

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS85163-LK-117 (3/9)

Short Title: Seat Belt Use Enhancements.

(Public)

Sponsors: Senator Purcell.

Referred to:

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(a) reads as rewritten:

"(a) Each ~~front seat occupant who is 16 years of age or older and each driver~~ of a passenger 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."

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

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

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

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

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

"(c) The Division shall maintain a record of convictions of every person licensed or required to be licensed under the provisions of this Article as an operator and shall

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

9
 10 Schedule of Point Values

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

39
 40 Schedule of Point Values for Violations While Operating a Commercial
 41 Motor Vehicle

43	Passing stopped school bus	8
44	Rail-highway crossing violation	6

1 Careless and reckless driving in violation of
 2 G.S. 20-140(f) 6
 3 Speeding in violation of G.S. 20-141(j3) 6
 4 Aggressive driving 6
 5 Reckless driving 5
 6 Hit and run, property damage only 5
 7 Following too close 5
 8 Driving on wrong side of road 5
 9 Illegal passing 5
 10 Failure to yield right-of-way to pedestrian
 11 pursuant to G.S. 20-158(b)(2)b..... 5
 12 Failure to yield right-of-way to bicycle,
 13 motor scooter, or motorcycle 5
 14 Running through stop sign 4
 15 Speeding in excess of 55 miles per hour 4
 16 Failing to yield right-of-way 4
 17 Running through red light 4
 18 No driver's license or license expired more than one year 4
 19 Failure to stop for siren 4
 20 Driving through safety zone 4
 21 No liability insurance 4
 22 Failure to report accident where such report is required 4
 23 Speeding in a school zone in excess of the posted school
 24 zone speed limit 4
 25 Possessing alcoholic beverages in the passenger area of
 26 a commercial motor vehicle 4
 27 All other moving violations 3
 28 Failure to use a seat belt as required by G.S. 20-135.2A,
 29 a moving violation 1
 30 Littering pursuant to G.S. 14-399 when the littering
 31 involves the use of a motor vehicle 1
 32

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

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

- 42
- 43 Overloads
- 44 Over length

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

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

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

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

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

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

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

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

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

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

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