

Restatement (3d) on Torts: Liability for Physical Harm (adopted 2005; published 2010)

§ 14. Statutory Violations as Negligence Per Se

An actor is negligent if, without excuse, the actor violates a statute that is designed to protect against the type of accident the actor's conduct causes, and if the accident victim is within the class of persons the statute is designed to protect.

§ 15. Excused Violations

An actor's violation of a statute is excused and not negligence if:

- (a) the violation is reasonable in light of the actor's childhood, physical disability, or physical incapacitation;
- (b) the actor exercises reasonable care in attempting to comply with the statute;
- (c) the actor neither knows nor should know of the factual circumstances that render the statute applicable;
- (d) the actor's violation of the statute is due to the confusing way in which the requirements of the statute are presented to the public; or
- (e) the actor's compliance with the statute would involve a greater risk of physical harm to the actor or to others than noncompliance.