

215.82 BRAKES - TRUCKS AND TRACTOR-TRUCKS.

The motor vehicle law provides that every [truck] [tractor-truck with semitrailer attached] operated on a highway must have brakes in good working order, including two separate means of applying the brakes; that the brakes must be adequate to control the movement of the vehicle and to stop and hold the vehicle. (If the two separate means of applying the brakes are connected in any way, they must be constructed so that the failure of any one part of the operating mechanism shall not leave the vehicle without brakes.) *Use the following paragraphs only if the evidence so warrants:*

[The motor vehicle law further provides that at a speed of 20 miles per hour, on a dry, hard, approximately level highway free from loose material, the vehicle must be capable of stopping within 30 feet when hand and service brakes are applied simultaneously and within 50 feet when either is applied separately.]

[The motor vehicle law further provides that such a vehicle [must have brakes acting on all wheels] [having three or more axles, must have brakes acting on all wheels except the front wheels] [having at least two steerable axles, must have brakes acting on all wheels except those on one steerable axle].]

(Where the operator puts at issue whether he knew or should have known that the brakes were not in good working order, or in other appropriate circumstances, the following should also be given:)¹

(However, the operator is not an insurer of the adequacy of the brakes. The existence of a defect unknown to the operator, not reasonably discoverable upon proper inspection and not resulting from the

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BRAKES-TRUCKS AND TRACTOR-TRUCKS.
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failure of the operator to exercise reasonable care in use or maintenance of the brakes, would not be a violation of this law and would not be negligence. On the other hand, if the operator knew or in the exercise of reasonable care should have known of the defect, or should have corrected the defect, then operating the vehicle with such defective brakes would be a violation of this law and is negligence within itself.)

1. For the basis of the last paragraph see note 2 to N.C.P.I.-Civil 215.80.