

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 1330  
HOUSE BILL 328

AN ACT TO MAKE CERTAIN CHANGES IN THE RULES OF THE ROAD PORTION OF  
CHAPTER 20 OF THE GENERAL STATUTES AND TO MAKE RELATED CHANGES  
IN CHAPTERS 14 AND 136 OF THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 20-1 is hereby renumbered as G.S. 20-1.1 and a new G.S. 20-1 is hereby inserted at the beginning of Chapter 20 of the General Statutes to read as follows:

"§ 20-1. **Definitions.** — Unless the context otherwise requires, the following words and phrases, for the purpose of this Chapter, shall have the following meanings:

- (1) **Business District.** The territory prescribed as such by ordinance of the Board of Transportation.
- (2) **Cancelled.** As applied to operators' and chauffeurs' licenses and permits, a declaration that a license or permit which was issued through error or fraud is void and terminated.
- (3) **Chauffeur.** Every person who is employed by another for the principal purpose of driving a motor vehicle and every person who drives any motor vehicle when in use for the transportation of persons or property for compensation and the driver, other than the owner of a private hauler, of any property hauling vehicle or combination of vehicles licensed for more than 26,000 pounds gross weight and the driver of any passenger-carrying vehicle of over nine passenger capacity except the driver of a church bus, farm bus, school bus, or an activity bus for a nonprofit organization when such bus is being operated for a nonprofit purpose, who holds a valid operator's license. Those under 20 years of age must be certified and licensed to operate a North Carolina school bus.
- (4) **Commissioner.** The Commissioner of Motor Vehicles.
- (5) **Dealer.** Every person engaged in the business of buying, selling, distributing, or exchanging motor vehicles, trailers or semitrailers in this State, having an established place of business in this State and being subject to the tax levied by G.S. 105-89.  
The terms 'motor vehicle dealer', 'new motor vehicle dealer', and 'used motor vehicle dealer' shall have the meaning set forth in G.S. 20-286.
- (6) **Department.** The Department of Motor Vehicles acting directly or through its duly authorized officers and agents.
- (7) **Driver.** The operator of a vehicle.
- (8) **Essential Parts.** All integral and body parts of a vehicle of any type required to be registered hereunder, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.
- (9) **Established Place of Business.** Except as provided in G.S. 20-286, the place actually occupied by a dealer or manufacturer at which a permanent business of bargaining, trading, and selling motor vehicles is or will be carried on and

- at which the books, records, and files necessary and incident to the conduct of the business of automobile dealers or manufacturers shall be kept and maintained.
- (10) Explosives. Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.
  - (11) Farm Tractor. Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.
  - (12) Foreign Vehicle. Every vehicle of a type required to be registered hereunder brought into this State from another state, territory, or country, other than in the ordinary course of business, by or through a manufacturer or dealer and not registered in this State.
  - (13) Highway or Street. The entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic. The terms 'Highway' or 'Street' or a combination of the two terms shall be used synonymously.
  - (14) House Trailer. Any trailer or semitrailer designed and equipped to provide living or sleeping facilities and drawn by a motor vehicle.
  - (15) Implement of Husbandry. Every vehicle which is designed for agricultural purposes and used exclusively in the conduct of agricultural operations.
  - (16) Intersection. The area embraced within the prolongation of the lateral curb lines or, if none, then the lateral edge of roadway lines of two or more highways which join one another at any angle whether or not one such highway crosses the other.

Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event that such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.
  - (17) License. Any driver's license or any other license or permit to operate a motor vehicle issued under or granted by the laws of this State including:
    - a. Any temporary license or learner's permit.
    - b. The privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and
    - c. Any nonresidents' operating privilege.
  - (18) Local Authorities. Every county, municipality, or other territorial district with a local board or body having authority to adopt local police regulations under the Constitution and laws of this State.
  - (19) Manufacturer. Every person, resident, or nonresident of this State, who manufactures or assembles motor vehicles.
  - (20) Manufacturer's Certificate. A certification on a form approved by the Department, signed by the manufacturer, indicating the name of the person or dealer to whom the therein described vehicle is transferred, the date of

