



Recommendations of the North Carolina Child Fatality Task Force to Strengthen Child Passenger Safety Laws

Each year between 2021 and 2023, North Carolina lost around 100 children age 0 to 17 to motor vehicle accidents and many more were severely injured. Proper use and placement of the right kind of child passenger safety seat (car seats and booster seats) to suit various stages of child growth and development can impact whether a child suffers injury or death in the event of a motor vehicle crash.

North Carolina's child passenger safety laws ([G.S. 20-137.1](#)) differ from the best practice recommendations of the American Academy of Pediatrics and the National Highway Traffic Safety Administration.

Evidence shows that children are more likely to ride in the recommended type of child restraint when their state's law includes wording that follows best practice recommendations.¹

Many motor vehicle-related child deaths in NC occur in circumstances where a child is completely unrestrained, but data also show deaths and injuries of young children who were restrained but riding in the front seat and of young children who were restrained only by a seat belt and not a child restraint system – neither of which reflects best practices for safety.²

The Child Fatality Task Force, in consultation with child passenger safety experts, identified three areas of North Carolina's child passenger safety law that could be strengthened to better address best practice recommendations for safety that are based on research. The "best practices" noted below are reflected in the American Academy of Pediatrics (AAP) Policy Statement from 2018.³

North Carolina's Child Passenger Safety law differs from best practice recommendations that are based on science, and the Task Force is recommending that the law be strengthened in 3 areas to better protect infants and children.

1. Address the importance of younger children riding in the rear seat

Current law in North Carolina only requires that children under age 5 and less than 40 pounds ride in the back seat (in vehicles with a front passenger air bag and available rear seat).⁴ Best practice is that children should ride in the back seat longer,⁵ and nearby states such as Virginia, Tennessee, and South Carolina require riding in the rear seat (with some exceptions) for children under age 8. **The Task Force is recommending that North Carolina's law require children under age 8 to be properly restrained in the rear seat of a vehicle when the vehicle has a passenger side front air bag and has an available rear seat.**

2. Clarify the need for infants and toddlers to ride in rear-facing seats

Best practice for infants and toddlers is that they ride in a rear-facing seat as long as possible according to the height and weight requirements for their car seat. North Carolina law does not explicitly address infants and toddlers riding in rear-facing seats but says that children must be "*properly secured in a weight-appropriate child passenger restraint system.*"⁶ **The Task Force recommendation seeks to explicitly use wording about rear-facing seats by modifying North Carolina's law to say that a child must be properly secured in a weight- and height-appropriate child passenger restraint system according to manufacturer instructions, including instructions for the use of rear-facing restraint systems for infants and toddlers.**

The Task Force recommendation does not specify a certain age to be rear-facing because to do so could prompt a child to be moved *prior* to reaching the limits on a particular seat which is not best practice.

3. For older kids, clarify safe transition from a booster seat to an adult seat belt

Seat belts are designed to fit adults. Booster seats position kids so that the seat belt fits properly – with a lap belt low on the hips and a shoulder belt across the collarbone. Best practice is for children to be in a booster seat until an adult seat belt fits properly without the booster seat. North Carolina law says: “A child less than eight years of age and less than 80 pounds in weight shall be properly secured in a weight-appropriate child passenger restraint system.” The NC law does not address the transition from booster seat to adult seat belt according to proper fitting of the adult seat belt.

The Task Force is recommending a modification of North Carolina’s law to require a child to be properly secured in a weight-appropriate child passenger restraint system until the child is four feet 9 inches tall (57 inches) and the adult seat belt fits properly without a booster seat, with the law to describe proper fitting of an adult seat belt as some other states (such as South Carolina) have done.⁷ In developing a recommendation to address this transition, the Unintentional Death Prevention Committee considered information that technically, a child may have an adult belt fit them correctly well before they outgrow the maximum size requirements for a booster seat, so it did not recommend requiring a booster seat until the child “outgrows” the booster. The committee also learned from experts that referencing a child’s height is more relevant than weight when it comes to proper fitting of an adult seat belt, and that 57 inches tall is an appropriate height to reference.

The Child Fatality Task Force is a legislative study commission that recommends policy solutions to prevent child death, prevent abuse and neglect, and support the health and safety of children.

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¹ Benedetti M, Klinich KD, Manary MA, Flannagan CA. Predictors of restraint use among child occupants. *Traffic Inj Prev*. 2017 Nov 17;18(8):866-869. doi: 10.1080/15389588.2017.1318209. Epub 2017 Apr 21. PMID: 28429962.

² Data presented to the Unintentional Death Prevention Committee of the Task Force by a representative from the NC Department of Transportation.

³ Dennis R. Durbin, Benjamin D. Hoffman, COUNCIL ON INJURY, VIOLENCE, AND POISON PREVENTION, Phyllis F. Agran, Sarah A. Denny, Michael Hirsh, Brian Johnston, Lois K. Lee, Kathy Monroe, Judy Schaechter, Milton Tenenbein, Mark R. Zonfrillo, Kyran Quinlan; Child Passenger Safety. *Pediatrics* November 2018; 142 (5): e20182460. 10.1542/peds.2018-2460

⁴ NC laws says: “In vehicles equipped with an active passenger-side front air bag, if the vehicle has a rear seat, a child less than five years of age and less than 40 pounds in weight shall be properly secured in a rear seat, unless the child restraint system is designed for use with air bags.”

⁵ While the best practice recommendations from the AAP in 2018 were to ride in the rear seat until age 13, experts consulted by the Task Force noted that more recent research is showing that the back seat may not be safer for older children given technology in newer cars, and the Unintentional Death Prevention Committee determined that under age 8, the same as surrounding states, was an appropriate recommendation.

⁶ Since certain systems are designed for rear-facing use with size requirements, the NC law only implicitly requires rear-facing seats for infants and toddlers.

⁷ S.C. Ann. Section 56-5-6410 (A)(4).