

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE BILL 1736\*  
Judiciary I (Civil) Committee Substitute Adopted 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 when:

- 16                    (1) The act or omission of the certified child passenger safety technician  
17                    or sponsoring organization constitutes willful and wanton misconduct  
18                    or gross negligence, or  
19                    (2) The inspection, installation, or adjustment of a child safety seat or  
20                    education provided regarding the installation or adjustment of a child  
21                    safety seat is in conjunction with the for-profit sale of a child safety  
22                    seat."

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