

# The North Carolina Child Passenger Safety Law

## Commonly Asked Questions

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### What are the basic requirements of this law?

All children less than sixteen years old must be buckled up in either the front or back seat.

A child who is younger than age five and who weighs less than 40 pounds must be properly secured in a child passenger restraint device (CRD) that 1) meets Federal standards applicable at the time of its manufacture, and 2) is appropriate for the child's weight and height.

When a child reaches age five (regardless of weight) or 40 pounds (regardless of age), a seat belt may be used instead of a CRD to restrain the child.

### Do I have to buckle my child in the back seat?

NC law requires that a CRD be installed in the rear seat if the child is required to be in a CRD and the vehicle has an active passenger side air bag. The CRD may be installed in the front seat if it is designed for use with air bags. In addition, it is strongly recommended that:

- All children age twelve and under should ride buckled up in a rear seat.
- Infants in rear facing child safety seats should NEVER ride in the front seat of a vehicle with an active passenger side air bag.
- Small children should ride in a rear seat in child safety seats approved for their age and size.
- If a child over one year old MUST ride in the front seat with a passenger side air bag, put the child in a front facing full harness CRD, a belt positioning booster seat, or a correct fitting lap/shoulder belt-- AND move the seat as far back as possible.

### Which car seats are approved for use in North Carolina and how can I tell if I have an approved seat?

Any type of child restraint system (CRS), including car booster seats and harnesses, is legal to use as long as it is certified to meet Federal Motor Vehicle Safety Standards (FMVSS 213) and the child is within the weight range specified for the seat and the CRS is being used correctly, that is that it is being used according to the manufacturer's instructions. Look for the label on the seat itself that certifies that it meets federal standards for use in a motor vehicle. Child restraints older than ten years should not be used. Seats made before 1981 were not required to be crash tested and definitely should not be

used. Any seat, regardless of age, that has been previously used in a crash or that has missing or damaged parts may not be safe to use and may need to be replaced.

### Who is responsible for the children in a car and what are the penalties if I don't comply with this law?

The driver is responsible for obeying the law and would get the ticket even if the child's parent is also in the car. Violations carry a penalty of up to \$25.00 plus court costs (currently about \$85). As of December 1, 2000, two driver license points will also be assessed for violations. Of course, the worst possible outcome of non-compliance would be a crash in which a child is seriously injured or killed because of not being buckled up.

### What are the exemptions to this law?

There are four exemptions to this law:

- Ambulances and other emergency vehicles.
- Vehicles not required by federal standards to be equipped with seat belts. This includes cars made before 1968 and pickup trucks, sport utility vehicles, and vans made before 1972, and large buses.
- Children may be left unbuckled if all belted seating positions are occupied. The difficult decision for the driver is to choose which children will ride unprotected. Plan carpools by counting the number of belts that each vehicle provides.
- Children may be removed from their seats to "tend to personal needs" such as nursing or changing a diaper. However, children have been killed when taken out of their seats for "just a minute." Instead, find a safe place to pull over, stop the car, and then tend to the child's needs.

### What about passengers sixteen years old and older?

The NC Seat Belt Law requires the proper use of seat belts for all drivers and front seat occupants sixteen years old and older. ALL occupants in ALL seating positions SHOULD ride buckled up to help protect all occupants. Unbuckled rear seat occupants are much more likely to be ejected from the car and can injure buckled up front seat occupants as well as themselves when they are thrown around the car in a crash.

