

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 148*

Short Title: Motor Vehicle Occupant Restraints.

(Public)

Sponsors: Senators Winner, Allran; Cooper, Dannelly, and Gulley.

Referred to: Judiciary.

February 17, 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~~

1 ~~misdemeanor, but conviction of an infraction has no consequence other than payment of a~~
2 ~~fine.—A person convicted of an infraction found responsible for a violation of this section~~
3 ~~may not be assessed court costs."~~

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

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

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 G.S. 20-135.2A(h) is repealed.

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 G.S. 20-135.2B (b)(6) is repealed.

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

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

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

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

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

22 **"§ 20-135.3. Seat belt anchorages for rear seats of motor vehicles.**

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

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

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

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

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

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

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

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

1 "(d) No ~~driver license points or insurance~~ points shall be assessed for a violation of
2 this section; nor shall a violation constitute negligence per se or contributory negligence
3 per se nor shall it be evidence of negligence or contributory negligence. Drivers license
4 points shall be assigned for a violation of this section."

5 Section 12. This act becomes effective December 1, 1997.