

FOLLOWING TOO CLOSELY--OVERTAKING VEHICLE. G.S. 20-152(b).

The motor vehicle law provides that the operator of any vehicle following another vehicle and traveling upon a highway outside of a business or residential district shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger.¹

A violation of this law is negligence within itself.

(Use 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 operation of the vehicle is lawfully overtaking or passing another vehicle, such operator would not violate the law and would not be negligence. The burden of proof is on the operator of the vehicle overtaking or passing another vehicle to prove, by the greater weight of the evidence, that the operation of the vehicle is within this exception.)

¹This provision does not apply to funeral processions.

