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NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 202

AMENDMENT NO. 2
(to be filled in by
Principal Clerk)

S202-ALL-4 [v.3]

Page 1 of 2

Comm. Sub. [YES]
Amends Title [NO]
PCS35286

Date 4-7, 2009

Senator Clodfelter

1 moves to amend the bill on page 151, lines 4 through 29,
2 by rewriting those lines to read:

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4 "SECTION 15.20.(j) G.S. 20-135.2A(e) reads as rewritten:

5 "(e) Any driver or front seat passenger who fails to wear a seat belt as required by this
6 section shall have committed an infraction and shall pay a penalty of twenty-five dollars
7 (\$25.00) plus the following court costs in the sum of seventy five dollars (\$75.00): costs: the
8 General Court of Justice fee provided for in G.S. 7A-304(a)(4), the telephone facilities fee
9 provided for in G.S. 7A-304(a)(2a), and the law enforcement training and certification fee
10 provided for in G.S. 7A-304(a)(3b). Any rear seat occupant of a vehicle who fails to wear a seat
11 belt as required by this section shall have committed an infraction and shall pay a penalty of ten
12 dollars (\$10.00) and no court costs. Court costs assessed under this section are for the support
13 of the General Court of Justice and shall be remitted to the State Treasurer. Conviction of an
14 infraction under this section has no other consequence."

15 SECTION 15.20.(k) G.S. 20-140.4 reads as rewritten:

16 "§ 20-140.4. Special provisions for motorcycles and mopeds.

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

- 19 (1) When the number of persons upon such motorcycle or moped, including the
20 operator, shall exceed the number of persons which it was designed to carry.
21 (2) Unless the operator and all passengers thereon wear on their heads, with a
22 retention strap properly secured, safety helmets of a type that complies with
23 Federal Motor Vehicle Safety Standard (FMVSS) 218.

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

26 (c) Any person convicted of violating this section shall have committed an infraction
27 and shall be fined according to G.S. 20-135.2A(e) and (f): pay a penalty of twenty-five dollars
28 (\$25.00) plus the following court costs: the General Court of Justice fee provided for in G.S.
29 7A-304(a)(4), the telephone facilities fee provided for in G.S. 7A-304(a)(2a), and the law
30 enforcement training and certification fee provided for in G.S. 7A-304(a)(3b). Conviction of an
31 infraction under this section has no other consequence.

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



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1 and by adjusting the appropriate totals accordingly.

SIGNED *Amiel G. Chelton*
Amendment Sponsor

SIGNED *[Signature]*
Committee Chair if Senate Committee Amendment

ADOPTED FAILED _____ TABLED _____

Comm. Amend. 2
Adopted and Engrossed
Pursuant to Rule 45.1
APR - 7 2009

Janet Pruitt