

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE BILL 2340\*  
Committee Substitute Favorable 6/9/08  
Committee Substitute #2 Favorable 6/24/08  
Fourth Edition Engrossed 6/26/08  
Committee Substitute #3 Favorable 7/7/08  
Senate Judiciary I (Civil) Committee Substitute Adopted 7/16/08  
Seventh Edition Engrossed 7/17/08

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

Sponsors:

Referred to:

May 21, 2008

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE PROTECTION OF CHILDREN WHO RIDE IN THE  
BACK OF PICKUP TRUCKS OR OPEN BEDS OF VEHICLES BY RAISING  
THE MINIMUM AGE, REMOVING THE EXEMPTION THAT MAKES  
ALLOWANCE FOR SMALL COUNTIES, AND MODIFYING THE  
EXEMPTION THAT MAKES AN ALLOWANCE FOR AGRICULTURAL  
ENTERPRISES, AND INCREASE THE PENALTIES.

The General Assembly of North Carolina enacts:

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

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

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

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

- (1) An adult is present in the bed or cargo area of the vehicle and is supervising the child.
- (2) The child is secured or restrained by a seat belt manufactured in compliance with Federal Motor Vehicle Safety Standard No. 208, installed to support a load strength of not less than 5,000 pounds for each belt, and of a type approved by the Commissioner.
- (3) An emergency situation exists.

- 1           (4) The vehicle is being operated in a ~~parade pursuant to a valid~~  
2           ~~permit-parade.~~
- 3           (5) The vehicle is being operated in an agricultural ~~enterprise-enterprise,~~  
4           including providing transportation to and from the principal place of  
5           the agricultural enterprise.
- 6           (6) ~~The vehicle is being operated in a county that has no incorporated area~~  
7           ~~with a population in excess of 3,500.~~
- 8 (c) Any person violating this section shall have committed an infraction and shall  
9 pay a penalty of not more than twenty-five dollars ~~(\$25.00)-(\$25.00)~~, even if more than  
10 one child less than 16 years of age is riding in the open bed or open cargo area of a  
11 vehicle. Conviction of an infraction under this section has no consequence other than  
12 payment of a penalty. A person found responsible for a violation of this section may not  
13 be assessed court costs.
- 14 (d) No drivers license points or insurance surcharge shall be assessed on account  
15 of violation of this section. A violation of this section shall not constitute negligence per  
16 se."
- 17           **SECTION 2.** This act becomes effective October 1, 2008, and applies to  
18 offenses committed on or after that date.