

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 65*

Short Title: Motor Vehicle Occupant Restraints.

(Public)

Sponsors: Senators Purcell, Gulley, Allran; Clodfelter, Dannelly, Forrester, Garrou, Garwood, Hagan, Hartsell, Lee, Lucas, Martin of Guilford, Miller, Phillips, Reeves, and Shaw of Cumberland.

Referred to: Health Care.

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 have such a safety 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 safety belts to accommodate each passenger seated in the rear seat, each rear seat occupant who is 16 years of age or older must have a seat safety 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. 20-28.21, 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. G.S. 20-135.2B(d) reads as rewritten:

25 "(d) ~~No drivers license points or insurance points or insurance surcharge shall be~~
26 ~~assessed on account of violation of this section. A violation of this section shall be~~
27 ~~considered a moving violation for purposes of G.S. 20-16(c), but shall not be considered~~
28 ~~a moving violation for purposes of G.S. 20-28.21, 58-36-65, or 58-36-75."~~

29 Section 7. Section 3 of Chapter 672 of the 1993 Session Laws is repealed.

30 Section 8. G.S. 20-137.1(a) reads as rewritten:

31 "(a) Every driver who is transporting ~~a child~~ one or more passengers of less than 12
32 16 years of age shall have the child each such passenger properly secured in a child an
33 age-appropriate passenger restraint system (car safety seat) which meets federal standards
34 applicable at the time of its manufacture. The requirements of this section may be met when the
35 child is four years of age or older by securing the child in a seat safety belt system.

36 When a child is less than five years of age or less than 60 pounds in weight, the
37 requirements of this section shall be met by securing the child in a child restraint system
38 which meets federal standards applicable at the time of its manufacture. The child
39 restraint system shall be secured in a rear seat of the vehicle if the vehicle has a rear seat
40 that will accommodate a child restraint system.

41 When a child is five years of age or older or is 60 pounds or more in weight, the
42 requirements of this section may be met by securing the child in a seat safety belt."

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

1 "(d) No ~~driver license points or~~ insurance points shall be assessed for a violation of
2 this section; nor shall a violation constitute negligence per se or contributory negligence
3 per se nor shall it be evidence of negligence or contributory negligence. A violation of
4 this section shall be considered a moving violation for purposes of G.S. 20-16(c), but
5 shall not be considered a moving violation for purposes of G.S. 20-28.21, 58-36-65, or
6 58-36-75."

7 Section 10. This act becomes effective July 1, 1999.