

Child Passenger Safety Technician Liability

This Act limits liability for certified child passenger safety technicians and sponsoring organizations for acts or omissions in the inspection, installation, or adjustment of child safety seats or in providing education regarding the installation or adjustment of child safety seats. This Act defines “Certified Child Passenger Safety Technician” as an individual who successfully completes and maintains certification through the National Child Passenger Safety Training Program. It defines “Sponsoring organization” as a person or organization other than a manufacturer of child safety seats that offers or arranges a nonprofit child safety seat educational program or event using certified technicians or that owns property on which a nonprofit child safety seat educational program or event is held.

The Act provides that a certified child passenger safety technician or sponsoring organization is not liable as a result of any act or omission occurring 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 certified technician or sponsoring organization acts in good faith and within the scope of the training for which the technician is currently certified and the service is provided without fee or charge other than reimbursement for expenses.

The limitation of liability does not apply if the act or omission constitutes willful and wanton misconduct or gross negligence, or if the service or education was provided in conjunction with the for-profit sale of a child safety seat.

Submitted as:
North Carolina
Session Law 2008-178
Status: Enacted into law in 2008.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as “An Act to Limit the Liability of Child
2 Passenger Safety Technicians.”

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4 Section 2. [*Child Passenger Safety Technician; Limitation of Liability.*]

5 (A) The following definitions apply in this section:

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

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

16 (a) Offers or arranges for the public a nonprofit child safety seat
17 educational program, checkup event, or checking station program utilizing certified child
18 passenger safety technicians; or

19 (b) Owns property upon which a nonprofit child safety seat educational
20 program, checkup event, or checking station program for the public occurs utilizing certified
21 child passenger safety technicians.

22 (B) Limitation of Liability. – Except as provided in subsection (C) of this section, a
23 certified child passenger safety technician or sponsoring organization shall not be liable to any
24 person as a result of any act or omission that occurs solely in the inspection, installation, or
25 adjustment of a child safety seat or in providing education regarding the installation or
26 adjustment of a child safety seat if:

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

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

31 (C) Exceptions. – The limitation on liability shall not apply under any of the following
32 conditions:

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

35 (2) The inspection, installation, or adjustment of a child safety seat or education
36 provided regarding the installation or adjustment of a child safety seat is in conjunction with the
37 for-profit sale of a child safety seat.

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39 Section 3. [*Severability.*] [Insert severability clause.]

40

41 Section 4. [*Repealer.*] [Insert repealer clause.]

42

43 Section 5. [*Effective Date.*] [Insert effective date.]