

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1467*
Judiciary II Committee Substitute Adopted 6/22/94
Judiciary II Committee Substitute No. 2 Adopted 6/28/94

Short Title: Strengthen Child Restraint Law.

(Public)

Sponsors:

Referred to:

May 25, 1994

A BILL TO BE ENTITLED

AN ACT TO STRENGTHEN THE REQUIREMENTS TO HAVE A CHILD IN A RESTRAINT SYSTEM WHILE OPERATING A MOTOR VEHICLE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-137.1 reads as rewritten:

"§ 20-137.1. Child restraint systems required.

(a) Every driver who is transporting a child of less than ~~six~~five years of age and whose weight is under 50 pounds shall have the child properly secured in a child passenger restraint system (car safety seat) which ~~met applicable~~meets federal standards applicable at the time of its manufacture. ~~The requirements of this section may be met when the child is three years of age or older by securing the child in a seat safety belt. Every driver who is transporting a child of less than 16 years of age, when the child:~~

(1) Is five years of age or older; or

(2) Weighs 50 pounds or more

shall have the child properly secured in either a child passenger restraint system (car safety seat) which meets federal standards applicable at the time of its manufacture or a seat safety belt which meets the federal standard applicable at the time the motor vehicle in which the seat safety belt is installed was manufactured. The provisions of this section shall apply to children being transported in the front and rear seats of a passenger motor vehicle manufactured with seat safety belts in compliance with federal law or regulation.

1 (b) The provisions of this section shall not apply: ~~(i) to vehicles registered in~~
2 ~~another state or jurisdiction;~~ ~~(ii) (i) to ambulances or other emergency vehicles;~~ ~~(iii)~~
3 ~~when the child's personal needs are being attended to;~~ ~~(iv) (ii) to the members of the~~
4 driver's family if all seating positions equipped with child passenger restraint systems or
5 seat belts are occupied; occupied by members of the driver's family secured by the child
6 passenger restraint systems or seat belts; or ~~(v) (iii) to vehicles which are not required~~
7 by federal law or regulation to be equipped with seat belts.

8 (c) Any person convicted of violating this section may be punished by a fine not
9 to exceed twenty-five dollars (\$25.00). No driver charged under this section for failure
10 to have a child under ~~three~~ five years of age and whose weight is less than 50 pounds
11 properly secured in a restraint system shall be convicted if he produces at the time of his
12 trial proof satisfactory to the court that he has subsequently acquired an approved child
13 passenger restraint system.

14 (d) No driver license points or insurance points shall be assessed for a violation
15 of this section; nor shall a violation constitute negligence **per se** or contributory
16 negligence **per se** nor shall it be evidence of negligence or contributory negligence."

17 Sec. 2. This act becomes effective December 1, 1994.