

RIGHT-OF-WAY OF OPERATOR ON SERVIENT STREET WHEN ENTERING INTERSECTION AFTER STOPPING. G.S. 20-158(b)(1).

The motor vehicle law provides that when a an operator on a servient [highway] [street] comes to a complete stop and then proceeds into the intersection before a vehicle approaching on the dominant [highway] [street] is near enough to the intersection to constitute an immediate hazard, the operator on the servient [highway] [street] has the right-of-way. In such a situation the operator of the vehicle on the dominant [highway] [street] is under a duty to yield the right-of-way to the vehicle which has already entered the intersection from the servient [highway] [street].

Failure by the operator of the vehicle on the dominant [highway] [street] to yield the right-of-way in such a situation is not negligence within itself. However, the failure to yield the right-of-way when, under the same or similar circumstances, a reasonably careful and prudent person would have yielded the right-of-way, would be negligence.¹

¹This instruction is based on case law. See Farmer v. Reynolds, 4 N.C. App. 554, 167 S.E.2d 480 (1969).

