

GENERAL DUTY TO DRIVE ON RIGHT SIDE AND EXCEPTIONS. G.S. 20-146(a)(1), (2), (3), and (4).

The motor vehicle law provides that motorists shall drive on the right half of the highway.¹

A violation of this law is negligence within itself.²

(Use any part of the remainder of this instruction only when it is justified by the evidence.)

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

[if the rules governing passing are observed, the operator of a vehicle may use the left half of the highway in overtaking and passing another vehicle traveling in the same direction, and such operation would not violate the law and would not be negligence]

[if there is such an obstruction on the right half 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, provided that in so doing the operator yields the right-of-way to all vehicles traveling in the proper direction on the unobstructed portion of the highway, which are within such distance as to constitute an immediate hazard, and such operation would

¹G.S. § 20-146 is inapplicable in an action by a guest passenger for injuries received when the driver lost control of the vehicle and as a result, drove off the road. Harris v. Guyton, 54 N.C. App. 434, 436, 283 S.E.2d 538 (1981).

²Insurance 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).

GENERAL DUTY TO DRIVE ON RIGHT SIDE AND EXCEPTIONS. G.S. 20-146(a)(1), (2), (3), and (4). (Continued.)

not violate the law and would not be negligence]³

[if a highway is divided into three marked lanes for traffic, the operator of a vehicle may use any lane of such highway which is permitted to be used by the rules applicable thereon, and such operation would not violate the law and would not be negligence]

[if a highway is designed and signposted for one-way traffic, the operator of a vehicle is permitted to drive on the left half of such highway, and such operation would not violate the law and would not be negligence]

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 operation of the vehicle is within [this exception] [one of these exceptions].)

³The doctrine of sudden emergency overrides the mandatory standard of G.S. § 20-146(a)(2). Harris v. Guyton, supra 54 N.C. App. at 437. Accordingly, this charge should not be used when the Court charges on sudden emergency because it is a limitation on that doctrine.