ENTERING HIGHWAY FROM PRIVATE ROAD OR DRIVE. G.S. 20-156(a).

The motor vehicle law provides that the operator of a vehicle about to enter or to cross a [highway] [street] from a(n) [alley] [building entrance] [private road or driveway] shall yield the right-of-way to all vehicles approaching on the [highway] [street] to be entered. In order to comply with this law the operator is only required to look for vehicles approaching on the highway, to see what ought to be seen, and to delay entry into the [highway] [street] until reasonable care has been first exercised to see that such entry can be made in safety.[1]

A violation of this law is negligence within itself.[2]

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[1]See Edwards v. Vaughn, 238 N.C. 89, 76 S.E.2d 359 (1953); Penland v. Greene, 289 N.C. 281, 221 S.E.2d 365 (1976); Bigelow v. Johnson, 303 N.C. 126, 277 S.E.2d 347 (1981). In C.C.T. Equipment Co. v. Hertz Corp., 256 N.C. 277, 123 S.E.2d 802 (1961), the Court held that, although a contractor's road building equipment has the right-of-way in entering and crossing a highway under construction when the highway is temporarily closed to traffic by a flagman, the operator is not entitled to rely solely on the flagman, but must stop to avoid collision with a vehicle, whose driver negligently disregards the flagman's signal, if he sees, or in keeping a proper lookout should see, the vehicle in time to avoid collision; and admission of testimony of a supervisor that the equipment operator had no duty to stop for anything on the road at any time, is error.

[2]The stop sign statute (see N.C.P.I.--Civil 203.10) and the yield sign statute (see N.C.P.I.--Civil 203.28) both negate negligence per se, but G.S. 20-156(a) contains no such provision. In Galloway v. Hartman, 271 N.C. 372, 156 S.E.2d 727 (1967), it was held that failure to yield the right-of-way when entering the highway from a private drive was not negligence as a matter of law when there was evidence that traffic on the highway was faced by a red light and no evidence of anything to give notice that a driver on the highway would not obey the light. The Court said: "In the light of the evidence presented here, we cannot say that the only reasonable inference that can be drawn therefrom is. . . .that plaintiff failed to keep a proper lookout and act as a reasonably prudent person would under the circumstances." See also Warren v. Lewis, 273 N.C. 457, 160 S.E.2d 305 (1968); Mason v. Gillikin, 256 N.C. 527, 124 S.E.2d 537 (1962); Lassiter v. Coach Co., 240 N.C. 142, 81 S.E.2d 202 (1954). In the Warren and Lassiter cases, the Court affirmed nonsuits for contributory negligence as a matter of law, while in the Mason case it was held to be a jury question. Unlike Galloway v. Hartman, these cases do not cite G.S. 20-156(a), and all turn on their specific facts.