

N.C.P.I.—Civil 203.60A  
STOPPING ON SHOULDER OF HIGHWAY. N.C.G.S. 20-161(b).  
Motor Vehicle Volume  
Replacement June 2011

*NOTE WELL: Use this instruction only in conjunction with claims for relief arising under this statute based on acts that occurred on or after December 1, 2010. For claims for relief arising before December 1, 2010, use N.C.P.I. 203.60.*

The motor vehicle law provides that no person shall park or leave standing<sup>1</sup> any vehicle upon the shoulder of a public highway, unless the vehicle can be clearly seen by approaching drivers from a distance of 200 feet in both directions and does not obstruct the normal movement of traffic.

A violation of this law is negligence within itself.

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<sup>1</sup>In *Wilson v. Lee*, 1 N.C. App. 119, 121, 160 S.E.2d 107, 109 (1968), the Court held that a mere temporary or momentary stoppage on the highway when there is no intent to break the continuity of travel does not constitute "parking" or "leave standing" within the meaning of this section. N.C.G.S. 20-161(b) makes no express exception for disabled vehicles. However, N.C.G.S. 20-161(a) makes such an exception where the parking is on the main traveled portion of the highway and, rationally, the driver should be no worse off if he manages to reach the shoulder. See N.C.P.I.--Civil 203.65A and 203.65B for the instructions as to the main traveled portion of the highway, which address disabled vehicles.

