
Coates' Canons Blog: Road Trips Raise the Darndest Questions

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I was on vacation with my family last week, and there's nothing quite like a drive across our fair state to spur interest in motor vehicle laws. Here are a few of the questions that my clan raised along the way.

On Interstate 40

1. When will our six-year-old be able to ride without a booster seat?

When she is 8 years old or weighs 80 pounds, whichever comes first. G.S. 20-137.1(a1).

2. Our 11-year-old insists that he can ride in the front passenger seat (and that "all [his] friends do"). Is this lawful?

Yes, this is lawful, though the rear seat is the safest place for children of any age to ride. See <https://www.cdc.gov/features/passengersafety/>. If a vehicle has an active passenger-side front air bag and a rear seat, a child less than five years old and weighing less than 40 pounds must be secured in a rear seat, unless the child restraint system is designed for use with air bags. See G.S. 20-137.1(a1).

3. Can my license really be revoked for driving more than 75 miles per hour?

It depends which stretch of I-40 you're driving on. DMV is authorized to suspend a person's license if the person is convicted of speeding more than 75 miles per hour on a highway where the maximum speed is less than 70 miles per hour. See G.S. 20-16(a)(10). There are stretches of I-40 where the speed limit is 70 mph.

On Highway 24 (a two-lane road with a turn lane in the middle)

4. Do I have to pull over in my eastbound lane for a fire truck in the westbound lane with its siren activated?

Yes, you must immediately drive as near as possible to the right hand edge of the road, stop, and remain there until the fire truck has passed. See G.S. 20-157(a). This rule does not apply when an emergency vehicle is travelling in the opposite direction on a four-lane limited access highway with a median divider (such as Interstate 40).

5. Can adults ride on a highway in the open bed of a pick-up truck? What about kids?

People 16 years old and older may ride in the open bed of pick-up truck on the highway. Children under 16 may not ride in the open bed of a pick-up truck unless (1) an adult is present in the back of the truck and is supervising the child, (2) the child is restrained by a seat belt, (3) there is an emergency, or (4) the truck is in a parade or being used in a farming operation. See G.S. 20-135.2B.

6. May two motorcycles be driven side-by-side in a single lane?

Yes. See G.S. 20-146.1(b). Note that, subject to this exception for two motorcycles ridden abreast, no motor vehicle may deprive a motorcycle of the full use of a single lane. See G.S. 20-146.1.

7. If our niece and nephew join us, we won't have enough seats in the car for them. Can they lawfully sit behind the last row of passenger seats for a short trip to the ice cream store?

Yes, though this obviously is not the safest practice. The provisions of G.S. 20-137.1 requiring all passengers less than 16

years old be properly secured in a child passenger restraint system or seat belt do not apply if all of the seats that have child passenger restraint systems or seat belts are occupied. See G.S. 20-137.1(b)(ii).

On Ocean Drive (a public, unmarked road in the Town of Emerald Isle, with a speed limit of 35 mph or less)

8. I just saw someone driving a golf cart down the road. Is that legal?

Yes. A city may (by ordinance) allow golf carts to be driven on public roads within the city on which the speed limit is 35 miles per hour or less. G.S. 160A-300.6. No person under 16 may be permitted to drive a golf cart. G.S. 160A-300.6(b). Emerald Isle's ordinance permits golf carts registered and permitted with the town to be driven on its public streets (subject to some exceptions) by persons who are at least 18 years old and who have a driver's license.

9. Are our children required to wear their bike helmets when riding on the road or public bicycle path?

Yes. G.S. 20-171.9 makes it unlawful for any parent or guardian of a person below the age of 16 to knowingly permit that person to ride a bicycle in such areas without a helmet.

If these questions whet your appetite for more motor vehicle trivia, take DMV's "Driver Knowledge Sample Test," available [here](#).

Links

- www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=20-137.1
- www.cdc.gov/features/passengersafety/
- www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=20-16.5
- www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=20-157
- www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=20-135.2B
- www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=20-146.1
- www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=160A-300.6
- www.emeraldisle-nc.org/Data/Sites/1/media/police/golf-cart-summary—rules-and-regs-revised12012016.pdf
- www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=20-171.9
- www.ncdot.gov/dmv/driver/license/test/sample_test.html