

JURISDICTION:
General Reference:

NORTH CAROLINA
General Statutes of North Carolina

Required Use of Safety Belts¹:

Requirements: When a passenger motor vehicle² is in forward motion, the driver and front seat passengers ≥16 years old shall wear safety belts. §20-135.2A(a)
For passengers <16 years old, see Required Use of Child Restraint Systems below.

Sanctions for Failure to Use or Require the Use of Safety Belts: Infraction: A "penalty" of **\$25**. A driver or passenger convicted of this offense cannot be assessed court costs. §20-135.2A(e) Note: No drivers license points or insurance surcharges shall be assessed as a result of a violation of these requirements. §20-135.2A(f)

Effect on Civil Liability: Evidence of failure to comply with these requirements shall not be admissible in any criminal or civil trial, action or proceeding except (1) for a violation of such requirement, (2) as a justification for stopping the vehicle or (3) for detaining the vehicle's operator or passengers. §20-135.2A(d) and *Hagwood v. Odom*, 364 S.E.2d 190 (N.C.App. 1988) An appellate court has held that "improper use of a seat belt ... is tantamount to nonuse." 468 S.E.2d at 839 *Chaney v. Young*, 468 S.E.2d 837 (N.C.App. 1996)

Required Use of Child Safety Restraint Systems³:

Requirements: I. A person, who is transporting a person <16 years old, shall properly secure **ALL** such persons in either a Federally approved child passenger restraint system or seat belt. §20-137.1(a)
II. A child <5 years old and weighing <40 lbs. shall be secured in an appropriate child passenger restraint system. In vehicles with front side passenger air bags, such child shall be properly secured in the **rear seat** unless the child restraint system is designed for use with air bags. §20-137.1(a1)

Sanctions for Failure to Require the Use of Child Restraint Systems:
Required Use of Child Safety Restraint Systems:
(continued)

Infraction: A "penalty" of **\$25** (even when more than one child <16

Sanctions for Failure to Require the Use of Child Restraint Systems: (continued)

years old was not properly restrained). §20-137.1(c) In addition, two (2) driver license points shall be assessed for a violation of this requirement. However, no insurance points shall be assessed. §§20-16(c) & 20-137.1(d)(1) & (2)

¹**Exemptions.** The requirement to use a safety belt does not apply in the following circumstances: (1) To persons who for physical or medical reasons cannot appropriately use a safety belt; (2) to rural letter carriers of the U.S. Postal Service while performing official duties; (3) to drivers or passengers who frequently stop and leave a vehicle (e.g, delivering property) and the speed of the vehicle between stops is ≤20 MPH; (4) to persons who are operating certain vehicles that are being used for agricultural or commercial purposes; and, (5) to persons operating or riding in motor vehicles that are not required by Federal law to have safety belts. §20-135.2A(c)

²A "passenger motor vehicle" means a motor vehicle with motive power designed for carrying ≤10 passengers but does not include a motorcycle, a motorized pedacycle or a trailer. §20-135.2A(b)

³**Exemptions.** This requirement does not apply in the following circumstances: (1) To children being transported in ambulances or other emergence vehicles; (2) to children when personal needs are being attended to; (3) to children who cannot be restrained in either a child passenger restraint system or safety belt because all such restraints or safety belt seating positions have been occupied; and, (4) to children who are riding in motor vehicles that are not required by Federal law to have safety belts. §20-137.1(b)

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Effect on Civil Liability: A violation of this requirement (1) shall not constitute negligence per se or contributory negligence per se and (2) is not evidence of negligence or contributory negligence. §20-137.1(d)(3) & (4)

Required Use of Motorcycle Protective Headgear⁴:

Requirements: No person shall operate or ride on a motorcycle or moped unless they are wearing State approved safety helmets. §20-140.4(a)(2)

Sanctions for Failure to Use: Non-Criminal Infraction: A fine of **\$25**. A person convicted of this offense cannot be assessed court costs. §§20-135.2A(e) & 20-140.4(c)
Note: No drivers license points or insurance surcharges shall be assessed as a result of a violation of these requirements. §§20-135.2A(f) & 20-140.4(c)

Required Use of Motorcycle Eye Protection Device:

Requirements: Note: This requirement is indirectly covered by the above requirement to wear a safety helmet.

Sanctions for Failure to Use:

Required Use of Bicycle Protective Headgear:

Requirements: **None**

Sanctions for Failure to Use:

Required Use of Bicycle Eye Protection Device:

Requirements: **None**

Sanctions for Failure to Use:

Prohibition Against Riding in Unsecured Portion of Vehicle:

Requirements: A person shall not transport a child <12 years old in the open bed or cargo area of a vehicle. An open bed or cargo area is a bed or cargo area without permanent overhead restraining construction. §20-135.2B(a)

Prohibition Against Riding in Unsecured Portion of Vehicle: (continued)

Sanctions for a Violation: Infraction: A "penalty" of **\$25**. A person is not assessed court costs for a violation of this requirement. §20-135.2B(c) Note: No drivers license points or insurance surcharge shall be assessed on account of a violation of this requirement. §20-135.2B(d)

Exemptions: This requirement does not apply in the following circumstances: (1) A supervising adult is present in the bed or cargo area; (2) the child is secured

⁴A violation of this requirement shall not be considered negligence per se or contributory negligence per se in any civil action. §20-140.4(b)

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or restrained in a safety belt; (3) an emergency situation exists; (4) the vehicle is being used in an official parade; (5) the vehicle is operated in an agricultural enterprise; and, (6) the vehicle is being operated in a county with incorporated areas of $\leq 3,500$ population. §20-135.2B(b)

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