

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 27
Committee Substitute Favorable 3/9/93

Short Title: No Children in Vehicle Cargo Areas.

(Public)

Sponsors:

Referred to:

February 2, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO RESTRICT THE TRANSPORTATION OF CHILDREN UNDER THE
3 AGE OF TWELVE IN THE OPEN BED OR OPEN CARGO AREA OF A
4 VEHICLE.

5 The General Assembly of North Carolina enacts:

6 Section 1. Chapter 20 of the General Statutes is amended by adding a new
7 section to read:

8 **"§ 20-135.2B. Transporting children under 12 years of age in open bed or open**
9 **cargo area of a vehicle prohibited; exceptions.**

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

14 (b) Subsection (a) of this section shall not apply when:

15 (1) The vehicle is being operated at a speed of 15 miles per hour or less;

16 (2) An adult is present in the bed or cargo area of the vehicle and is
17 supervising the child; or

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

22 (c) Evidence of a violation of this section shall not be admissible in any criminal
23 or civil trial except in an action based on a violation of this section.

1 (d) Any person violating this section shall have committed an infraction and shall
2 pay a fine of twenty-five dollars (\$25.00). An infraction is an unlawful act that is not a
3 crime. The procedure for charging and trying an infraction is the same as for a
4 misdemeanor, but conviction of an infraction has no consequence other than payment of
5 a fine. A person convicted of an infraction may not be assessed court costs.

6 (e) No drivers license points or insurance surcharge shall be assessed on account
7 of violation of this section."

8 Sec. 2. The Commissioner of the Division of Motor Vehicles and the
9 Department of Public Instruction shall incorporate in driver education programs and
10 driver licensing programs instructions designed to encourage compliance with this act
11 and to inform the public on the requirements and penalties specified in this law.

12 Sec. 3. The Department of Transportation through the Governor's Highway
13 Safety Program shall evaluate the effectiveness of this act and shall include a report of
14 findings in its report on highway safety no later than January 1, 1997.

15 Sec. 4. This act becomes effective January 1, 1994.