

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 711
HOUSE BILL 1264

AN ACT TO REDUCE THE PENALTY FOR FAILURE TO WEAR HELMETS ON MOTORCYCLES, TO MAKE FAILURE TO WEAR HELMETS ON MOPEDS AN INFRACTION, AND TO AMEND THE DRIVING WHILE IMPAIRED STATUTES RELATING TO THE DEFINITION OF VEHICLE.

Section 1. G.S. 20-140.4 reads as rewritten:

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

(a) No person shall operate a motorcycle or moped upon a highway or public vehicular area:

- (1) When the number of persons upon such motorcycle or moped, including the operator, shall exceed the number of persons which it was designed to carry.
- (2) Unless the operator and all passengers thereon wear safety helmets of a type approved by the Commissioner of Motor Vehicles.

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

(c) Any person convicted of violating this section shall have committed an infraction and shall be fined according to G.S. 20-135.2A(e) and (f)."

Sec. 2. G.S. 20-138.1 is amended by adding a new subsection at the end to read:

"(e) Exception. – Notwithstanding the definition of 'vehicle' pursuant to G.S. 20-4.01(49), for purposes of this section the word 'vehicle' does not include a horse, bicycle, or lawnmower."

Sec. 3. This act shall become effective October 1, 1989.

In the General Assembly read three times and ratified this the 1st day of August, 1989.