

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 368
Mar 11, 2025
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH40226-MW-71

Short Title: Clarify Law Regarding Car Seats.

(Public)

Sponsors: Representative Loftis.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY LAW REGARDING CHILD RESTRAINT SYSTEMS.

3 The General Assembly of North Carolina enacts:

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

5 "**§ 20-137.1. Child restraint systems required.**

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

11 (a1) ~~A child less than eight years of age and less than 80 pounds in weight 57 inches in~~
12 ~~height shall be properly secured in a weight-appropriate height- and weight-appropriate child~~
13 ~~passenger restraint system. In vehicles equipped with an active passenger-side front air bag, if~~
14 ~~the vehicle has a rear seat, a child less than five years of age and less than 40 pounds in weight~~
15 ~~shall be properly secured in a rear seat, unless the child restraint system is designed for use with~~
16 ~~air bags. If no seating position equipped with a lap and shoulder belt to properly secure the~~
17 ~~weight-appropriate child passenger restraint system is available, a child less than eight years of~~
18 ~~age and between 40 and 80 pounds may be restrained by a properly fitted lap belt only system as~~
19 ~~follows:~~

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

25 (2) The child shall be properly secured in a child passenger restraint system in a
26 rear seat unless at least one of the following applies:

27 a. The vehicle does not have a rear seat.

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

29 c. The child passenger restraint system is designed for use with air bags.

30 (3) Notwithstanding the other subdivisions of this subsection, under no
31 circumstances shall a child be placed in a rear-facing child passenger restraint
32 system in a front passenger seat that has an active front air bag.

33 (a2) Notwithstanding subsection (a1) of this section, a driver may satisfy the requirements
34 of this section by properly securing a child passenger with a seat belt as follows:

35 (1) A child less than eight years of age, between 40 and 80 pounds, and less than
36 57 inches in height may be restrained by a properly fitted lap belt, if no seating



* D R H 4 0 2 2 6 - M W - 7 1 *

1 position equipped with a lap and shoulder belt to properly secure the
2 weight-appropriate child passenger restraint system is available.

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

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

9 b. The shoulder belt crosses the child's body diagonally at approximately
10 the midpoint of the child's shoulder and the center of the child's chest.

11 c. The child can sit with the child's back straight against the vehicle's seat
12 back cushion and with the child's knees bent over the vehicle's seat
13 edge without slouching.

14"

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