

May 20, 2008

H 2341. CHILD PASSENGER SAFETY TECHNICIAN LIABILITY. Filed 5/20/08. *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.*

Enacts new GS 20-137.5 defining a certified child passenger safety technician and providing that a technician or sponsoring organization is not liable for 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 so long as the technician or sponsoring organization acts in good faith and within the scope of training for which the technician is certified unless the act or omission is willful and wanton misconduct or gross negligence. Effective October 1, 2008.

Intro. by Weiss.

GS 20

June 10, 2008

H 2341. CHILD PASSENGER SAFETY TECHNICIAN LIABILITY. Filed 5/20/08. House committee substitute makes the following changes to 1st edition. Reorganizes and adds a subdivision (c) (exceptions) to the proposed new GS 20-137.5. Adds a definition for *sponsoring organization* to include a person or organization, other than a manufacturer of child safety seats, who offers public nonprofit educational and checking programs utilizing certified child passenger safety technicians or owns the property on which such programs are held. Creates an additional requirement that a service be provided without fee or charge, other than reimbursement for expenses, that must be met in order for a certified child passenger safety technician or sponsoring organization to have limited liability. Adds exceptions to limited liability for (1) an act or omission by the certified child passenger safety technician or sponsoring organization constituting willful or wanton misconduct or gross negligence (already proposed language that was moved from originally proposed subdivision (b)); (2) an inspection, installation, or adjustment of a child safety seat or education provided in conjunction with a for-profit sale of a child safety seat; and (3) a certified child safety seat technician or sponsoring organization that is indemnified for negligent acts or omissions. Makes conforming changes. Clarifies that the act applies to any cause of action arising on or after the effective date, October 1, 2008. Changes title to *AN ACT TO LIMIT LIABILITY FOR THE ACTS OF CERTIFIED CHILD PASSENGER SAFETY TECHNICIANS AND SPONSORING ORGANIZATIONS OF CHILD SAFETY EDUCATIONAL AND CHECKING PROGRAMS WHEN TECHNICIANS AND SPONSORING ORGANIZATIONS ARE ACTING IN GOOD FAITH AND CHILD SAFETY SEAT INSPECTIONS, INSTALLATION, ADJUSTMENT, OR EDUCATION PROGRAMS ARE PROVIDED WITHOUT FEE OR CHARGE, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.*

June 12, 2008

H 2341. CHILD PASSENGER SAFETY TECHNICIAN LIABILITY. Filed 5/20/08. House amendment makes the following changes to 2nd edition. Amends new GS 20-137.5(c)(3) to prohibit insurers from excluding from liability coverage the negligent acts or omissions of a certified child passenger safety technician or sponsoring organization for which the technician or sponsoring organization would only be liable to the extent indemnified by insurance as provided by the subsection. Also makes a technical change.

July 2, 2008

H 2341. CHILD PASSENGER SAFETY TECHNICIAN LIABILITY. Filed 5/20/08. Senate committee substitute makes the following changes to 3rd edition. The bill provides a limitation on liability for child passenger safety seat technicians and sets exceptions to the limitation. One of the exceptions applies in circumstances in which the technician is indemnified by insurance for negligent acts or omissions, this committee substitute deletes that exception.

August 8, 2008

SL 2008-178 (H 2341). CHILD PASSENGER SAFETY TECHNICIAN LIABILITY. AN ACT TO LIMIT LIABILITY FOR THE ACTS OF CERTIFIED CHILD PASSENGER SAFETY TECHNICIANS AND SPONSORING ORGANIZATIONS OF CHILD SAFETY SEAT EDUCATIONAL AND CHECKING PROGRAMS WHEN TECHNICIANS AND SPONSORING ORGANIZATIONS ARE ACTING IN GOOD FAITH AND CHILD SAFETY SEAT INSPECTIONS, INSTALLATION, ADJUSTMENT, OR EDUCATION PROGRAMS ARE PROVIDED WITHOUT FEE OR CHARGE, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.
Summarized in *Daily Bulletin* 5/20/08, 6/10/08, 6/12/08, and 7/2/08. Enacted August 4, 2008.
Effective October 1, 2008.