- transfer and that such vehicle is the first transfer of such vehicle in ordinary trade and commerce. The description of the vehicle shall include the make, model, year, type of body, identification number or numbers, and such other information as the Department may require.
- (21) Metal Tire. Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.
  - (22) Motorcycle. A type of passenger vehicle as defined in G.S. 20-1(27).
  - (23) Motor Vehicle. Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle.
  - (24) Nonresident. Any person whose legal residence is in some state, territory, or jurisdiction other than North Carolina or in a foreign country.
  - (25) Operator. A person in actual physical control of a vehicle which is in motion or which has the engine running.
  - (26) Owner. A person holding the legal title to a vehicle, or in the event a vehicle is the subject of a chattel mortgage or an agreement for the conditional sale or lease thereof or other like agreement, with the right of purchase upon performance of the conditions stated in the agreement, and with the immediate right of possession vested in the mortgagor, conditional vendee or lessee, said mortgagor, conditional vendee or lessee shall be deemed the owner for the purpose of this Chapter. For the purposes of this Chapter, the lessee of a vehicle owned by the government of the United States shall be considered the owner of said vehicle.
  - (27) Passenger Vehicles.
    - a. Excursion passenger vehicles. Vehicles transporting persons on sight- seeing or travel tours.
    - b. For-hire passenger vehicles. Vehicles transporting persons for compensation. This classification shall not include vehicles of nine-passenger capacity or less operated as ambulances or operated by the owner where the cost of operation is shared by the passengers; vehicles transporting students for the public school system under contract with the State Board of Education; or vehicles leased to the United States of America or any of its agencies on a nonprofit basis.
    - c. Common carriers of passengers. Vehicles operated under a franchise certificate issued by the Utilities Commission for operation on the highways of this State between fixed termini or over a regular route for the transportation of persons or property for compensation.
    - d. Motorcycles. Vehicles having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including motor scooters and motor-driven bicycles, but excluding tractors and utility vehicles equipped with an additional form of device designed to transport property, and three-wheeled vehicles while being used by law enforcement agencies.
    - e. U-drive-it passenger vehicles. Vehicles rented or leased to be operated by the lessee. This shall not include vehicles of nine-passenger capacity or less which are leased for a term of one year or more to the same person or vehicles leased or rented to public school authorities for driver-training instruction.
    - f. Ambulances. Vehicles equipped for transporting wounded, injured, or sick persons.

- g. Private passenger vehicles. All other passenger vehicles not included in the above definitions.
- (28) Person. Every individual, firm, partnership, association, corporation, governmental agency, or combination thereof of whatsoever form or character.
- (29) Pneumatic Tire. Every tire in which compressed air is designed to support the load.
- (30) Private Road or Driveway. Every road or driveway not open to the use of the public as a matter of right for the purpose of vehicular traffic.
- (31) Property-Hauling Vehicles.
- a. Exempt for-hire vehicles. Vehicles used for the transportation of property for hire but not licensed as common carriers or contract carriers of property under franchise certificates or permits issued by the Utilities Commission or by the Interstate Commerce Commission; provided, that the term 'for hire' shall include every arrangement by which the owner of a vehicle uses, or permits such vehicle to be used, for the transportation of the property of another for compensation, subject to the following exemptions:
    - 1. The transportation of farm crops or products, including logs, bark, pulp, and tannic acid wood delivered from farms and forest to the first or primary market, and the transportation of wood chips from the place where wood has been converted into chips to their first or primary market.
    - 2. The transportation of perishable foods which are still owned by the grower while being delivered to the first or primary market by an operator who has not more than one truck, truck-tractor, or trailer in a for-hire operation.
    - 3. The transportation of merchandise hauled for neighborhood farmers incidentally and not as a regular business in going to and from farms and primary markets.
    - 4. The transportation of T.V.A. or A.A.A. phosphate and/or agricultural limestone in bulk which is furnished as a grant of aid under the United States Agricultural Adjustment Administration.
    - 5. The transportation of fuel for the exclusive use of the public schools of the State.
    - 6. Vehicles whose sole operation in carrying the property of others is limited to the transportation of the United States mail pursuant to a contract, or the extension or renewal of such contract.
    - 7. Vehicles leased for a term of one year or more to the same person when used exclusively by such person in transporting his own property.
  - b. Common carrier of property vehicles. Vehicles used for the transportation of property certified by the Utilities Commission or the Interstate Commerce Commission as common carriers.
  - c. Private hauler vehicles. Vehicles used for the transportation of property not falling within one of the above defined categories; provided, self-propelled vehicles equipped with permanent living and sleeping facilities used exclusively for camping activities shall be classified as private passenger vehicles.

