

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

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

²Hinnant 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).

