

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE BILL 774  
Judiciary II Committee Substitute Adopted 5/10/05

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

(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) plus court costs in the sum of ~~fifty dollars (\$50.00)~~ seventy-five dollars (\$75.00). 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.

~~(f) No drivers license points or insurance surcharge shall be assessed on account of violation of this section. One drivers license point shall be assessed against a driver who violates this section. No drivers license points shall be assessed other occupants who violate 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) Repealed by Session Laws 1999-183, s. 3, effective October 1, 1999."

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

Schedule of Point Values

Passing stopped school bus .....	5
Aggressive driving .....	5
Reckless driving .....	4
Hit and run, property damage only .....	4
Following too close .....	4
Driving on wrong side of road .....	4
Illegal passing .....	4
Failure to yield right-of-way to pedestrian pursuant to G.S. 20-158(b)(2)b.....	4
Failure to yield right-of-way to bicycle, motor scooter, or motorcycle .....	4

1 Running through stop sign ..... 3  
 2 Speeding in excess of 55 miles per hour ..... 3  
 3 Failing to yield right-of-way ..... 3  
 4 Running through red light ..... 3  
 5 No driver's license or license expired more than one year ..... 3  
 6 Failure to stop for siren ..... 3  
 7 Driving through safety zone ..... 3  
 8 No liability insurance ..... 3  
 9 Failure to report accident where such report is required ..... 3  
 10 Speeding in a school zone in excess of the posted school  
 11 zone speed limit ..... 3  
 12 Failure to properly restrain a child in a restraint or seat belt ..... 2  
 13 All other moving violations ..... 2  
 14 Failure to use a seat belt as required by G.S. 20-135.2A,  
 15 a moving violation ..... 1  
 16 Littering pursuant to G.S. 14-399 when the littering  
 17 involves the use of a motor vehicle ..... 1  
 18

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

21  
 22 Passing stopped school bus ..... 8  
 23 Rail-highway crossing violation ..... 6  
 24 Careless and reckless driving in violation of  
 25 G.S. 20-140(f) ..... 6  
 26 Speeding in violation of G.S. 20-141(j3) ..... 6  
 27 Aggressive driving ..... 6  
 28 Reckless driving ..... 5  
 29 Hit and run, property damage only ..... 5  
 30 Following too close ..... 5  
 31 Driving on wrong side of road ..... 5  
 32 Illegal passing ..... 5  
 33 Failure to yield right-of-way to pedestrian  
 34 pursuant to G.S. 20-158(b)(2)b..... 5  
 35 Failure to yield right-of-way to bicycle,  
 36 motor scooter, or motorcycle ..... 5  
 37 Running through stop sign ..... 4  
 38 Speeding in excess of 55 miles per hour ..... 4  
 39 Failing to yield right-of-way ..... 4  
 40 Running through red light ..... 4  
 41 No driver's license or license expired more than one year ..... 4  
 42 Failure to stop for siren ..... 4  
 43 Driving through safety zone ..... 4  
 44 No liability insurance ..... 4

1 Failure to report accident where such report is required ..... 4  
 2 Speeding in a school zone in excess of the posted school  
 3 zone speed limit ..... 4  
 4 Possessing alcoholic beverages in the passenger area of  
 5 a commercial motor vehicle ..... 4  
 6 All other moving violations ..... 3  
 7 Failure to use a seat belt as required by G.S. 20-135.2A,  
 8 a moving violation ..... 1  
 9 Littering pursuant to G.S. 14-399 when the littering  
 10 involves the use of a motor vehicle ..... 1

11  
 12 The above provisions of this subsection shall only apply to violations and  
 13 convictions which take place within the State of North Carolina. The Schedule of Point  
 14 Values for Violations While Operating a Commercial Motor Vehicle shall not apply to  
 15 any commercial motor vehicle known as an "aerial lift truck" having a hydraulic arm  
 16 and bucket station, and to any commercial motor vehicle known as a "line truck" having  
 17 a hydraulic lift for cable, if the vehicle is owned, operated by or under contract to a  
 18 public utility, electric or telephone membership corporation or municipality and used in  
 19 connection with installation, restoration or maintenance of utility services.

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

- 21  
 22 Overloads  
 23 Over length  
 24 Over width  
 25 Over height  
 26 Illegal parking  
 27 Carrying concealed weapon  
 28 Improper plates  
 29 Improper registration  
 30 Improper muffler  
 31 Improper display of license plates or dealers' tags  
 32 Unlawful display of emblems and insignia  
 33 Failure to display current inspection certificate.

34  
 35 In case of the conviction of a licensee of two or more traffic offenses committed on a  
 36 single occasion, such licensee shall be assessed points for one offense only and if the  
 37 offenses involved have a different point value, such licensee shall be assessed for the  
 38 offense having the greater point value.

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

43 Whenever any licensee accumulates as many as seven points or accumulates as  
 44 many as four points during a three-year period immediately following reinstatement of

1 his license after a period of suspension or revocation, the Division may request the  
2 licensee to attend a conference regarding such licensee's driving record. The Division  
3 may also afford any licensee who has accumulated as many as seven points or any  
4 licensee who has accumulated as many as four points within a three-year period  
5 immediately following reinstatement of his license after a period of suspension or  
6 revocation an opportunity to attend a driver improvement clinic operated by the  
7 Division and, upon the successful completion of the course taken at the clinic, three  
8 points shall be deducted from the licensee's conviction record; provided, that only one  
9 deduction of points shall be made on behalf of any licensee within any five-year period.

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

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

16 In the discretion of the Division, a period of probation not to exceed one year may  
17 be substituted for suspension or for any unexpired period of suspension under  
18 subsections (a)(1) through (a)(10a) of this section. Any violation of probation during the  
19 probation period shall result in a suspension for the unexpired remainder of the  
20 suspension period. Any accumulation of three or more points under this subsection  
21 during a period of probation shall constitute a violation of the condition of probation."

22 **SECTION 3.** This act becomes effective December 1, 2005, and applies to  
23 offenses committed on or after that date.