

VEHICLE CONTROL SIGNALS AT INTERSECTIONS. N.C. Gen. Stat. § 20-158(b)(2), (2a), (3), and (4).

The motor vehicle law provides that: (*Select among the following choices as applicable*)

[(*Red light*<sup>1</sup>) when a traffic signal erected or installed at an intersection is emitting a steady red circular light controlling traffic approaching the intersection, an approaching vehicle facing the red light shall come to a complete stop and shall not enter the intersection.

(*Use if there is a right turn on red contention.*)<sup>2</sup> (Unless prohibited by an appropriate sign, however, an approaching vehicle, after coming to a complete stop at the intersection, may make a right turn on the red light. A vehicle making a right turn on a red light shall yield the right-of-way to other traffic and to [pedestrians using the intersection] [pedestrians who are moving towards the intersection, who are in reasonably close proximity to the intersection and who are preparing to cross in front of the traffic that is required to stop at the red light.])<sup>3</sup>

Failure to [come to a complete stop] [come to a complete stop and yield the right-of-way] [yield the right-of-way] as required is not negligence within itself.<sup>4</sup> However, failure to [come to a complete stop] [come to a complete stop and yield the right-of-way] [yield the right-of-way] would be negligence if, under the same or similar circumstances, a reasonably careful and prudent person would have [come to a complete stop] [come to a complete stop and yielded the right-of-way] [yielded the right-of-way].]<sup>5</sup>

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<sup>1</sup> N.C. Gen. Stat. § 20-158(b)(2)a.

<sup>2</sup> Where prohibited by appropriate sign, there is no privilege to turn right on a red light. N.C. Gen. Stat. § 20-158 (b)(2)a.

<sup>3</sup> N.C. Gen. Stat. § 20-158(b)(2) b.1, b.2.

<sup>4</sup> N.C. Gen. Stat. § 20-158(d).

<sup>5</sup> *See id.* When necessary to explain where the driver shall stop for a steady or flashing red light, use the following suggested language: When a traffic signal requires a vehicle to stop at an intersection, the driver must

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[(*Flashing red light*)<sup>6</sup> when a flashing red light has been erected or installed at an intersection, an approaching vehicle facing the flashing red light shall stop and yield the right-of-way to vehicles in or approaching the intersection. The purpose of stopping is to enable the driver of the vehicle to have an opportunity to observe the traffic conditions on the highway and to determine when, in the exercise of ordinary care, he might enter the intersection with reasonable assurance of safety to himself and others.

Failure to stop and yield the right-of-way as required is not negligence within itself.<sup>7</sup> However, failure to stop and yield the right-of-way would be negligence if, under the same or similar circumstances, a reasonably careful and prudent person would have stopped and yielded the right-of-way.]<sup>8</sup>

[(*Yellow light*)<sup>9</sup> when a traffic signal erected or installed at an intersection [and controlling traffic approaching the intersection is emitting a steady yellow circular light] [and controlling traffic turning at an intersection is emitting a steady yellow arrow light], a vehicle approaching the intersection and facing the yellow light is thereby warned that the related green light is being terminated or that a red light will be immediately forthcoming. A vehicle may enter an intersection when the traffic signal is emitting a steady yellow light. However, before entering the intersection, the driver of the vehicle has a duty to use reasonable care to determine whether the entry into the intersection can be made with safety. Even though it is ordinarily permissible to enter an intersection under a steady

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stop [at an appropriately marked stop line] [before entering a marked crosswalk] [before entering the intersection at the point nearest the intersecting street where the driver has a view of approaching traffic on the intersecting street]. See N.C. Gen. Stat. § 20-158(b)(5).

<sup>6</sup>N.C. Gen. Stat. § 20-158(b)(3).

<sup>7</sup>N.C. Gen. Stat. § 20-158(d).

<sup>8</sup>See *id.*

<sup>9</sup>N.C. Gen. Stat. § 20-158(b)(2a).

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yellow light, the entry into the intersection would be negligence if under the same or similar circumstances a reasonably careful and prudent person would not have entered the intersection.<sup>10]</sup>

[(*Flashing yellow light*)<sup>11</sup> when a flashing yellow light has been erected or installed at an intersection, an approaching vehicle facing the flashing yellow light may proceed through the intersection, but must exercise caution and yield the right-of-way to vehicles in or approaching the intersection. Even though it is ordinarily permissible to enter an intersection under a flashing yellow light, entry into the intersection would be negligence if under the same or similar circumstances a reasonably careful and prudent person would not have entered the intersection.<sup>12]</sup>

[(*Green light*)<sup>13</sup> when a traffic signal installed or erected at an intersection is emitting a steady green light, a vehicle approaching the intersection and facing the green light may proceed with due care through the intersection (subject to the rights of pedestrians and other vehicles). Even though it is ordinarily permissible to enter an intersection under a steady green light, entry into the intersection would be negligence if under the same or similar circumstances a reasonably careful and prudent person would not have entered the intersection.<sup>14]</sup>

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<sup>10</sup> See n.14 *infra*.

<sup>11</sup> N.C. Gen. Stat. § 20-158(b)(4).

<sup>12</sup> See n.14 *infra*.

<sup>13</sup> N.C. Gen. Stat. § 20-158(b)(2a).

<sup>14</sup> See *Kummer v. Lowry*, 165 N.C. App. 261, 264, 598 S.E.2d 223, 226 (2004) ("The duty of a driver at a street intersection to maintain a lookout and to exercise reasonable care under the circumstances is not relieved by the presence of electrically controlled traffic signals, which are intended to facilitate traffic and to render crossing less dangerous. He cannot go forward blindly even in reliance on traffic signals. A green traffic light permits travel to proceed and one who has a favorable light is relieved of some of the care which otherwise is placed on drivers at intersections, since the danger under such circumstances is less than if there were no signals. However, a green or "go" light or signal is not an absolute guarantee of a right to cross the intersection solely in reliance thereon without the necessity of making any observation and without any regard to traffic conditions at, or other persons or vehicles within, the intersection. A green or "go" signal is not a command to go, but a qualified permission to

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proceed lawfully and carefully in the direction indicated. In other words, not withstanding a favorable light, the fundamental obligation of using due and reasonable care applies" (quoting *Bass v. Lee*, 255 N.C. 73, 79, 120 S.E.2d 570, 573 (1961)).

*Replacement June 2008*