- d. Semitrailers. Vehicles without motive power designed for carrying property or persons and for being drawn by a motor vehicle, and so constructed that part of their weight or their load rests upon or is carried by the pulling vehicle.
  - e. Trailers. Vehicles without motive power designed for carrying property or persons wholly on their own structure and to be drawn by a motor vehicle, including 'pole trailers' or a pair of wheels used primarily to balance a load rather than for purposes of transportation.
  - f. Contract carrier of property vehicles. Vehicles used for the transportation of property under a franchise permit of a regulated contract carrier issued by the Utilities Commission or the Interstate Commerce Commission.
- (32) Public Vehicular Area. Any drive, driveway, road, roadway, street, or alley upon the grounds and premises of any public or private hospital, college, university, school, orphanage, church, or any of the institutions maintained and supported by the State of North Carolina, or any of its subdivisions or upon the grounds and premises of any service station, drive-in theater, supermarket, store, restaurant or office building, or any other business, residential, or municipal establishment providing parking space for customers, patrons, or the public.
- (33) Reconstructed Vehicles. Vehicles of a type required to be registered hereunder materially altered from their original construction by the removal, addition, or substitution of essential parts.
- (34) Resident. Any person who resides within this State for other than a temporary or transitory purpose for more than six months shall be presumed to be a resident of this State; but absence from the State for more than six months shall raise no presumption that the person is not a resident of this State.
- (35) Residential District. The territory prescribed as such by ordinance of the Board of Transportation.
- (36) Revocation or Suspension. Termination of a licensee's or permittee's privilege to drive or termination of the registration of a vehicle for a period of time stated in an order of revocation or suspension. The terms 'Revocation' or 'Suspension' or a combination of both terms shall be used synonymously.
- (37) Road Tractors. Vehicles designed and used for drawing other vehicles upon the highway and not so constructed as to carry any part of the load, either independently or as a part of the weight of the vehicle so drawn.
- (38) Roadway. That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two or more separate roadways the term 'Roadway' as used herein shall refer to any such roadway separately but not to all such roadways collectively.
- (39) Safety Zone. Traffic island or other space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.
- (40) Security Agreement. Written agreement which reserves or creates a security interest.
- (41) Security Interest. An interest in a vehicle reserved or created by agreement and which secures payments or performance of an obligation. The term

- includes but is not limited to the interest of a chattel mortgagee, the interest of a vendor under a conditional sales contract, the interest of a trustee under a chattel deed of trust, and the interest of a lessor under a lease intended as security. A security interest is 'perfected' when it is valid against third parties generally.
- (42) Solid Tire. Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.
- (43) Specially Constructed Vehicles. Vehicles of a type required to be registered hereunder not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from their original construction.
- (44) Special Mobile Equipment. Every truck, truck-tractor, trailer, or semitrailer on which have been permanently attached cranes, mills, well-boring apparatus, ditch-digging apparatus, air compressors, electric welders, or any similar type apparatus or which have been converted into living or office quarters, or other self-propelled vehicles which were originally constructed in a similar manner which are operated on the highway only for the purpose of getting to and from a nonhighway job and not for the transportation of persons or property or for hire. This shall also include trucks on which special equipment has been mounted and used by American Legion or Shrine Temples for parade purposes, trucks or vehicles privately owned on which fire-fighting equipment has been mounted and which are used only for fire-fighting purposes, and vehicles on which are permanently mounted feed mixers, grinders, and mills although there is also transported on the vehicle molasses or other similar type feed additives for use in connection with the feed-mixing, grinding, or milling process.
- (45) State. A state, territory, or possession of the United States, District of Columbia, Commonwealth of Puerto Rico, or a Province of Canada.
- (46) Street. The entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic. The terms 'Highway' or 'Street' or a combination of the two terms shall be used synonymously.
- (47) Suspension. Termination of a licensee's or permittee's privilege to drive or termination of the registration of a vehicle for a period of time stated in an order of revocation or suspension. The terms 'Revocation' or 'Suspension' or a combination of both terms shall be used synonymously.
- (48) Truck Tractors. Vehicles designed and used primarily for drawing other vehicles and not so constructed as to carry any load independent of the vehicle so drawn.
- (49) Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes of this Chapter bicycles shall be deemed vehicles and every rider of a bicycle upon a highway shall be subject to the provisions of this Chapter applicable to the driver of a vehicle except those which by their nature can have no application.
- (50) Wreckers. Vehicles with permanently attached cranes used to move other vehicles; provided, that said wreckers shall be equipped with adequate brakes for units being towed."

**Sec. 2.** G.S. 20-17 is hereby amended by adding subdivisions (9) and (10) thereto, to read as follows:

"(9) Death by vehicle as defined in G.S. 20-141.4.

(10) Speeding in excess of 55 miles per hour and at least 15 miles per hour over the legal limit in violation of G.S. 20-141 (j)."

**Sec. 3.** G.S. 20-140 is hereby rewritten to read as follows:

"§ 20-140. **Reckless driving.** — (a) Any person who drives any vehicle upon a highway or any public vehicular area carelessly and heedlessly in willful or wanton disregard of the rights or safety of others shall be guilty of reckless driving.

(b) Any person who drives any vehicle upon a highway or any public vehicular area without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property shall be guilty of reckless driving.

(c) Any person who operates a motor vehicle upon a highway or public vehicular area after consuming such quantity of intoxicating liquor as directly and visibly affects his operation of said vehicle shall be guilty of reckless driving and such offense shall be a lesser included offense of driving under the influence of intoxicating liquor as defined in G.S. 20-138 as amended.

