

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 344\*

Short Title: Motor Vehicle Occupant Restraints.

(Public)

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Sponsors: Representatives Clary, Alexander; Adams, Cole, Dockham, Easterling, Hill, Hurley, Rayfield, Saunders, Watson, and Yongue.

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Referred to: Transportation, if favorable, Judiciary I.

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February 26, 1997

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~~ shall have such a safety belt properly fastened about his 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 (1) under 16 years of age and (2) not required to be restrained in accordance with G.S. 20-137.1, shall 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. 20-137.1 shall be secured as required by that section.~~"

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

"(e) ~~Any person violating this section during the period from October 1, 1985, to December 31, 1986, shall be given a warning of violation only. Thereafter, any~~ Any person violating this section shall have committed an infraction and shall pay a fine of ~~twenty five dollars (\$25.00)- fifty dollars (\$50.00). 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~~

1 ~~a fine.~~—A person ~~convicted of an infraction~~ found responsible for a violation of this  
2 section may not be assessed court costs."

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

4 "(f) No ~~drivers license points or insurance surcharge~~ shall be assessed on account of  
5 violation of this section. Drivers license points shall be assigned for a violation of this  
6 section."

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 G.S. 20-135.2A(h) is repealed.

8 Section 5. G.S. 20-135.2B (b)(6) is repealed.

9 Section 6. G.S. 20-135.2B(c) reads as rewritten:

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

16 Section 7. G.S. 20-135.2B(d) reads as rewritten:

17 "(d) No ~~drivers license points or insurance surcharge~~ shall be assessed on account of  
18 violation of this section. Drivers license points shall be assigned for a violation of this  
19 section."

20 Section 8. G.S. 20-135.3 reads as rewritten:

21 "**§ 20-135.3. Seat belt anchorages for rear seats of motor vehicles.**

22 Every new motor vehicle registered in this State and manufactured, assembled or  
23 sold after July 1, 1966, shall be equipped with sufficient anchorage units at the  
24 attachment points for attaching at least two sets of seat safety belts for the rear seat of  
25 the motor vehicle. Such anchorage units at the attachment points shall be of such  
26 construction, design and strength to support a loop load strength of not less than 5,000  
27 pounds for each belt.

28 The provisions of this section shall apply to passenger vehicles of nine-passenger  
29 capacity or less, except motorcycles. A conviction of violating this section shall be  
30 considered a moving violation."

31 Section 9. Section 3 of Chapter 672 of the 1993 Session Laws is repealed.

32 Section 10. G.S. 20-137.1(a) reads as rewritten:

33 "(a) Every driver who is transporting a child of less than ~~12-16~~ years of age shall  
34 have the child properly secured in a child passenger restraint system (car safety seat)  
35 which meets federal standards applicable at the time of its manufacture. The  
36 requirements of this section may be ~~met when the child is four years of age or older by~~  
37 ~~securing the child in a seat safety belt.~~ met:

38 (1) When a child is less than five years of age and less than 60 pounds  
39 in weight by securing the child in an approved safety seat; and

40 (2) When a child is five years of age or older or 60 or more pounds by  
41 securing the child in a seat safety belt."

42 Section 11. G.S. 20-137.1(d) reads as rewritten:

43 "(d) No ~~driver license points or insurance points~~ shall be assessed for a violation of  
44 this section; nor shall a violation constitute negligence per se or contributory negligence

- 1 per se nor shall it be evidence of negligence or contributory negligence. Drivers license  
2 points shall be assigned for a violation of this section."  
3           Section 12. This act becomes effective December 1, 1997.