

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 691

Short Title: Driving Moped at Night/Reflective Gear. (Public)

Sponsors: Representatives Elmore and Howard (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Transportation

April 11, 2017

A BILL TO BE ENTITLED

AN ACT TO REQUIRE A PERSON OPERATING A MOPED AT NIGHT TO WEAR CLOTHING OR A VEST MAKING THE PERSON VISIBLE TO OTHER DRIVERS FROM A CERTAIN DISTANCE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 20-140.4 reads as rewritten:

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

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

(1) When the number of persons upon or within 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 on their heads, with a retention strap properly secured, safety helmets of a type that complies with Federal Motor Vehicle Safety Standard (FMVSS) 218. This subdivision shall not apply to an operator of, or any passengers within, an autocytle that has completely enclosed seating.

(a1) Prohibition for Mopeds. – No person shall operate a moped upon a highway or public vehicular area after sunset without wearing clothing or a vest that is bright and visible from a distance of at least 300 feet to the rear of the moped.

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

(c) Penalty. – Any person convicted of violating this section shall have committed an infraction and shall pay a penalty of twenty-five dollars and fifty cents (\$25.50) plus the following court costs: the General Court of Justice fee provided for in G.S. 7A-304(a)(4), the telephone facilities fee provided for in G.S. 7A-304(a)(2a), and the law enforcement training and certification fee provided for in G.S. 7A-304(a)(3b). Conviction of an infraction under this section has no other consequence.

(d) Points. – No drivers license points or insurance surcharge shall be assessed on account of violation of this section."

**SECTION 2.** This act becomes effective December 1, 2017, and applies to offenses committed on or after that date.