(d) Any person convicted of reckless driving shall be punished by imprisonment not to exceed six months or by a fine, not to exceed five hundred dollars (\$500.00) or by both such imprisonment and fine, in the discretion of the court."

**Sec. 4.** G.S. 20-140.2 is rewritten to read as follows:

"§ 20-140.2. **Overloaded or overcrowded vehicle.** — No person shall operate upon a highway or public vehicular area a motor vehicle which is so loaded or crowded with passengers or property, or both, as to obstruct the operator's view of the highway or public vehicular area, including intersections, or so as to impair or restrict otherwise the proper operation of the vehicle."

**Sec. 5.** Chapter 20 of the General Statutes is hereby amended by adding a new section to read as follows:

"§ 20-140.3. **Unlawful use of National System of Interstate and Defense Highways and other controlled -access highways.** — On those sections of highways which are or become a part of the National System of Interstate and Defense Highways and other controlled-access highways, it shall be unlawful for any person :

- (1) To drive a vehicle over, upon, or across any curb, central dividing section or other separation or dividing line on said highways.
- (2) To make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb, separation section, or line on said highways.
- (3) To drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line on said highways.
- (4) To drive a vehicle onto or from any controlled-access highway except at such entrances and exits as are established by public authority.
- (5) To stop, park, or leave standing any vehicle, whether attended or unattended, on any part or portion of the right-of-way of said highways, except in the case of an emergency or as directed by a peace officer, or at designated parking areas.
- (6) To fail to yield the right-of-way when entering the highway to any vehicle already travelling on the highway."

**Sec. 6.** Chapter 20 of the General Statutes is amended by inserting a new section to read as follows:

"§ 20-140.4. **Special provisions for motorcycles.** — (a) No person shall operate a motorcycle upon a highway or public vehicular area:

- (1) When the number of persons upon such motorcycle, including the operator, shall exceed the number of persons which it was designed to carry.
  - (2) Unless the operator and all passengers thereon wear safety helmets of a type approved by the Commissioner of Motor Vehicles.
- (b) Violation of any provision of this section shall not be considered negligence per se or contributory negligence per se in any civil action."

**Sec. 7.** G.S. 20-141 is rewritten to read as follows:

"§ 20-141. **Speed restrictions.** — (a) No person shall drive a vehicle on a highway or in a public vehicular area at a speed greater than is reasonable and prudent under the conditions then existing.

(b) Except as otherwise provided in this Chapter, it shall be unlawful to operate a vehicle in excess of the following speeds:

- (1) Thirty-five miles per hour inside municipal corporate limits for all vehicles.
- (2) Fifty-five miles per hour outside municipal corporate limits for all vehicles, except school buses and school activity buses.

(c) Except while towing another vehicle, or when an advisory safe speed sign indicates a slower speed, or as otherwise provided by law, it shall be unlawful to operate a passenger vehicle upon the interstate and primary highway system at less than the following speeds:

- (1) Forty miles per hour in a speed zone of 55 miles per hour.
- (2) Forty-five miles per hour in a speed zone of 60 miles per hour or greater.

These minimum speeds shall be effective only when appropriate signs are posted indicating the minimum speed.

- (d) (1) Whenever the Board of Transportation determines on the basis of an engineering and traffic investigation that any speed allowed by subsection (b) is greater than is reasonable and safe under the conditions found to exist upon any part of a highway outside the corporate limits of a municipality or upon any part of a highway designated as part of the Interstate Highway System or other controlled-access highway (either inside or outside the corporate limits of a municipality), the Board shall determine and declare a reasonable and safe speed limit.
- (2) Whenever the Board of Transportation determines on the basis of an engineering and traffic investigation that a higher maximum speed than those set forth in subsection (b) is reasonable and safe under the conditions found to exist upon any part of a highway designated as part of the Interstate Highway System or other controlled-access highway (either inside or outside the corporate limits of a municipality) the Board shall determine and declare a reasonable and safe speed limit. A speed limit set pursuant to this subsection may not exceed 70 miles per hour.

Speed limits set pursuant to this subsection are not effective until appropriate signs giving notice thereof are erected upon the parts of the highway affected.

(e) Local authorities, in their respective jurisdictions, may authorize by ordinance higher speeds or lower speeds than those set out in subsection (b) upon all streets which are not part of the State Highway System; but no speed so fixed shall authorize a speed in excess of 55 miles per hour. Speed limits set pursuant to this subsection shall be effective when appropriate signs giving notice thereof are erected upon the part of the streets affected.

