

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 57
Committee Substitute Favorable 3/22/99
Committee Substitute #2 Favorable 4/5/99

Short Title: Motor Vehicle Occupant Restraints.

(Public)

Sponsors:

Referred to:

February 10, 1999

A BILL TO BE ENTITLED

AN ACT TO ENHANCE MOTOR VEHICLE OCCUPANT RESTRAINT SAFETY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-135.2A(a) reads as rewritten:

"(a) Each front seat occupant who is 16 years of age or older and each driver of a passenger motor vehicle manufactured with seat ~~safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208~~ must shall have such a safety seat belt properly fastened about his or her body at all times when the vehicle is in forward motion on a street or highway in this State. When the vehicle is equipped with sufficient seat belts to accommodate each passenger seated in a rear seat, each rear seat occupant who is 16 years of age or older shall have a seat belt properly fastened about his or her body in compliance with this section. ~~Each driver of a passenger motor vehicle manufactured with seat safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208, who is transporting in the front seat a person who is (i) under 16 years of age and (ii) not required to be restrained in accordance with G.S. 20-137.1, must have the person secured by such a safety belt at all times when the vehicle is operated in forward motion on a street or highway in this State. Persons required to be restrained in accordance with G.S. 20-11 and G.S. 20-137.1 must be secured as required by those sections."~~

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

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

10 Section 3. G.S. 20-135.2A(f) reads as rewritten:

11 "(f) ~~No drivers license points or insurance points or insurance surcharge shall be~~
12 ~~assessed on account of violation of this section. A driver's failure to wear a seat belt as~~
13 ~~required by this section while operating a passenger motor vehicle shall be considered a~~
14 ~~moving violation for purposes of G.S. 20-16(c), but shall not be considered a moving~~
15 ~~violation for purposes of G.S. 20-28.1, 58-36-65, or 58-36-75."~~

16 Section 4. G.S. 20-135.2A(h) is repealed.

17 Section 5. G.S. 20-135.2B(c) reads as rewritten:

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

24 Section 6. Section 3 of Chapter 672 of the 1993 Session Laws is repealed.

25 Section 7. G.S. 20-137.1(a) reads as rewritten:

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

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

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

39 Section 8. G.S. 20-137.1(c) reads as rewritten:

40 "(c) Any person convicted of violating this section may be punished by a ~~fine~~
41 ~~penalty~~ not to exceed twenty-five dollars (\$25.00). No driver charged under this section
42 for failure to have a child under ~~four~~ five years of age properly secured in a restraint

1 system shall be convicted if he produces at the time of his trial proof satisfactory to the
2 court that he has subsequently acquired an approved child passenger restraint system."

3 Section 9. G.S. 20-137.1(d) reads as rewritten:

4 "(d) No ~~driver license points or insurance points~~ shall be assessed for a violation of
5 this section; nor shall a violation constitute negligence per se or contributory negligence
6 per se nor shall it be evidence of negligence or contributory negligence. A violation of
7 this section shall be considered a moving violation for purposes of G.S. 20-16(c), but
8 shall not be considered a moving violation for purposes of G.S. 20-28.1, 58-36-65, or 58-
9 36-75."

10 Section 10. This act becomes effective October 1, 1999.