

N.C.P.I.-Motor Vehicle 102.12
NEGLIGENCE ISSUE-DEFINITION OF NEGLIGENCE IN AND OF ITSELF
(NEGLIGENCE PER SE).
MOTOR VEHICLE VOLUME
MAY 1994

102.12 NEGLIGENCE ISSUE - DEFINITION OF NEGLIGENCE IN AND OF ITSELF (NEGLIGENCE *PER SE*).

Every person is (also) under a duty to follow standards of conduct enacted as laws for the safety of the public. A standard of conduct established by a safety statute must be followed.¹ A person's failure to do so is negligence in and of itself.²

1. *Aldridge v. Hasty*, 240 N.C. 353, 360, 82 S.E.2d 331, 338 (1954).

2. *Hinnant v. Holland*, 92 N.C. App. 142, 147, 374 S.E.2d 152, 155 (1988), *appeal denied*, 324 N.C. 335, 378 S.E.2d 792 (1989). If a safety statute provides to the contrary, the jury should be instructed that a violation of this statute does not constitute negligence in and of itself. See *Mintz v. Foster*, 35 N.C. App. 638, 641-42, 242 S.E.2d 181, 183-84 (1978).