(f) Whenever local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that a higher maximum speed than those set forth in subsection (b) is reasonable and safe, or that any speed hereinbefore set forth is greater than is reasonable and safe, under the conditions found to exist upon any part of a street within

the corporate limits of a municipality and which street is a part of the State Highway System (except those highways designated as part of the Interstate Highway System or other controlled-access highway) said local authorities shall determine and declare a safe and reasonable speed limit. A speed limit set pursuant to this subsection may not exceed 55 miles per hour. Limits set pursuant to this subsection shall become effective when the Board of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

(g) Whenever the Board of Transportation or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway considerably impede the normal and reasonable movement of traffic, the Board or such local authority may determine and declare a minimum speed below which no person shall operate a motor vehicle except when necessary for safe operation in compliance with law. Such minimum speed limit shall be effective when appropriate signs giving notice thereof are erected on said part of the highway. Provided, such minimum speed limit shall be effective as to those highways and streets within the corporate limits of a municipality which are on the State highway system only when ordinances adopting the minimum speed limit are passed and concurred in by both the Board of Transportation and the local authorities. The provisions of this subsection shall not apply to farm tractors and other motor vehicles operating at reasonable speeds for the type and nature of such vehicles.

(h) No person shall operate a motor vehicle on the highway at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law; provided, this provision shall not apply to farm tractors and other motor vehicles operating at reasonable speeds for the type and nature of such vehicles.

(i) The Board of Transportation shall have authority to designate and appropriately mark certain highways of the State as truck routes.

(j) Any person convicted of violating this section by operating a vehicle on a street or highway in excess of 55 miles per hour and at least 15 miles per hour over the legal limit while fleeing or attempting to elude arrest or apprehension by a law enforcement officer with authority to enforce the motor vehicle laws shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) or imprisonment for not more than two years, or both, in the discretion of the court."

**Sec. 8.** G.S. 20-141.3(g) is amended by inserting a new paragraph, between the present first and second paragraphs of said subsection, to read as follows:

"Notwithstanding the provisions for sale set out above, on petition by a lienholder, the court, in its discretion and upon such terms and conditions as it may prescribe, may allow reclamation of the vehicle by the lienholder. The lienholder shall file with the court an accounting of the proceeds of any subsequent sale of the vehicle and pay into the court any proceeds received in excess of the amount of the lien."

**Sec. 9.** Chapter 20 of the General Statutes is amended by inserting a new section to read as follows:

**"§ 20-141.4. Death by vehicle.** — (a) Whoever shall unintentionally cause the death of another person while engaged in the violation of any State law or local ordinance applying to the operation or use of a vehicle or to the regulation of traffic shall be guilty of death by vehicle when such violation is the proximate cause of said death.

(b) A violation of this section shall constitute a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than two years, or both, in the discretion of the court.

(c) No person who has been placed in jeopardy upon a charge of death by vehicle shall subsequently be prosecuted for the offense of manslaughter arising out of the same death; and

no person who has been placed in jeopardy upon a charge of manslaughter shall subsequently be prosecuted for death by vehicle arising out of the same death."

**Sec. 10.** G.S. 20-142 is rewritten to read as follows:

"§ 20-142. **Railroad warning signals must be obeyed.** — Whenever any person driving a vehicle approaches a railway grade crossing, and any signal given by a mechanical or electrical device, gate, or flagman indicates the approach of a train or railroad car, it shall be unlawful for the driver to fail to bring the vehicle to a complete stop and ascertain that further movement can be made in safety before traversing such grade crossing."

**Sec. 11.** G.S. 20-143 is rewritten to read as follows:

"§ 20-143. **Vehicles must stop at certain railway grade crossings.** — The Board of Transportation or local authorities are hereby authorized to designate dangerous railroad grade crossings and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within 50 feet but not less than 10 feet from the nearest rail of such railroad and shall proceed only upon exercising due care."

**Sec. 12.** G.S. 20-143.1 is hereby amended as follows:

- (1) By deleting from the catchline the word "all"; and
- (2) By deleting from the fourth line of subsection (b) the words "as defined in G.S. 20-38(1)"; and
- (3) By deleting from the sixth line of subsection (d) the word "ALL"

**Sec. 13.** G.S. 20-146 is hereby amended as follows:

- (1) By deleting from the second, third, eleventh, thirteenth, seventeenth, twentieth, twenty-second, and twenty-third lines thereof the word "roadway" and inserting in lieu thereof the word "highway"; and
- (2) By deleting from the fourteenth line thereof the word "roadways" and inserting in lieu thereof the word "highways"; and
- (3) By deleting from the fourteenth and fifteenth lines thereof the words "normal speed of traffic at the time and place and under the condition then existing" and inserting in lieu thereof the words "legal maximum speed limit"; and
- (4) By adding a new subsection (d) to read as follows:

"(d) Whenever any street has been divided into two or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply.

- (1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
- (2) Upon a street which is divided into three or more lanes and provides for the two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in the preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control device.
- (3) Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the street and drivers of vehicles shall obey the direction of every such device.
- (4) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of streets, and drivers of vehicles shall obey the directions of every such device."

