

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 2341*
Committee Substitute Favorable 6/10/08

Short Title: Child Passenger Safety Technician Liability.

(Public)

Sponsors:

Referred to:

May 21, 2008

1 A BILL TO BE ENTITLED
2 AN ACT TO LIMIT LIABILITY FOR THE ACTS OF CERTIFIED CHILD
3 PASSENGER SAFETY TECHNICIANS AND SPONSORING ORGANIZATIONS
4 OF CHILD SAFETY SEAT EDUCATIONAL AND CHECKING PROGRAMS
5 WHEN TECHNICIANS AND SPONSORING ORGANIZATIONS ARE ACTING
6 IN GOOD FAITH AND CHILD SAFETY SEAT INSPECTIONS,
7 INSTALLATION, ADJUSTMENT, OR EDUCATION PROGRAMS ARE
8 PROVIDED WITHOUT FEE OR CHARGE, AS RECOMMENDED BY THE
9 CHILD FATALITY TASK FORCE.

10 The General Assembly of North Carolina enacts:

11 SECTION 1. Chapter 20 of the General Statutes is amended by adding a
12 new section to read:

13 **"§ 20-137.5. Child passenger safety technician; limitation of liability.**

14 (a) The following definitions apply in this section:

15 (1) Certified child passenger safety technician. – A certified child
16 passenger safety technician is an individual who has successfully
17 completed the U.S. Department of Transportation National Highway
18 Traffic Safety Administration's (NHTSA) National Standardized Child
19 Passenger Safety Certification Training Program and who maintains a
20 current child passenger safety technician or technician instructor
21 certification through the current certifying body for the National Child
22 Passenger Safety Training Program as designated by the National
23 Highway Traffic Safety Administration.

24 (2) Sponsoring organization. – A sponsoring organization is a person or
25 organization other than a manufacturer of or employee or agent of a
26 manufacturer of child safety seats that:

27 a. Offers or arranges for the public a nonprofit child safety seat
28 educational program, checkup event, or checking station
29 program utilizing certified child passenger safety technicians; or

1 b. Owns property upon which a nonprofit child safety seat
2 educational program, checkup event, or checking station
3 program for the public occurs utilizing certified child passenger
4 safety technicians.

5 (b) Limitation of Liability. – Except as provided in subsection (c) of this section,
6 a certified child passenger safety technician or sponsoring organization shall not be
7 liable to any person as a result of any act or omission that occurs solely in the
8 inspection, installation, or adjustment of a child safety seat or in providing education
9 regarding the installation or adjustment of a child safety seat if:

10 (1) The service is provided without fee or charge other than
11 reimbursement for expenses, and

12 (2) The child passenger safety technician or sponsoring organization acts
13 in good faith and within the scope of training for which the technician
14 is currently certified.

15 (c) Exceptions. – The limitation on liability shall not apply under any of the
16 following conditions:

17 (1) The act or omission of the certified child passenger safety technician
18 or sponsoring organization constitutes willful or wanton misconduct or
19 gross negligence.

20 (2) The inspection, installation, or adjustment of a child safety seat or
21 education provided regarding the installation or adjustment of a child
22 safety seat is in conjunction with the for-profit sale of a child safety
23 seat.

24 (3) To the extent the certified child safety seat technician or sponsoring
25 organization is indemnified by insurance for the negligent acts or
26 omissions."

27 **SECTION 2.** This act becomes effective October 1, 2008, and applies to any
28 cause of action arising on or after that date.