

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE BILL 774

Short Title: Seat Belt Use Enhancements.

(Public)

Sponsors: Senators Purcell; Dannelly, Kinnaird, Lucas, and Malone.

Referred to: Judiciary II.

March 22, 2005

A BILL TO BE ENTITLED

1 AN ACT TO MODIFY THE SEAT BELT USE STATUTES TO ENHANCE THE
2 USE OF SEAT BELTS.
3

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 20-135.2A(a) reads as rewritten:

6 "(a) Each ~~front seat~~ occupant ~~who is 16 years of age or older and each driver~~ of a
7 passenger motor vehicle manufactured with seat belts shall have a seat belt properly
8 fastened about his or her body at all times when the vehicle is in forward motion on a
9 street or highway in this State."

10 **SECTION 2.** G.S. 20-135.2A(e) reads as rewritten:

11 "(e) Any driver or passenger who fails to wear a seat belt as required by this
12 section shall have committed an infraction and shall pay a penalty of ~~twenty five dollars~~
13 ~~(\$25.00)~~ fifty dollars (\$50.00) plus court costs in the sum of fifty dollars (\$50.00). The
14 driver shall be assessed the penalty and costs for any unbelted passenger under the age
15 of 16 years. In the case of multiple violations arising out of the same incident, the driver
16 shall be subject to a maximum of one penalty. Court costs assessed under this section
17 are for the support of the General Court of Justice and shall be remitted to the State
18 Treasurer. Conviction of an infraction under this section has no other consequence."

19 **SECTION 3.** G.S. 20-135.2A(f) reads as rewritten:

20 "(f) ~~No~~ One drivers license ~~points or insurance surcharge point~~ shall be assessed
21 on account of a violation of this section. ~~section involving the driver or a passenger~~
22 under the age of 16 years. In the case of multiple violations arising out of the same
23 incident, the driver shall only be assessed one drivers license point. Only the driver of
24 the vehicle may be assessed drivers license points for a violation."

25 **SECTION 4.** G.S. 20-16(c) reads as rewritten:

26 "(c) The Division shall maintain a record of convictions of every person licensed
27 or required to be licensed under the provisions of this Article as an operator and shall
28 enter therein records of all convictions of such persons for any violation of the motor
29 vehicle laws of this State and shall assign to the record of such person, as of the date of

1 commission of the offense, a number of points for every such conviction in accordance
2 with the following schedule of convictions and points, except that points shall not be
3 assessed for convictions resulting in suspensions or revocations under other provisions
4 of laws: Further, any points heretofore charged for violation of the motor vehicle
5 inspection laws shall not be considered by the Division of Motor Vehicles as a basis for
6 suspension or revocation of driver's license:

7
8 Schedule of Point Values

9	Passing stopped school bus	5
10	Aggressive driving	5
11	Reckless driving	4
12	Hit and run, property damage only	4
13	Following too close	4
14	Driving on wrong side of road	4
15	Illegal passing	4
16	Failure to yield right-of-way to pedestrian	
17	pursuant to G.S. 20-158(b)(2)b.....	4
18	Failure to yield right-of-way to bicycle,	
19	motor scooter, or motorcycle	4
20	Running through stop sign	3
21	Speeding in excess of 55 miles per hour	3
22	Failing to yield right-of-way	3
23	Running through red light	3
24	No driver's license or license expired more than one year	3
25	Failure to stop for siren	3
26	Driving through safety zone	3
27	No liability insurance	3
28	Failure to report accident where such report is required	3
29	Speeding in a school zone in excess of the posted school	
30	zone speed limit	3
31	Failure to properly restrain a child in a restraint or seat belt	2
32	All other moving violations	2
33	<u>Failure to use a seat belt as required by G.S. 20-135.2A,</u>	
34	<u>a moving violation</u>	1
35	Littering pursuant to G.S. 14-399 when the littering	
36	involves the use of a motor vehicle	1

37
38 Schedule of Point Values for Violations While Operating a Commercial
39 Motor Vehicle

40		
41	Passing stopped school bus	8
42	Rail-highway crossing violation	6
43	Careless and reckless driving in violation of	
44	G.S. 20-140(f)	6

1 Speeding in violation of G.S. 20-141(j3) 6
 2 Aggressive driving 6
 3 Reckless driving 5
 4 Hit and run, property damage only 5
 5 Following too close 5
 6 Driving on wrong side of road 5
 7 Illegal passing 5
 8 Failure to yield right-of-way to pedestrian
 9 pursuant to G.S. 20-158(b)(2)b..... 5
 10 Failure to yield right-of-way to bicycle,
 11 motor scooter, or motorcycle 5
 12 Running through stop sign 4
 13 Speeding in excess of 55 miles per hour 4
 14 Failing to yield right-of-way 4
 15 Running through red light 4
 16 No driver's license or license expired more than one year 4
 17 Failure to stop for siren 4
 18 Driving through safety zone 4
 19 No liability insurance 4
 20 Failure to report accident where such report is required 4
 21 Speeding in a school zone in excess of the posted school
 22 zone speed limit 4
 23 Possessing alcoholic beverages in the passenger area of
 24 a commercial motor vehicle 4
 25 All other moving violations 3
 26 Failure to use a seat belt as required by G.S. 20-135.2A,
 27 a moving violation 1
 28 Littering pursuant to G.S. 14-399 when the littering
 29 involves the use of a motor vehicle 1
 30