**Sec. 14.** G.S. 20-146.1 is amended by deleting the last paragraph thereof.

**Sec. 15.** G.S. 20-149(b) is rewritten to read as follows:

"(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle."

**Sec. 16.** G.S. 20-150 is amended by adding a new subsection (f) to read as follows:

"(f) The foregoing limitations shall not apply upon a one-way street nor to the driver of a vehicle turning left into or from an alley, private road, or driveway."

**Sec. 17.** G.S. 20-152 is rewritten to read as follows:

**"§ 20-152. Following too closely.** — (a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(b) The driver of any motor vehicle traveling upon a highway outside of a business or residential district and following another motor vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor vehicle from overtaking and passing another motor vehicle. This provision shall not apply to funeral processions."

**Sec. 18.** G.S. 20-153 is rewritten to read as follows:

**"§ 20-153. Turning at intersections.** — (a) Right Turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) Left Turns. The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and, after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(c) Local authorities and the Board of Transportation, in their respective jurisdictions, may modify the foregoing method of turning at intersections by clearly indicating by buttons, markers, or other direction signs within an intersection the course to be followed by vehicles turning thereat, and it shall be unlawful for any driver to fail to turn in a manner as so directed."

**Sec. 19.** G.S. 20-154 is amended as follows:

(1) By adding at the end of subsection (a) a new sentence to read as follows:

"The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic"; and

(2) by replacing the colon(:) after the word "Department" in the sixth line of subsection (b) with a period (.) and by deleting the balance of lines 6 through 12.

(3) By adding a new subsection (d) to read as follows:

"A violation of this section shall not constitute negligence per se."

**Sec. 20.** G.S. 20-155 is amended by rewriting subsections (a) and (b) thereof to read as follows:

"(a) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(b) The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close as to constitute an immediate hazard."

**Sec. 21.** G.S. 20-156 is amended by rewriting subsection (a) thereof to read as follows:

"(a) The driver of a vehicle about to enter or cross a highway from an alley, building entrance, private road, or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered."

**Sec. 22.** G.S. 20-158 is rewritten to read as follows:

**"§ 20-158. Vehicle control signs and signals.** — (a) The Board of Transportation, with reference to State highways, and local authorities, with reference to highways under their jurisdiction, are hereby authorized to control vehicles:

- (1) At intersections, by erecting or installing stop signs requiring vehicles to come to a complete stop at the entrance to that portion of the intersection designated as the main traveled or through highway. Stop signs may also be erected at three or more entrances to an intersection.
  - (2) At appropriate places other than intersections, by erecting or installing stop signs requiring vehicles to come to a complete stop.
  - (3) At intersections and other appropriate places, by erecting or installing steady beam stop lights and other traffic control devices, signs, or signals. All steady beam stop lights emitting alternate red and green lights shall be arranged so that the red light shall appear at the top of the signaling unit and the green light shall appear at the bottom of the signaling unit.
  - (4) At intersections and other appropriate places, by erecting or installing flashing red or yellow lights.
- (b) Control of Vehicles at Intersections.
- (1) When a stop sign has been erected or installed at an intersection, it shall be unlawful for the driver of any vehicle to fail to stop in obedience thereto and yield the right-of-way to vehicles operating on the designated main traveled or through highway. When stop signs have been erected at three or more entrances to an intersection the driver, after stopping in obedience thereto, may proceed with caution.
  - (2) When a stop light has been erected or installed at an intersection, and is emitting a steady red light, vehicles facing the red light shall come to a complete stop. When the stop light is emitting a steady yellow light, vehicles facing the yellow light shall be warned that a red light will be immediately forthcoming and that vehicles may not enter the intersection on such a red light. When the stop light is emitting a steady green light, vehicles may proceed through the intersection subject to the rights of pedestrians and other vehicles as may otherwise be provided by law.
  - (3) When a flashing red light has been erected or installed at an intersection, approaching vehicles facing the red light shall stop and yield the right-of-way to vehicles in or approaching the intersection. The right to proceed shall be subject to the rules applicable to making a stop at a stop sign.
  - (4) When a flashing yellow light has been erected or installed at an intersection, approaching vehicles facing the yellow flashing light may proceed through the intersection with caution, yielding the right-of-way to vehicles in or approaching the intersection.
  - (5) When a stop sign, stop light, flashing light, or other traffic control device authorized by subsection (a) requires a vehicle to stop at an intersection, the driver shall stop at an appropriately marked stop line, or if none, before entering a marked cross walk, or if none, before entering the intersection at the point nearest the intersecting street where the driver has a view of approaching traffic on the intersecting street.
- (c) Control of Vehicles at Places other than Intersections.

