

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 691
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30302-ML-75 (02/08)

Short Title: Driving Moped at Night/Reflective Gear. (Public)

Sponsors: Representative Elmore.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE A PERSON OPERATING A MOPED AT NIGHT TO WEAR
3 CLOTHING OR A VEST MAKING THE PERSON VISIBLE TO OTHER DRIVERS
4 FROM A CERTAIN DISTANCE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 20-140.4 reads as rewritten:

7 "§ 20-140.4. Special provisions for motorcycles and mopeds.

8 (a) General Prohibitions. – No person shall operate a motorcycle or moped upon a
9 highway or public vehicular area:

10 (1) When the number of persons upon or within such motorcycle or moped,
11 including the operator, shall exceed the number of persons which it was
12 designed to carry.

13 (2) Unless the operator and all passengers thereon wear on their heads, with a
14 retention strap properly secured, safety helmets of a type that complies with
15 Federal Motor Vehicle Safety Standard (FMVSS) 218. This subdivision
16 shall not apply to an operator of, or any passengers within, an autocytle that
17 has completely enclosed seating.

18 (a1) Prohibition for Mopeds. – No person shall operate a moped upon a highway or
19 public vehicular area after sunset without wearing clothing or a vest that is bright and visible
20 from a distance of at least 300 feet to the rear of the moped.

21 (b) Negligence. – Violation of any provision of this section shall not be considered
22 negligence per se or contributory negligence per se in any civil action.

23 (c) Penalty. – Any person convicted of violating this section shall have committed an
24 infraction and shall pay a penalty of twenty-five dollars and fifty cents (\$25.50) plus the
25 following court costs: the General Court of Justice fee provided for in G.S. 7A-304(a)(4), the
26 telephone facilities fee provided for in G.S. 7A-304(a)(2a), and the law enforcement training
27 and certification fee provided for in G.S. 7A-304(a)(3b). Conviction of an infraction under this
28 section has no other consequence.

29 (d) Points. – No drivers license points or insurance surcharge shall be assessed on
30 account of violation of this section."

31 SECTION 2. This act becomes effective December 1, 2017, and applies to
32 offenses committed on or after that date.

