

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H

2

HOUSE BILL 368
Committee Substitute Favorable 4/9/25

Short Title: Revise Child Passenger Restraint System Law.

(Public)

Sponsors:

Referred to:

March 12, 2025

A BILL TO BE ENTITLED
AN ACT REVISING THE LAW REGARDING THE MANDATORY USE OF CHILD
PASSENGER RESTRAINT SYSTEMS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-137.1 reads as rewritten:

"§ 20-137.1. Child restraint systems required.

(a) Every driver who is transporting one or more passengers of less than 16 years of age shall have all such passengers properly secured in a child passenger restraint system or seat belt which meets federal standards applicable at the time of its manufacture. For purposes of this section, a "child passenger restraint system" means any device designed to restrain or position a child in a motor vehicle, including a booster seat.

(a1) ~~A child less than eight years of age and less than 80 pounds in weight 57 inches in height shall be properly secured in a weight-appropriate height and weight appropriate child passenger restraint system. In vehicles equipped with an active passenger-side front air bag, if the vehicle has a rear seat, a child less than five years of age and less than 40 pounds in weight shall be properly secured in a rear seat, unless the child restraint system is designed for use with air bags. If system as follows:~~

(1) Beginning as a newborn, a child shall be properly secured in a rear facing child passenger restraint system with transition to a forward-facing system according to the manufacturer's instructions related to the child's height and weight requirements for use of the system as indicated by the federally required label on the car seat which states those requirements.

(2) The child shall be properly secured in a child passenger restraint system in a rear seat of a vehicle and may only be positioned in the front seat of a vehicle if one of the following exceptions applies:

a. The vehicle does not have a rear seat. However, under no circumstances shall a child be placed in the front seat of a vehicle that has an active front airbag using a rear-facing child passenger restraint system. When height and weight requirements for use of a child passenger restraint system require the seat to be rear-facing, the seat must be secured in a vehicle with a rear seat.

b. The vehicle is not equipped with an active passenger-side front air bag.

c. The child passenger restraint system is designed for use with front air bags when used according to the manufacturer's instructions as indicated by the federally required label on the car seat.



* H 3 6 8 - V - 2 *

(a2) A driver may satisfy the requirements of this section by properly securing a child passenger with a seat belt as follows:

(1) Notwithstanding subsection (a1) of this section, if no seating position equipped with a lap and shoulder belt to properly secure the weight-appropriate child passenger restraint system is available, a child less than eight years of age and ~~between~~ at least 40 and 80 pounds may be restrained by a properly fitted lap belt only.

(2) A child who is at least eight years of age or 57 inches in height may be restrained by a properly secured lap and shoulder belt. For purposes of this subdivision, a lap and shoulder belt are properly secured if, when fastened, all of the following apply:

a. The lap belt fits across the child's thighs and hips and not across the child's abdomen.

b. The shoulder belt crosses the child's body diagonally at approximately the mid-point of the child's shoulder and the center of the child's chest.

c. The child is able to sit with the child's back straight against the vehicle's seat back cushion and with the child's knees bent over the vehicle's seat edge without slouching.

...."

SECTION 2. This act becomes effective December 1, 2025, and applies to offenses committed on or after that date.