

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 2340*

Short Title: Transporting Children in Open Bed of Vehicle. (Public)

Sponsors: Representatives Weiss, Pierce, Earle, Glazier (Primary Sponsors);
Alexander, Faison, Fisher, Insko, Parmon, Wainwright, and Womble.

Referred to: Children, Youth and Families, if favorable, Judiciary I.

May 21, 2008

A BILL TO BE ENTITLED

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2 AN ACT TO INCREASE THE PROTECTION OF CHILDREN WHO RIDE IN THE
3 BACK OF PICKUP TRUCKS OR OPEN BEDS OF VEHICLES BY RAISING
4 THE MINIMUM AGE, REMOVING THE EXEMPTIONS THAT MAKE
5 ALLOWANCES FOR SMALL COUNTIES AND ADULTS RIDING WITH
6 CHILDREN, AND INCREASE THE PENALTIES TO BE IN LINE WITH OTHER
7 CHILD SAFETY VIOLATIONS AS RECOMMENDED BY THE CHILD
8 FATALITY TASK FORCE.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 20-135.2B reads as rewritten:

11 "**§ 20-135.2B. Transporting children under 12-16 years of age in open bed or open**
12 **cargo area of a vehicle prohibited; exceptions.**

13 (a) The operator of a vehicle having an open bed or open cargo area shall ~~insure~~
14 ensure that no child under ~~12~~16 years of age is transported in the bed or cargo area of
15 that vehicle. An open bed or open cargo area is a bed or cargo area without permanent
16 overhead restraining construction.

17 (b) Subsection (a) of this section does not apply in any of the following
18 circumstances:

19 (1) ~~An adult is present in the bed or cargo area of the vehicle and is~~
20 ~~supervising the child.~~

21 (2) The child is secured or restrained by a seat belt manufactured in
22 compliance with Federal Motor Vehicle Safety Standard No. 208,
23 installed to support a load strength of not less than 5,000 pounds for
24 each belt, and of a type approved by the Commissioner.

25 (3) An emergency situation exists.

26 (4) The vehicle is being operated in a parade pursuant to a valid permit.

27 (5) The vehicle is being operated in an agricultural enterprise.

1 ~~(6) The vehicle is being operated in a county that has no incorporated area~~
2 ~~with a population in excess of 3,500.~~

3 (c) Any person violating this section shall have committed an infraction and shall
4 pay a penalty of not more than twenty-five dollars (\$25.00). ~~(\$25.00), even if more than~~
5 one child less than 16 years of age are riding in the open bed or open cargo area of a
6 vehicle. Conviction of an infraction under this section has no consequence other than
7 payment of a penalty. A person found responsible for a violation of this section ~~may not~~
8 shall be assessed court costs. A person violating this section shall be assessed two
9 drivers license points by the division.

10 (d) ~~No drivers license points or insurance surcharge shall be assessed on account~~
11 ~~of violation of this section. A violation of this section shall not constitute negligence per~~
12 ~~se or contributory negligence per se. A violation of this section shall not be evidence of~~
13 ~~negligence or contributory negligence."~~

14 **SECTION 2.** This act becomes effective October 1, 2008.