

215.35 INSIDE MIRRORS - MOST MOTOR VEHICLES.¹

The motor vehicle law provides that no person shall drive a motor vehicle on a [street] [highway] unless it is equipped with an inside rear view mirror² which provides the driver with a clear, undistorted and reasonably unobstructed³ view of the [street] [highway] to the rear of such vehicle.

A violation of this law is not negligence within itself. However, the evidence with regard to it is to be considered with all other facts in evidence in determining whether (*name driver*) was negligent.

1. Farm tractors, self-propelled implements of husbandry and construction equipment and all self-propelled vehicles not subject to registration are exempted from mirror requirements by N.C. Gen. Stat. § 20-126(a). The anatomy of the beast precludes any requirement of an inside mirror for motorcycles. The outside mirror requirement for motorcycles is covered by N.C.P.I.-Civil 215.38. Since there are special provisions regarding them, this instruction (215.35) should not be used for pickup trucks. As to them, see N.C.P.I.-Civil 215.36. Similarly, this instruction should not be used when the vehicle involved is one so constructed or loaded as to make an inside mirror ineffective. As to them, see N.C.P.I.-Civil 215.37.

2. N.C. Gen. Stat. § 20-126(a) provides that the inside mirror must be of a type approved by the Commissioner of Motor Vehicles; but section 1.2 of Chapter 282 of the Session Laws of 1967 provides that any inside mirror installed by its manufacturer is deemed to comply with the subsection. Perhaps a question may occasionally arise as to whether a mirror installed to replace the original mirror is of the requisite type.

3. An ordinary passenger car may, of course, be so loaded as to render the mirror ineffective, though this does not result from defective equipment. If the car has no outside mirror, it would seem that such loading could be found by a jury to be negligence. If it has an outside mirror of the requisite type, it is at least arguable that it is to be classified as a vehicle so loaded as to make the inside mirror ineffective. See N.C.P.I.-Civil 215.37.

As to overloading a vehicle with passengers or property as negligence on its own account, see N.C.P.I.-Civil 215.50.