



HOUSE BILL 368: Revise Child Passenger Restraint System Law.

2025-2026 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	April 28, 2025
Introduced by:	Reps. Loftis, Penny, Ross, Scott	Prepared by:	Ike McRee
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: House Bill 368 would clarify the law regarding child restraint systems.

CURRENT LAW AND BILL ANALYSIS:

Pursuant to G.S. 20-137.1, a child less than eight years of age and less than 80 pounds in weight must be secured in a weight-appropriate child passenger restraint system. House Bill 368 would modify the requirement for who must be secured in a child passenger restraint system to a child that is less than eight years of age and less than 57 inches in height. A child passenger restraint system would be defined as "any device designed to restrain or position a child in a motor vehicle, including a booster seat."

As a newborn, the child would be required to be properly secured in a rear-facing child passenger restraint system with transition to a forward-facing system as indicated by the manufacturer's instructions on the federally required label. The child would be required to be secured in a rear seat unless one of the following applied:

- The vehicle does not have a rear seat. However, under no circumstances would a child be permitted to 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 would be required to be secured in a vehicle with a rear seat.
- The vehicle is not equipped with an active passenger-side front air bag.
- The child passenger restraint system is designed for use with air bags.

If no seating position equipped with a lap and shoulder belt to secure the child passenger restraint system is available, a child less than eight years of age and at least 40 pounds would be permitted to be restrained by a properly fitted lap belt only.

A child at least eight years of age or 57 inches in height could be restrained by a properly secured lap and shoulder belt.

A lap and shoulder belt would be properly secured if all of the following apply:

- The lap belt fits across the child's thighs and hips and not across the child's abdomen.
- The shoulder belt crosses the child's body diagonally at approximately the midpoint of the child's shoulder and center of the child's chest.
- The child can 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.

EFFECTIVE DATE: This act would become effective December 1, 2025, and apply to offenses committed on or after that date.

Hannah Kendrick, staff attorney for the Legislative Analysis Division, substantially contributed to this summary.

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