

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 774
Judiciary II Committee Substitute Adopted 5/10/05
Finance Committee Substitute Adopted 8/10/05
House Committee Substitute Favorable 6/28/06
Fifth Edition Engrossed 7/6/06

Short Title: Seat Belt Use Enhancements.

(Public)

Sponsors:

Referred to:

March 22, 2005

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-135.2A reads as rewritten:

"§ 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~~ Except as otherwise provided in G.S. 20-137.1, each occupant of a motor vehicle manufactured with seat belts shall have a seat belt properly fastened about his or her body at all times when the vehicle is in forward motion on a street or highway in this State.

(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 of a noncommercial motor vehicle 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 and a motor vehicle operated by a newspaper delivery person while actually engaged in delivery of newspapers along the person's specified route;
- (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;

1 (4) Any vehicle registered and licensed as a property carrying vehicle in
2 accordance with G.S. 20-88 while being used for agricultural or
3 ~~commercial purposes; purposes in intrastate commerce;~~

4 (5) A motor vehicle not required to be equipped with seat safety belts
5 under federal law; or

6 (6) Any occupant of a motor home, as defined in G.S. 20-4.01(27)d2.

7 (d) Evidence of failure to wear a seat belt shall not be admissible in any criminal
8 or civil trial, action, or proceeding except in an action based on a violation of this
9 section or as justification for the stop of a vehicle or detention of a vehicle operator and
10 passengers.

11 (d1) Failure of a rear seat occupant of a vehicle to wear a seat belt shall not be
12 justification for the stop of a vehicle.

13 (e) Any driver or front seat passenger who fails to wear a seat belt as required by
14 this section shall have committed an infraction and shall pay a penalty of twenty-five
15 dollars (\$25.00) plus court costs in the sum of fifty dollars (\$50.00). Any rear seat
16 occupant of a vehicle who fails to wear a seat belt as required by this section shall have
17 committed an infraction and shall pay a penalty of ten dollars (\$10.00) and no court
18 costs. Court costs assessed under this section are for the support of the General Court of
19 Justice and shall be remitted to the State Treasurer. Conviction of an infraction under
20 this section has no other consequence.

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

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

28 (h) Repealed by Session Laws 1999-183, s. 3, effective October 1, 1999."

29 **SECTION 2.** This act becomes effective December 1, 2006, and applies to
30 offenses committed on or after that date. Law enforcement agencies shall issue only
31 warnings for violations of this act with regards to backseat passengers in motor vehicles
32 from December 1, 2006, to June 30, 2007. On July 1, 2007, law enforcement agencies
33 may begin issuing citations, or taking other enforcement action, for violations of this act
34 with regards to backseat passengers. Front seat passengers not in compliance with this
35 act may continue to be issued citations to ensure compliance with this section.