

STOP SIGN VIOLATION--DUTY OF DRIVER ON DOMINANT HIGHWAY. G.S. 20-158(b)(1).

The operator of a vehicle on a main-traveled or through [highway] [street], that is, a dominant [highway] [street], is entitled to assume that the operator of a vehicle on an intersecting or servient [highway] [street] will stop or reduce *his* speed and yield the right-of-way.¹ However, this does not relieve the operator on the dominant [highway] [street] from the duty to exercise that degree of care which a reasonably careful and prudent person would exercise under the same or similar circumstances. This means that the operator on the dominant [highway] [street] must (1) drive at a speed no greater than is reasonable and prudent under the circumstances; (2) keep the vehicle under proper control; (3) keep a reasonably careful lookout; and (4) take such other action as a reasonably careful and prudent person would take to avoid collision with persons or vehicles upon the [highway] [street].

Failure by the operator of the vehicle on the dominant [highway] [street], in one or more of these respects, to exercise that degree of care which a reasonably careful and prudent person would exercise under the same or similar circumstances would be negligence.²

¹Lewis v. Brunston, 78 N.C. App. 678, 338 S.E.2d 595 (1986).

²This instruction is based on Dawson v. Jennette, 278 N.C. 438, 180 S.E.2d 121 (1971).

