

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 222
SENATE BILL 39

AN ACT TO MAKE THE USE OF SEAT BELTS IN MOTOR VEHICLES
MANDATORY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-135.2A. **Seat belt use mandatory.** – (a) Each front seat occupant who is 16 years of age or older and each driver of a passenger motor vehicle manufactured with seat safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208 shall have such a safety belt properly fastened about his body at all times when the vehicle is in forward motion on a street or highway in this State. Each driver of a passenger motor vehicle manufactured with seat safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208, who is transporting in the front seat a person who is (1) under 16 years of age and (2) not required to be restrained in accordance with G.S. 20-137.1, shall have the person secured by such a safety belt at all times when the vehicle is operated in forward motion on a street or highway in this State. Persons required to be restrained in accordance with G.S. 20-137.1 shall be secured as required by that section.

(b) 'Passenger Motor Vehicle', as used in this section, means a motor vehicle with motive power designed for carrying 10 passengers or fewer, but does not include a motorcycle, a motorized pedacycle or a trailer.

(c) This section shall not apply to any of the following:

- (1) a driver or occupant with a medical or physical condition that prevents appropriate restraint by a safety belt or with a professionally certified mental phobia against the wearing of vehicle restraints;
- (2) a motor vehicle operated by a rural letter carrier of the United States Postal Service while performing duties as a rural letter carrier;
- (3) a driver or passenger frequently stopping and leaving the vehicle or delivering property from the vehicle if the speed of the vehicle between stops does not exceed 20 miles per hour;
- (4) any vehicle registered and licensed as a property- carrying vehicle in accordance with G.S. 20-88, while being used for agricultural or commercial purposes; or
- (5) a motor vehicle not required to be equipped with seat safety belts under federal law.

(d) Failure to wear a seat safety belt in violation of this section shall not constitute negligence or contributory negligence in any action for the recovery of damages arising out of the operation, ownership or maintenance of a motor vehicle, nor shall anything in this act change any existing law, rule or procedure pertaining to any such civil action.

(e) Any person violating this section during the period from October 1, 1985, to December 31, 1986, shall be given a warning of violation only. Thereafter, any person violating this section shall have committed an infraction and shall pay a fine of twenty-five dollars (\$25.00). An infraction is an unlawful act that is not a crime. The procedure for charging and trying an infraction is the same as for a misdemeanor, but conviction of an infraction has no consequence other than payment of a fine. A person convicted of an infraction may not be assessed court costs.

(f) No drivers license points or insurance surcharge shall be assessed on account of violation of this section.

(g) The Commissioner of the Division of Motor Vehicles and the Department of Public Instruction shall incorporate in driver education programs and driver licensing programs instructions designed to encourage compliance with this section as an important means of reducing the severity of injury to the users of restraint devices and on the requirements and penalties specified in this law.

(h) The Department of Transportation through the Governor's Highway Safety Program shall evaluate the effectiveness of this act and shall include a report of findings in its report on highway safety no later than October 1, 1988."

Sec. 2. This act shall become effective October 1, 1985. This act shall cease to be effective if, and upon such date as, a final determination by lawful authority is made that the North Carolina law on mandatory safety belt usage does not meet the minimum criteria established by the United States Department of Transportation for State mandatory safety belt usage laws necessary to rescind the federal rule requiring automobile manufacturers to phase in automatic occupant restraints in automobiles.

In the General Assembly read three times and ratified, this the 23rd day of May, 1985.