

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 65\*

Health Care Committee Substitute Adopted 3/31/99

Third Edition Engrossed 4/20/99

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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. 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~~ Conviction of  
7 an infraction under this section has no consequence other than payment of a fine. penalty.  
8 ~~A person convicted of an infraction found responsible for a violation of this section may~~  
9 ~~not be assessed court costs."~~

10       Section 3. G.S. 20-135.2A(h) is repealed.

11       Section 4. G.S. 20-135.2B(c) reads as rewritten:

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

18       Section 5. Section 3 of Chapter 672 of the 1993 Session Laws is repealed.

19       Section 6. G.S. 20-137.1(a) reads as rewritten:

20       "(a) Every driver who is transporting ~~a child~~ one or more passengers of less than ~~12~~  
21 ~~16~~ years of age shall have ~~the child~~ all such passengers properly secured in a child  
22 passenger restraint system ~~(ear safety seat)~~ or seat belt which meets federal standards  
23 applicable at the time of its manufacture. ~~The requirements of this section may be met when~~  
24 ~~the child is four years of age or older by securing the child in a seat safety belt.~~

25       (a1) A child less than five years of age and less than 40 pounds in weight shall be  
26 properly secured in a weight-appropriate child passenger restraint system. In vehicles  
27 equipped with an active passenger-side front air bag, if the vehicle has a rear seat, a child  
28 less than five years of age and less than 40 pounds in weight shall be properly secured in  
29 a rear seat, unless the child restraint system is designed for use with air bags."

30       Section 7. G.S. 20-137.1(c) reads as rewritten:

31       "(c) ~~Any person~~ driver convicted of violating ~~found responsible for a violation of this~~  
32 ~~section may be punished by a fine~~ penalty ~~not to exceed twenty-five dollars (\$25.00).~~  
33 ~~(\$25.00), even when more than one child less than 16 years of age was not properly~~  
34 ~~secured in a restraint system. Conviction of an infraction under this section has no~~  
35 ~~consequence other than payment of a penalty.~~ No driver charged under this section for  
36 failure to have a child under ~~four~~ five years of age properly secured in a restraint system  
37 shall be convicted if he produces at the time of his trial proof satisfactory to the court that  
38 he has subsequently acquired an approved child passenger restraint system."

39       Section 8. This act becomes effective October 1, 1999. G.S. 20-137.1(a1), as  
40 enacted in Section 6 of this act does not apply to persons who reach the age of four years  
41 old before October 1, 1999.