## **Are there differences between what this law allows and what is recommended for buckling up children?**

Legal requirements can be considered to be "minimum standards" for motor vehicle occupants. What is allowed under the law is not necessarily what is recommended to provide the best protection for a child or adult. For instance, switching a child to a seat belt at 40 pounds is legal, but seat belts do not fit small children very well and belt-positioning booster seats are recommended for children too small for the belts to fit well. Recommendations are that for best protection:

- A child less than one year of age, OR less than 20 pounds, should ride in a rear-facing infant-only or convertible safety seat. Many convertible seats are rated to at least 30 pounds rear-facing so that almost all children can be kept facing to the rear as long as possible.
- Children at least one year old AND who weigh at least 20 pounds should ride in a front-facing seat with a full harness or harness-shield until it is outgrown, usually at about 40 pounds. At least one model can be used with the harness up to 60 pounds.
- Children should switch to a belt-positioning booster seat when the full harness seat is outgrown and continue riding in the booster seat until the seat belt fits correctly without the booster seat. Belt-positioning boosters are designed to make the lap/shoulder belt fit correctly on the child and should be used until the child is really big enough for a seat belt. Add-on shoulder belt adjusters are not recommended since they are not covered by any Federal standards and may, in fact, do more harm than good.
- Children should not be switched to a seat belt until the child is big enough for a correct fit of the belt and is mature enough to sit reasonably still. This may not be until the child is 70-80 pounds and about 4½ feet tall. When wearing a lap and shoulder belt, it is important that both the lap and shoulder belts be worn and positioned correctly. Never tuck the shoulder belt under the arm or behind the back.
- Lap belts alone should be used if nothing else is available. Currently there are no booster seats on the market that are certified for use over 40 pounds in a lap belt only-equipped position, so options for larger children are limited. Safer options for lap-belt-only positions are as follows:

- 1) Purchase and use a full harness CRS with a weight range higher than 40 pounds. Call the Highway Safety Research Center for more information and currently available products.
- 2) Order, install, and use a harness that can be used for children over 40 pounds. These require extra installation, but do provide good upper body protection in lap belt only positions. Call the Highway Safety Research Center for more information and currently available products.
- 3) Check with your local car dealer or vehicle manufacturer

to see if retrofit shoulder belt kits are available for the rear seat. If so, these can be installed and a child can be secured in a belt-positioning booster.

At no age or size should any child or adult ride unrestrained in the vehicle or ride in a non-belted position such as the back of a station wagon or pickup truck bed.

## **How important is it that car seats are used the way the instructions say?**

Seats that are not used correctly lose much of their ability to protect children in crashes. Correct use requires three important steps:

- 1) The seat must be the right type for the size of the child,
- 2) The child must be buckled correctly in the safety seat by the harness and/or shield, and
- 3) The safety seat must be correctly buckled to the car.

If you have any questions about the proper use of safety seats or need to obtain complete manufacturer's instructions, call the manufacturer or the UNC Highway Safety Research Center.

## **Can safety seats be safely and legally used on side-facing seats in a truck cab or station wagon?**

This is illegal since the NC law requires use of the restraint system according to the manufacturer's instructions, all of which specify that the safety seats should not be used in side-facing seats.

## **Are school buses included under this law?**

Federal standards do not require seat belts on large school buses. The larger buses do not have seat belts because they rely on strong, well-padded, energy absorbing seats and higher seat backs to "compartmentalize" and protect passengers during a crash. Seat belts are required on small school buses (under 10,000 lbs) and children being transported in these smaller buses are covered under this law..

## **Can I let my children ride in the back of a pickup truck?**

In most cases this will be illegal as well as extremely dangerous. A separate NC law prohibits children less than age twelve from riding in the open bed of a pickup truck unless there is an adult present supervising the child; if the child is secured in a seat belt installed in a manner approved by the Commissioner of motor vehicles; if an emergency exists, if the truck is being used in a parade or for agricultural purposes; or if the truck is being operated in a county with no incorporated area of a population greater than 3,500.

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For further information, contact:

**UNC Highway Safety Research Center**  
1-800-672-4527 / 919-962-2202  
www.hsrrc.unc.edu

For further information and materials, contact:

**NC Governor's Highway Safety Program**  
800-999-9676 / 919-733-3083 www.dot.state.nc.gov  
**NC Department of Insurance Buckle Up Kids**  
800-634-7854 / 919-733-2142 www.doi.state.nc.us/nsfr

**NC State Highway Patrol BIBS Program**  
919-733-5027 www.ncshp.org