

DUTY TO DRIVE IN RIGHT LANE AT SLOW SPEEDS. G.S. 20-146(b).

The motor vehicle law provides that when the operator of a vehicle is proceeding at less than the legal maximum speed limit, the operator shall drive in the right-hand lane then available for through traffic, or as close as practicable to the right-hand curb or edge of the highway.

A violation of this law is negligence within itself.¹

(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 operator is overtaking and passing another vehicle proceeding in the same direction, such operation would not violate the law and would not be negligence]

[if the operator is preparing for a left turn, such operation would not violate the law and would not be negligence]

The burden of proof is on the operator of the vehicle driving [out of the right-hand lane] [not as close as practicable to the right-hand curb or edge 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].)

¹A defendant may attempt to avoid liability by showing that he strayed from his proper lane from a cause other than his own negligence. The burden of proof shifts to the defendant under these circumstances. Insurance Co. v. Chantos, 298 N.C. 246, 258 S.E.2d 334 (1979).

