

The following chart briefly summarizes various jurisdictions’ application of negligence per se to the FMCSR, other federal regulations governing motor vehicles, and state regulatory provisions concerning same:

Jurisdiction	FMCSR	Other Fed. Reg.	State Motor Vehicle Rules	Apply Negligence Per Se – Yes or No	Notes
Texas	✓			✗	<p>Texas court denied applying the negligence per se doctrine to a violation of 49 C.F.R. § 39[3].205 because the requirement set forth in the statute “does not put the public on notice by clearly defining the required conduct because the regulations do not define the word ‘loose’ nor specify any particular amount of torque.”</p> <p>TX court also stated that 49 C.F.R. § 396.3 and 396.13 “are not appropriate basis for a negligence per se [jury] instruction.”</p>
Tennessee	✓			✓	<p>Court affirmed a district court’s decision holding that “defendant’s violation of the FMCSR requiring the defendant to ensure that the load was properly secured was negligence per se under Tennessee law.”</p>
U.S. Court of Appeals – 7 th Circuit				✓	<p>Court affirmed trial court’s jury instructions for a violation of 49 C.F.R. § 392.22 that included negligence per se standards in the instructions.</p>
Alaska	✓			✓	<p>Court upheld a trial court’s jury instruction pertaining to 49 C.F.R. § 396.2(a) when the instruction was based on the doctrine of negligence per se.</p>

Jurisdiction	FMCSR	Other Fed. Reg.	State Motor Vehicle Rules	Negligence Per Se – Yes or No	Notes
Colorado	✓		✓	✓	<p>49 C.F.R. § 390.21 and 390.22 trial court jury instructions were not based on negligence per se, and the court of appeal reversed the trial court’s decision to eliminate this doctrine from the instructions.</p> <p>To remain free of negligence per se, “a vehicle approaching an intersection must remain in or return to the right lane within proscribed distance.”</p>
Mississippi	✓		✓	✓	<p>The court held that the plaintiff, under C.F.R. 49 § 392.22 was entitled to a negligence per se jury instruction.</p> <p>“[V]iolation of a federal statute can be evidence of negligence per se...”</p> <p>A truck driver’s intoxication constituted as negligence per se.</p>
North Dakota			✓	✓	<p>“The North Dakota Legislature has enacted certain laws governing the operation of all vehicles on the highways of this State. The general rule is that a violation of these statutes is evidence of negligence</p>
Connecticut			✓	✓	<p>“Operation of [an] overweight truck was negligence per se...”</p>

Jurisdiction	FMCS R	Other Fed. Reg.	State Motor Vehicle Rules	Negligence Per Se – Yes or No	Notes
Louisiana			✓	✓	“The defendant was under a duty recognized by law requiring him to keep his vehicle within his lane of travel and not to move from that lane until he had first ascertained that such a move could be made with safety. The defendant breached this duty and negligently entered the decedent’s lane of traffic, which negligence was a cause in fact of the accident
Florida			✓	✓	“A violation of [a]ny statute, however, is not necessarily negligence per se... Violations of statutes, other than those imposing a form of strict liability, may be [e]ither negligence per se [o]r evidence of negligence...The statute involved in the case sub judice imposes upon a railroad a duty to protect automobile drivers and their passengers from colliding with unlighted trains blocking highways at night at unlighted crossings. The violation of this statute, although not one of ‘strict liability,’ was negligence per se...”
Georgia	✓			✗	When a violation of 49 C.F.R. § 392.3 occurred, a trial court did not err by failing to include in its jury instructions that a violation of this statute is negligence per se.
Delaware		✓		✓	“Violation of a statute enacted for the safety of others...is negligence per se. [D]ecedent’s violation of the I.C.C. Regulations constitute as negligence...[and] [e]xceptions to the negligence per se principle...are without application to the facts of this case.”
Alabama			✓	✓	“The court properly instructed the jury that violation of the Alabama statutory

					rules of the road may constitute as negligence per se...”
--	--	--	--	--	---

Jurisdiction	FMCSR	Other Fed Reg.	State Motor Vehicle Rules	Negligence Per Se – Yes or No	Notes
Oklahoma			✓	✓	“Violation of motor vehicle statutes is negligence per se and prima facie proximate cause as a matter of law.”