

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

SESSION LAW 2008-216
HOUSE BILL 2340

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.
- (4) The vehicle is being operated in a ~~parade pursuant to a valid permit.~~ parade.
- (5) The vehicle is being operated in an agricultural ~~enterprise.~~ enterprise, including providing transportation to and from the principal place of the agricultural enterprise.
- (6) ~~The vehicle is being operated in a county that has no incorporated area with a population in excess of 3,500.~~

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

(d) No drivers license points or insurance surcharge shall be assessed on account of violation of this section. A violation of this section shall not constitute negligence per se."

SECTION 2. This act becomes effective October 1, 2008, and applies to offenses committed on or after that date.

In the General Assembly read three times and ratified this the 18th day of July, 2008.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 11:10 a.m. this 16th day of August, 2008