

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 672
HOUSE BILL 27

AN ACT TO RESTRICT THE TRANSPORTATION OF CHILDREN UNDER THE
AGE OF TWELVE IN THE OPEN BED OR OPEN CARGO AREA OF A
VEHICLE.

The General Assembly of North Carolina enacts:

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

"§ 20-135.2B. Transporting children under 12 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 that no child under 12 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 shall not apply when:

- (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.
- (5) The vehicle is being operated in an agricultural enterprise; or
- (6) the vehicle is being operated in a county which 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 fine of twenty-five dollars (\$25.00). An infraction is an unlawful act that is not a crime. The procedure for charging and trying an infraction is the same as for a misdemeanor, but conviction of an infraction has no consequence other than payment of a fine. A person convicted of an infraction may not be assessed court costs.

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

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

Sec. 3. The Department of Transportation through the Governor's Highway Safety Program shall evaluate the effectiveness of this act and shall include a report of findings in its report on highway safety no later than January 1, 1998.

Sec. 4. This act becomes effective January 1, 1995.

In the General Assembly read three times and ratified this the 5th day of July, 1994.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives