TOWED VEHICLES--ATTACHMENT; SNAKING. G.S. 20-123(b).

The motor vehicle law provides that no [trailer] [semitrailer] [*(describe other towed vehicle)*] shall be towed on a highway unless it is firmly attached to the rear of the vehicle and unless it is equipped with equipment in good condition so that the [trailer] [semitrailer] [*(describe other towed vehicle)*] will not snake, but will travel in the path of the towing vehicle.

A violation of [this law] [either of these provisions of law] is negligence within itself.

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

(However, the operator of a towing vehicle is not an insurer of the adequacy of the [attachment] [anti-snaking equipment]. The existence of a defect unknown to the operator, not reasonably discoverable upon proper inspection and not resulting from the failure of the operator to exercise reasonable care in use or maintenance of the equipment, 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 towing with the defective [attachment] [anti-snaking equipment] would be a violation of this law and is negligence within itself.)

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[1] Miller v. Lucas, 267 N.C. 1, 147 S.E.2d 537 (1966), a case in which the attachment failed, holds that violation of the statute is negligence per se, but also supports the entire last paragraph of the instruction. The language of this part of the instruction is also based upon brake defect cases, which present a comparable situation. See Wilcox v. Motors Co., 269 N.C. 473, 153 S.E.2d 76 (1967), quoting Stephens v. Oil Co., 259 N.C. 456, 131 S.E.2d 39 (1963).