

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** SB 65 committee substitute Motor Vehicle Occupant Restraints

**SHORT TITLE:** Motor Vehicle Occupant Restraints

**SPONSOR(S):** Senator Purcell, et al.

**FISCAL IMPACT**

**Yes (X)      No ( )      No Estimate Available (X)**

**FY 1999-00   FY 2000-01   FY 2001-02   FY 2002-03   FY 2003-04**

**REVENUES**

**EXPENDITURES**

May have a moderate fiscal impact on the Judicial Branch but no estimate is available.

**POSITIONS:**

**PRINCIPAL DEPARTMENT(S) &**

**PROGRAM(S) AFFECTED:** Judicial branch, Local School Districts

**EFFECTIVE DATE:** October 1, 1999

**BILL SUMMARY:**

TO ENHANCE MOTOR VEHICLE OCCUPANT RESTRAINT SAFETY. Extends GS 20-135.2A(a) to require all rear seat occupants 16 or older to fasten their safety belt. Establishes a \$25.00 penalty for failure to do so. Rewrites GS 20-137.1(a) to provide that drivers must ensure that persons younger than 16 are secured by an appropriate passenger restraint system. Children under five and weighing less than 60 pounds must be secured by a child restraint system that meets federal standards. Violations of these sections are moving violations under GS 20-16(c), but no court costs or insurance points are assessed. Effective July 1, 1999.

Senate committee substitute makes the following changes to 1st edition. Provides that a passenger less than 16 years of age must be secured in either a child passenger restraint system or a seat belt which meets federal standards applicable at the time of its manufacture. In vehicles equipped with active passenger-side front air bags, children must be secured in a rear seat unless the child restraint system is designed for use with air bags or the child is in a properly-fitted shoulder and seat belt. A child five years of age or older, or weighing 40 or more pounds, must

be properly secured in a child passenger restraint system or seat belt. Only a child passenger restraint system may be used for children less than five years of age or less than 40 pounds in weight. Changes effective date from July 1, 1999, to Oct. 1, 1999.

Source: Institute of Government, Daily Bulletin, February 10, 1999 and March 31, 1999.

## **ASSUMPTIONS AND METHODOLOGY:**

### Judicial Branch

According to the Administrative Office of the Courts (AOC), expanding the seat belt requirement to the rear seat, extending the child safety restraint requirement an additional year, and enhancing the consequences for seat belt violations by assessing drivers license points could result in additional court workload. However, the AOC and the Fiscal Research Division do not have estimates of the number of cases that might result from these changes.

Although it is unknown how many defendants might be charged with violating the rear seat belt requirement, during calendar 1998, 27,461 defendants were charged with violating the front seat belt requirement. Almost all were drivers instead of passengers.

Under current law, children under the age of four must be in a child safety restraint. However, the bill would change the age to five years or less than 40 pounds. Additional charges may result but no estimate is available on the incremental number of charges. In calendar 1998, 4,096 defendants were charged with improperly restraining a child under G. S. 20-137.1.

Presently, no drivers license points are assessed for seat belt violations, however, under the committee substitute, points may be assessed. This new consequence may provide the incentive to contest the charge for some defendants instead of waiving a hearing and paying the penalty. It is unknown how many defendants may have drivers license points and may insist on a hearing. Neither the AOC nor the Fiscal Research Division has information on the fiscal impact of the changes provided for in the bill but believe that the increased workload could be substantial considering the current number of violations is in the thousands.

### Local School Districts

The bill provides \$25 penalties that would be remitted to the local school district by the court. Because it is unknown how many additional penalties may be paid as a result of the changes in seat belt and child safety restraint usage requirements, the amount of the additional remittance to the local school district is also unknown.

## **TECHNICAL CONSIDERATIONS:**

**FISCAL RESEARCH DIVISION 733-4910**

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**DATE: Tuesday, April 13, 1999**



**Official  
Fiscal Research Division  
Publication**

**Signed Copy Located in the NCGA Principal Clerk's Offices**