

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 65*

Health Care Committee Substitute Adopted 3/31/99

Short Title: Motor Vehicle Occupant Restraints.

(Public)

Sponsors:

Referred to:

February 10, 1999

A BILL TO BE ENTITLED

AN ACT TO ENHANCE MOTOR VEHICLE OCCUPANT RESTRAINT SAFETY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-135.2A(a) reads as rewritten:

"(a) Each front seat occupant who is 16 years of age or older and each driver of a passenger motor vehicle manufactured with seat safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208 must shall have such a safety seat belt properly fastened about his or her body at all times when the vehicle is in forward motion on a street or highway in this State. When the vehicle is equipped with sufficient seat belts to accommodate each passenger seated in the rear seat, each rear seat occupant who is 16 years of age or older shall have a seat belt properly fastened about his or her body in compliance with this section. ~~Each driver of a passenger motor vehicle manufactured with seat safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208, who is transporting in the front seat a person who is (i) under 16 years of age and (ii) not required to be restrained in accordance with G.S. 20-137.1, must have the person secured by such a safety belt at all times when the vehicle is operated in forward motion on a street or highway in this State. Persons required to be restrained in accordance with G.S. 20-11 and G.S. 20-137.1 must be secured as required by those sections.~~"

Section 2. G.S. 20-135.2A(e) reads as rewritten:

1 ~~"(e) Any person violating this section during the period from October 1, 1985, to~~
2 ~~December 31, 1986, shall be given a warning of violation only. Thereafter, any person~~
3 ~~violating~~ Any driver or passenger who fails to wear a seat belt as required by this section
4 shall have committed an infraction and shall pay a ~~fine penalty~~ of twenty-five dollars
5 (\$25.00). An infraction is an unlawful act that is not a crime. The procedure for charging
6 and trying an infraction is the same as for a misdemeanor, but conviction of an infraction
7 has no consequence other than payment of a fine.—A person convicted of an infraction
8 found responsible for a violation of this section may not be assessed court costs."

9 Section 3. G.S. 20-135.2A(f) reads as rewritten:

10 ~~"(f) No drivers license points or insurance points or insurance surcharge shall be~~
11 ~~assessed on account of violation of this section. A driver's failure to wear a seat belt as~~
12 ~~required by this section while operating a passenger motor vehicle shall be considered a~~
13 ~~moving violation for purposes of G.S. 20-16(c), but shall not be considered a moving~~
14 ~~violation for purposes of G.S. 20-28.1, 58-36-65, or 58-36-75."~~

15 Section 4. G.S. 20-135.2A(h) is repealed.

16 Section 5. G.S. 20-135.2B(c) reads as rewritten:

17 ~~"(c) Any person violating this section shall have committed an infraction and shall~~
18 ~~pay a fine penalty of twenty-five dollars (\$25.00). An infraction is an unlawful act that is not~~
19 ~~a crime. The procedure for charging and trying an infraction is the same as for a misdemeanor,~~
20 ~~but conviction of an infraction has no consequence other than payment of a fine.—A person~~
21 ~~convicted of an infraction found responsible for a violation of this section may not be~~
22 ~~assessed court costs."~~

23 Section 6. Section 3 of Chapter 672 of the 1993 Session Laws is repealed.

24 Section 7. G.S. 20-137.1(a) reads as rewritten:

25 ~~"(a) Every driver who is transporting a child one or more passengers of less than 12~~
26 ~~16 years of age shall have the child each such passenger properly secured in a child~~
27 ~~passenger restraint system (ear safety seat) or seat belt which meets federal standards~~
28 ~~applicable at the time of its manufacture. The requirements of this section may be met when~~
29 ~~the child is four years of age or older by securing the child in a seat safety belt.—In vehicles~~
30 ~~equipped with active passenger-side front air bags, children shall be properly secured in a~~
31 ~~rear seat unless the child restraint system is designed for use with air bags or the child is~~
32 ~~in a properly fitted shoulder and seat belt:~~

33 (1) A child less than five years of age and less than 40 pounds in weight
34 shall be properly secured in a child passenger restraint system.

35 (2) A child five years of age or older, or a child weighing 40 or more
36 pounds, shall be properly secured in a child passenger restraint system
37 or seat belt."

38 Section 8. G.S. 20-137.1(c) reads as rewritten:

39 ~~"(c) Any person convicted of violating this section may be punished by a fine not to~~
40 ~~exceed twenty-five dollars (\$25.00). No driver charged under this section for failure to~~
41 ~~have a child under four five years of age properly secured in a restraint system shall be~~
42 ~~convicted if he produces at the time of his trial proof satisfactory to the court that he has~~
43 ~~subsequently acquired an approved child passenger restraint system."~~

1 Section 9. G.S. 20-137.1(d) reads as rewritten:
2 "(d) No ~~driver license points or insurance points~~ shall be assessed for a violation of
3 this section; nor shall a violation constitute negligence per se or contributory negligence
4 per se nor shall it be evidence of negligence or contributory negligence. A violation of
5 this section shall be considered a moving violation for purposes of G.S. 20-16(c), but
6 shall not be considered a moving violation for purposes of G.S. 20-28.1, 58-36-65, or 58-
7 36-75."

8 Section 10. This act becomes effective October 1, 1999.