- (1) When a stop sign has been erected or installed at a place other than an intersection, it shall be unlawful for the driver of any vehicle to fail to stop in obedience thereto and yield the right-of-way to pedestrians and other vehicles.
- (2) When a stop light has been erected or installed at a place other than an intersection, and is emitting a steady red light, vehicles facing the red light shall come to a complete stop. When the stop light is emitting a steady yellow light, vehicles facing the light shall be warned that a red light will be immediately forthcoming and that vehicles may not proceed through such a red light. When the stop light is emitting a steady green light, vehicles may proceed subject to the rights of pedestrians and other vehicles as may otherwise be provided by law.
- (3) When a flashing red light has been erected or installed at a place other than an intersection, approaching vehicles facing the light shall stop and yield the right-of-way to pedestrians or other vehicles.
- (4) When a flashing yellow light has been erected or installed at a place other than an intersection, approaching vehicles facing the light may proceed with caution, yielding the right-of-way to pedestrians and other vehicles.
- (5) When a stop light, stop sign, or other signaling device authorized by subsection (a) requires a vehicle to stop at a place other than an intersection, the driver shall stop at an appropriately marked stop line, or if none, before entering a marked cross walk, or if none, before proceeding past the signaling device.

(d) No failure to stop as required by the provisions of this section shall be considered negligence or contributory negligence per se in any action at law for injury to person or property, but the facts relating to such failure to stop may be considered with the other facts in the case in determining whether a party was guilty of negligence or contributory negligence."

**Sec. 23.** G.S. 20-158.1 is amended by deleting the last sentence thereof.

**Sec. 24.** G.S. 20-160 is rewritten to read as follows:

**"§ 20-160. Driving through safety zone or on sidewalks prohibited.** — (a) The driver of a vehicle shall not at any time drive through or over a safety zone.

(b) No person shall drive any motor vehicle upon a sidewalk or sidewalk area except upon a permanent or temporary driveway."

**Sec. 25.** G.S. 20-161 is amended as follows:

- (1) By inserting in subsection (a) after the word "bridge" in the third line thereof the words "outside municipal corporate limits"; and
- (2) By inserting in subsection (b) after the word "highway" in the second line thereof the words "outside municipal corporate limits"; and
- (3) By rewriting subsection (d) to read as follows:

"(d) The owner of any vehicle parked or left standing in violation of law shall be deemed to have appointed any investigating law enforcement officer his agent:

- (1) for the purpose of removing the vehicle to the shoulder of the highway or to some other suitable place; and
- (2) for the purpose of arranging for the transportation and safe storage of any vehicle which is interfering with the regular flow of traffic or which otherwise constitutes a hazard, in which case the officer shall be deemed a legal possessor of the vehicle within the meaning of G.S. 44A-2(d)."

**Sec. 26.** G.S. 20-163 is rewritten to read as follows:

**"§ 20-163. Unattended motor vehicles.** — No person driving or in charge of a motor vehicle shall permit it to stand unattended on a public highway or public vehicular area without first

stopping the engine, effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway."

**Sec. 27.** G.S. 20-165 is rewritten to read as follows:

"§ 20-165. **Coasting prohibited.** — The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears or transmission of such vehicle in neutral, or with the clutch disengaged."

**Sec. 28.** G.S. 20-165.1 is amended by deleting the last sentence thereof.

**Sec. 29.** G.S. 20-166.1 is amended as follows:

- (1) By deleting the word "coroner" from the first and fourth lines of subsection (f) and by inserting in lieu thereof the words "medical examiner"; and
- (2) By deleting from the second line of subsection (h) and from the eighth line of subsection (i) the word "coroner" and inserting in lieu thereof the words "medical examiner".

**Sec. 30.** G.S. 20-168 is rewritten to read as follows:

"§ 20-168. **Drivers of State, county, and city vehicles subject to the provisions of this Article.** — (a) Subject to the exceptions in subsection (b), the provisions of this Article applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the State or any political subdivision thereof.

(b) While actually engaged in maintenance or construction work on the highways, but not while traveling to or from such work, drivers of vehicles owned or operated by the State or any political subdivision thereof are exempt from all provisions of this Article except:

- (1) G.S. 20-138. Persons under the influence of intoxicating liquor.
- (2) G.S. 20-139. Persons under the influence of drugs.
- (3) G.S. 20-139.1. Result of a chemical analysis admissible in evidence; presumption.
- (4) G.S. 20-140. Reckless driving.
- (5) G.S. 20-140.4. Death by vehicle.
- (6) G.S. 20-141. Speed restrictions."

**Sec. 31.** G.S. 20-172 is rewritten to read as follows:

"§ 20-172. **Pedestrians subject to traffic control signals.** — (a) The State Highway Commission, with reference to State highways, and local authorities, with reference to highways under their jurisdiction, are hereby authorized to erect or install, at intersections or other appropriate places, special pedestrian control signals exhibiting the words 'WALK' or 'DON'T WALK' as a part of a system of traffic control signals or devices.

