

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1736*

Short Title: Child Passenger Safety Technician Liability. (Public)

Sponsors: Senators Purcell; Allran, Atwater, Dannelly, Dorsett, Jones, Malone, and Weinstein.

Referred to: Judiciary I (Civil).

May 21, 2008

A BILL TO BE ENTITLED

AN ACT TO LIMIT LIABILITY FOR THE ACTS OF CHILD PASSENGER SAFETY TECHNICIANS WHEN ACTING IN GOOD FAITH AND WITHIN THE SCOPE OF THEIR TRAINING AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

The General Assembly of North Carolina enacts:

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

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

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

(b) Limitation of Liability. – A certified child passenger safety technician or sponsoring organization shall not be liable to any person as a result of any act or omission that occurs solely in the inspection, installation, or adjustment of a child safety seat, or in providing education regarding the installation or adjustment of a child safety seat if the child passenger safety technician or sponsoring organization acts in good faith and within the scope of training for which the technician is currently certified, unless the act or omission constitutes willful and wanton misconduct or gross negligence."

SECTION 2. This act becomes effective October 1, 2008.