

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

3

SENATE BILL 65*

Health Care Committee Substitute Adopted 3/31/99

Third Edition Engrossed 4/20/99

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. Each rear seat occupant who is at least 5 years of age but who has not yet reached 16 years of age shall have a seat belt properly fastened about his or her body in compliance with this section if there is a seat belt available for that occupant. 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 G.S. 20-135.2A(h) is repealed.

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

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

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 Section 3 of Chapter 672 of the 1993 Session Laws is repealed.

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

20 "(a) Every driver who is transporting ~~a child one or more passengers~~ of less than ~~12~~
21 16 years of age shall have the child all such passengers properly secured in a child
22 passenger restraint system (ear safety seat) or seat belt which meets federal standards
23 applicable at the time of its manufacture. The requirements of this section may be met when
24 the child is four years of age or older by securing the child in a seat safety belt. In vehicles
25 equipped with active passenger-side front air bags, children shall be properly secured in a
26 rear seat unless the child restraint system is designed for use with air bags or the child is
27 in a properly fitted shoulder and seat belt, as follows:

28 (1) A child less than five years of age shall be properly secured in a child
29 passenger restraint system (age appropriate child safety seat or age
30 appropriate booster seat).

31 (2) A child less than five years of age who is too large to fit properly in a
32 child restraint system shall be properly secured by a seat belt."

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

34 "(c) Any ~~person driver convicted of violating~~ found responsible for a violation of this
35 section may be punished by a fine penalty not to exceed twenty-five dollars (\$25.00).
36 (\$25.00), even when more than one child less than 16 years of age was not properly
37 secured in a restraint system. No driver charged under this section for failure to have a
38 child under ~~four~~ five years of age properly secured in a restraint system shall be convicted
39 if he produces at the time of his trial proof satisfactory to the court that he has
40 subsequently acquired an approved child passenger restraint system."

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