(b) Whenever special pedestrian control signals are in place, such signals shall indicate as follows:

- (1) WALK. Pedestrians facing such signal may proceed across the highway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
- (2) DON'T WALK. No pedestrian shall start to cross the highway in the direction of such signal, but any pedestrian who has partially completed his crossing on the 'WALK' signal shall proceed to a sidewalk or safety island while the 'DON'T WALK' signal is showing.

(c) Where a system of traffic control signals or devices does not include special pedestrian control signals, pedestrians shall be subject to the vehicular traffic control signals or devices as they apply to pedestrian traffic.

(d) At places without traffic control signals or devices, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in Part 11 of this Article."

**Sec. 32.** G.S. 20-173 is amended by rewriting subsection (a) and adding subsection (c) to read as follows:

"(a) Where traffic control signals are not in place or in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at or near an intersection, except as otherwise provided in Part 1 1 of this Article.

(c) The driver of a vehicle emerging from or entering an alley, building entrance, private road, or driveway shall yield the right-of-way to any pedestrian, or person riding a bicycle, approaching on any sidewalk or walkway extending across such alley, building entrance, road, or driveway."

**Sec. 33.** G.S. 20-174 is amended by rewriting subsection (d) to read as follows:

"(d) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the extreme left of the roadway or its shoulder facing traffic which may approach from the opposite direction. Such pedestrian shall yield the right-of- way to approaching traffic."

**Sec. 34.** G.S. 20- 176(b) is amended by deleting the last sentence thereof.

**Sec. 35.** G.S. 20-217 is rewritten to read as follows:

**"§ 20-217. Motor vehicles to stop for properly marked and designated school buses in certain instances.** — The driver of any vehicle upon approaching from any direction on the same street or highway any school bus (including privately owned buses transporting children), while such bus is displaying its mechanical stop signal, or is stopped for the purpose of receiving or discharging passengers, shall bring his vehicle to a full stop before passing or attempting to pass such bus, and shall remain stopped until the mechanical stop signal has been withdrawn or until the bus has moved on. The driver of a vehicle upon any Interstate or other controlled-access highway need not stop upon meeting or passing a school bus which is in the roadway across the dividing space or physical barrier separating the roadways.

The provisions of this section are applicable only in the event the school bus bears upon the front and rear a plainly visible sign containing the words 'school bus' in letters not less than eight inches in height.

Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed two hundred dollars (\$200.00) or imprisoned not to exceed 90 days." Sec. 36. G.S. 20-162.2 and G.S. 20-162.3 are hereby transferred and renumbered as G.S. 20-219.1 and G.S. 20-219.2 respectively.

**Sec. 37.** G.S. 20-279(14) is amended by deleting the last paragraph thereof.

**Sec. 38.** Chapter 14 of the General Statutes is amended by adding a new section to read as follows:

**"§ 14-83. Unauthorized use of a conveyance.** — (a) A person is guilty of an offense under this section if, without the consent of the owner, he takes, operates, or exercises control over an aircraft, motorboat, motor vehicle, or other motor-propelled conveyance of another.

(b) Consent may not be presumed or implied because of the consent of the owner on a previous occasion to the taking, operating, or exercising control of a conveyance given to the person charged or to another person.

(c) Unauthorized use of an aircraft is a felony punishable by a fine, imprisonment not to exceed five years, or both, in the discretion of the court. All other unauthorized use of a conveyance is a misdemeanor punishable by a fine, imprisonment not to exceed two years, or both, in the discretion of the court.

(d) An offense under this section may be treated as a lesser-included offense of the offense of larceny of a conveyance.

(e) As used in this section, 'owner' means any person with an interest in property such that it is property of another as far as the person accused of the offense is concerned."

**Sec. 39.** The following sections of the General Statutes and all other laws and clauses of laws in conflict with this act are repealed:

G.S. 20-6  
G.S. 20-38  
G.S. 20-105  
G.S. 20-116(i)  
G.S. 20-124(b)  
G.S. 20-140.1  
G.S. 20-141.1  
G.S. 20-159  
G.S. 20-164  
G.S. 20-175(c)  
G.S. 20-175.4  
G.S. 20-180  
G.S. 20-215.1(3)  
G.S. 20-279.1(1)  
G.S. 20-279.1(4)  
G.S. 20-279.1(5)  
G.S. 20-279.1(6)  
G.S. 20-279.1(8)  
G.S. 20-279.1(9)  
G.S. 20-279.1(10)  
G.S. 20-279.1(12)  
G.S. 20-286(1)  
G.S. 20-286(2)  
G.S. 20-286(9)  
G.S. 20-286(14)

**Sec. 40.** Section 11 shall be effective upon ratification and all other parts of this act shall be effective on January 1, 1975.

In the General Assembly read three times and ratified, this the 12th day of April, 1974.