



HOUSE BILL 368: Revise Child Passenger Restraint System Law.

2025-2026 General Assembly

Committee:	House Transportation. If favorable, re-refer to Judiciary 1. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 9, 2025
Introduced by:	Reps. Loftis, Penny, Ross, Scott	Prepared by:	Hannah Kendrick
Analysis of:	PCS to First Edition H368-CSCV-19		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.

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Legislative Analysis
Division
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