

STEERING MECHANISM. G.S. 20-123.1.

The motor vehicle law provides that the steering mechanism of every motor vehicle¹ operated on a highway shall be maintained in good working order, sufficient to enable the operator to control the vehicle's movements and to maneuver it safely.

A violation of this law is negligence within itself.

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

(However, the operator is not an insurer of the adequacy of the steering mechanism. 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 the use or maintenance of the mechanism, 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 mechanism would be a violation of this law and is negligence within itself.²)

¹The statute prescribes that it applies only to self-propelled motor vehicles.

²Miller v. Lucas, 267 N.C. 1, 147 S.E.2d 537 (1966), a case in which an 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).

