

DUTY TO DRIVE ON RIGHT--FOUR OR MORE LANES. G.S. 20-146(c).

The motor vehicle law provides that where a highway has four or more lanes for moving traffic and provides for two-way movement of traffic--that is, two or more lanes in each direction--no vehicle shall be driven to the left of the centerline--that is, into a lane for traffic proceeding in the opposite direction.

A violation of this duty is negligence within itself.¹

(Use either of the following bracketed paragraphs only when it is justified by the evidence.)

(However, by way of exception, the motor vehicle law also provides that:

[if the operator of a vehicle is authorized to do so by official traffic-control devices designating certain lanes to the left of the center of the highway for use by traffic not otherwise permitted to use such lanes, the operator may drive in such a designated lane and such operation would not violate the law and would not be negligence]

[if there is an obstruction on the right side of the highway which makes it necessary to drive to the left of the center of the highway, the operator of a vehicle may drive to the left of the center of the highway, provided that in so doing the operator yields the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway which are within such distance as to constitute an immediate hazard and such operation would not violate the law and would not be negligence]

¹Insurance Co. v. Chantos, 298 N.C. 246, 258 S.E.2d 334 (1979). However, a defendant may escape liability by showing that he was on the wrong side of the road from a cause other than his own negligence. Id.; Anderson v. Webb, 267 N.C. 745, 148 S.E.2d 846 (1966); Ramsey v. Christie, 19 N.C. App. 255, 198 S.E.2d 470 (1973).

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The burden of proof is on the operator of the vehicle driving on the left half of the highway to prove, by the greater weight of the evidence, that the operator of the vehicle is within [this exception] [one of these exceptions].)