31 The above provisions of this subsection shall only apply to violations and
 32 convictions which take place within the State of North Carolina. The Schedule of Point
 33 Values for Violations While Operating a Commercial Motor Vehicle shall not apply to
 34 any commercial motor vehicle known as an "aerial lift truck" having a hydraulic arm
 35 and bucket station, and to any commercial motor vehicle known as a "line truck" having
 36 a hydraulic lift for cable, if the vehicle is owned, operated by or under contract to a
 37 public utility, electric or telephone membership corporation or municipality and used in
 38 connection with installation, restoration or maintenance of utility services.

39 No points shall be assessed for conviction of the following offenses:

- 40
 41 Overloads
 42 Over length
 43 Over width
 44 Over height

1 Illegal parking
2 Carrying concealed weapon
3 Improper plates
4 Improper registration
5 Improper muffler
6 Improper display of license plates or dealers' tags
7 Unlawful display of emblems and insignia
8 Failure to display current inspection certificate.

9
10 In case of the conviction of a licensee of two or more traffic offenses committed on a
11 single occasion, such licensee shall be assessed points for one offense only and if the
12 offenses involved have a different point value, such licensee shall be assessed for the
13 offense having the greater point value.

14 Upon the restoration of the license or driving privilege of such person whose license
15 or driving privilege has been suspended or revoked because of conviction for a traffic
16 offense, any points that might previously have been accumulated in the driver's record
17 shall be cancelled.

18 Whenever any licensee accumulates as many as seven points or accumulates as
19 many as four points during a three-year period immediately following reinstatement of
20 his license after a period of suspension or revocation, the Division may request the
21 licensee to attend a conference regarding such licensee's driving record. The Division
22 may also afford any licensee who has accumulated as many as seven points or any
23 licensee who has accumulated as many as four points within a three-year period
24 immediately following reinstatement of his license after a period of suspension or
25 revocation an opportunity to attend a driver improvement clinic operated by the
26 Division and, upon the successful completion of the course taken at the clinic, three
27 points shall be deducted from the licensee's conviction record; provided, that only one
28 deduction of points shall be made on behalf of any licensee within any five-year period.

29 When a license is suspended under the point system provided for herein, the first
30 such suspension shall be for not more than 60 days; the second such suspension shall
31 not exceed six months and any subsequent suspension shall not exceed one year.

32 Whenever the driver's license of any person is subject to suspension under this
33 subsection and at the same time also subject to suspension or revocation under other
34 provisions of laws, such suspensions or revocations shall run concurrently.

35 In the discretion of the Division, a period of probation not to exceed one year may
36 be substituted for suspension or for any unexpired period of suspension under
37 subsections (a)(1) through (a)(10a) of this section. Any violation of probation during the
38 probation period shall result in a suspension for the unexpired remainder of the
39 suspension period. Any accumulation of three or more points under this subsection
40 during a period of probation shall constitute a violation of the condition of probation."

41 **SECTION 5.** G.S. 20-183.3(a) reads as rewritten:

42 "(a) Safety. – A safety inspection of a motor vehicle consists of an inspection of
43 the following equipment to determine if the vehicle has the equipment required by Part
44 9 of Article 3 of this Chapter and if the equipment is in a safe operating condition:

- 1 (1) Brakes, as required by G.S. 20-124.
- 2 (2) Lights, as required by G.S. 20-129 or G.S. 20-129.1.
- 3 (3) Horn, as required by G.S. 20-125(a).
- 4 (4) Steering mechanism, as required by G.S. 20-123.1.
- 5 (5) Windows and windshield wipers, as required by G.S. 20-127. To
- 6 determine if a vehicle window meets the window tinting restrictions, a
- 7 safety inspection mechanic must first determine, based on use of an
- 8 automotive film check card or knowledge of window tinting
- 9 techniques, if after-factory tint has been applied to the window. If
- 10 after-factory tint has been applied, the mechanic must use a light meter
- 11 approved by the Commissioner to determine if the window meets the
- 12 window tinting restrictions.
- 13 (6) Directional signals, as required by G.S. 20-125.1.
- 14 (7) Tires, as required by G.S. 20-122.1.
- 15 (8) Mirrors, as required by G.S. 20-126.
- 16 (9) Exhaust system and emissions control devices, as required by
- 17 G.S. 20-128. For a vehicle that is subject to an emissions inspection in
- 18 addition to a safety inspection, a visual inspection of the vehicle's
- 19 emissions control devices is included in the emissions inspection rather
- 20 than the safety inspection.
- 21 (10) Seat belts, as required by G.S. 20-135.2A."

22 **SECTION 6.** This act becomes effective December 1, 2005, and applies to
23 offenses committed on or after that date.