professionally certified medical condition or mental phobia preventing use.
- Rural letter carriers and newspaper carriers while performing duties.
- Frequently stopping delivery vehicles if speed between stops does not exceed 20 mph.
- Vehicles with "Farm" license plates while being used for agricultural purposes in intrastate commerce.
- Any occupant of a motor home, as defined in G.S. 20-4.01(27)d2, other than the driver and front seat passengers.
- Backseat occupants of law enforcement vehicles while in custody.
- Drivers of residential garbage or recycling trucks during collection rounds.

### ***Responsibility:***

- The driver of the vehicle is responsible for himself and all children less than sixteen.
- Passengers ages sixteen and older are responsible for themselves.

### ***Enforcement and Penalties***

#### *Drivers and Front Seat Occupants Ages 16 and Older:*

- Standard (Primary) enforcement
- Fine of \$25.50
- Court costs of \$135.50 (as of August 2011)
- No driver license or insurance points are assessed.

#### *Rear Seat Occupants Ages 16 and Older:*

- Secondary enforcement (vehicle cannot be stopped if this is the only violation detected by an officer)
- Penalty of \$10
- No court costs
- No driver license or insurance points are assessed.

## NC Children in the Back of Pickup Trucks Law - G.S. 20-135.2B

### ***Ages/Positions Covered:***

- Children less than age 16
- Riding in open beds of pickup trucks or other open cargo area.

### ***Vehicles Covered:***

- Vehicles having open beds or cargo areas without “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 a this is a structure welded or bolted to the vehicle.
  - Note, however:
    - “Permanent overhead restraining constructions” may help to reduce ejection from the vehicle but do not protect occupants as seat belts and child restraints do.
    - Riders in camper shells and other similar structures are also exposed to a greater risk of carbon monoxide poisoning.

### ***Restraint Required:***

- Transport in open bed or open cargo area prohibited.

### ***Exemptions (not necessarily considered to be safe):***

- If an adult is present in bed or cargo area and is supervising the child.
- If the child is secured or restrained by seat belt in compliance with FMVSS 208.
- If an emergency situation exists
- If the vehicle is being operated in a parade.
- If the vehicle is being operated in an agricultural enterprise, including providing transportation to and from the principal place of the agricultural enterprise.

### ***Responsibility/Penalties:***

- The driver responsible for all children less than age 16.
- Penalty of not more than \$25.00, even if more than one child less than 16 years of age is riding in the open bed or open cargo area of a vehicle.
- No court costs apply.
- No driver license points
- No insurance points.

## NC CPS Technician Liability Law - G.S. 20-137.5

### ***What are the basic provisions of this law?***

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

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

“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?***

- Currently certified Child Passenger Safety Technicians are covered.
- The 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
  - 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:
  - Offers or arranges a nonprofit child safety seat educational program or event using certified technicians, or
  - Owns property on which a nonprofit child safety seat educational program or event is held

### ***Exceptions to Technician Liability Protection***

The limitation on liability does not apply if:

1. The act or omission of the certified child passenger safety technician or sponsoring organization constitutes willful or wanton misconduct or gross negligence, or
2. 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.