

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

4

HOUSE BILL 57  
Committee Substitute Favorable 3/22/99  
Committee Substitute #2 Favorable 4/5/99  
Fourth Edition Engrossed 4/8/99

Short Title: Motor Vehicle Occupant Restraints.

(Public)

Sponsors:

Referred to:

February 10, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO ENHANCE MOTOR VEHICLE OCCUPANT RESTRAINT SAFETY.  
3 The General Assembly of North Carolina enacts:  
4 Section 1. G.S. 20-135.2A(a) reads as rewritten:  
5 "(a) Each front seat occupant who is 16 years of age or older and each driver of a  
6 passenger motor vehicle manufactured with seat ~~safety belts in compliance with Federal~~  
7 ~~Motor Vehicle Safety Standard No. 208 must~~ shall have such a safety seat belt properly  
8 fastened about his or her body at all times when the vehicle is in forward motion on a  
9 street or highway in this State. When the vehicle is equipped with sufficient seat belts to  
10 accommodate each passenger seated in a rear seat, each rear seat occupant who is 16  
11 years of age or older shall have a seat belt properly fastened about his or her body in  
12 compliance with this section. ~~Each driver of a passenger motor vehicle manufactured with seat~~  
13 ~~safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208, who is~~  
14 ~~transporting in the front seat a person who is (i) under 16 years of age and (ii) not required to be~~  
15 ~~restrained in accordance with G.S. 20-137.1, must have the person secured by such a safety belt~~  
16 ~~at all times when the vehicle is operated in forward motion on a street or highway in this State.~~

1 Persons ~~required to be restrained in accordance with G.S. 20-11 and G.S. 20-137.1 must be~~  
2 ~~secured as required by those sections."~~

3 Section 2. G.S. 20-135.2A(e) reads as rewritten:

4 "(e) ~~Any person violating this section during the period from October 1, 1985, to~~  
5 ~~December 31, 1986, shall be given a warning of violation only. Thereafter, any person~~  
6 ~~violating~~ Any driver or passenger who fails to wear a seat belt as required by this section  
7 shall have committed an infraction and shall pay a ~~fine~~ penalty of twenty-five dollars  
8 (\$25.00). An infraction is an unlawful act that is not a crime. The procedure for charging  
9 and trying an infraction is the same as for a misdemeanor, but conviction of an infraction  
10 has no consequence other than payment of a fine.—A person convicted of an infraction  
11 found responsible for a violation of this section may not be assessed court costs."

12 Section 3. G.S. 20-135.2A(h) is repealed.

13 Section 4. G.S. 20-135.2B(c) reads as rewritten:

14 "(c) Any person violating this section shall have committed an infraction and shall  
15 pay a ~~fine~~ penalty of twenty-five dollars (\$25.00). ~~An infraction is an unlawful act that is not~~  
16 ~~a crime. The procedure for charging and trying an infraction is the same as for a misdemeanor,~~  
17 ~~but conviction of an infraction has no consequence other than payment of a fine.—A person~~  
18 ~~convicted of an infraction found responsible for a violation of this section may not be~~  
19 ~~assessed court costs."~~

20 Section 5. Section 3 of Chapter 672 of the 1993 Session Laws is repealed.

21 Section 6. G.S. 20-137.1(a) reads as rewritten:

22 "(a) Every driver who is transporting ~~a child~~ one or more passengers of less than ~~12~~  
23 16 years of age shall have ~~the child~~ all such passengers properly secured in a child  
24 passenger restraint system (~~ear safety seat~~) or seat belt which meets federal standards  
25 applicable at the time of its manufacture. ~~The requirements of this section may be met when~~  
26 ~~the child is four years of age or older by securing the child in a seat safety belt.~~ In vehicles  
27 equipped with active passenger-side front air bags, children shall be properly secured in a  
28 rear seat unless the child restraint system is designed for use with air bags or the child is  
29 in a properly fitted shoulder and seat belt:

30 (1) A child less than five years of age and less than 40 pounds in weight  
31 shall be properly secured in a child passenger restraint system.

32 (2) A child five years of age or older, or a child weighing 40 or more  
33 pounds, shall be properly secured in a child passenger restraint system  
34 or seat belt."

35 Section 7. G.S. 20-137.1(c) reads as rewritten:

36 "(c) Any person convicted of violating this section may be punished by a ~~fine~~  
37 penalty not to exceed twenty-five dollars (\$25.00). No driver charged under this section  
38 for failure to have a child under ~~four~~ five years of age properly secured in a restraint  
39 system shall be convicted if he produces at the time of his trial proof satisfactory to the  
40 court that he has subsequently acquired an approved child passenger restraint system."

41 Section 8. This act becomes effective October 1, 1999.