

SIGNAL ON STARTING, STOPPING OR TURNING--ANOTHER VEHICLE AFFECTED. G.S. 20-154(a) and (b).

The motor vehicle law provides that the operator of a vehicle on a [highway] [public vehicular area] before [starting] [stopping] [turning¹ from a direct line], must do two things:

First, the operator must determine that the movement can be made in safety; and

Second, if the operation of any other vehicle may be affected, the operator must give a signal of the intention to [start] [stop] [turn] and that signal must be plainly visible to the operator of such other vehicle. (There is no duty to give a signal unless the operation of any other vehicle may be affected).

It is not required that the circumstances be absolutely free from danger, or that any operator be infallible. In determining whether the [start] [stop] [turn] can be made with safety, and whether the signal should be given, the operator has the right to assume, absent circumstances indicating the contrary, that the operator of the affected vehicle will maintain a proper lookout, drive at a lawful speed, and otherwise exercise reasonable care to avoid collision with *his* vehicle.² However, in determining whether the [start] [stop] [turn] can be made with safety, and whether the signal should be given, the operator must exercise that degree of care which a reasonably

¹G.S. 20-154 applies to drivers who intend to both turn and "partly turn." Waggoner v. Butcher, 6 N.C. App. 221, 170 S.E.2d 151 (1969).

²See McNamara v. Outlaw, 262 N.C. 612, 138 S.E.2d 287 (1964), and Cooley v. Baker, 231, 533, 58 S.E.2d 115 (1950), especially as to turning cases. Also, see Johnson v. Douglas, 6 N.C. App. 109, 169 S.E.2d 505 (1969); Taylor v. Hudson, 49 N.C. App. 296, 271 S.E.2d 70 (1980).

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careful and prudent person would exercise under all the circumstances then existing.

The signal, when required, may be given by hand and arm, or by a mechanical or electrical device. [The signal for a stop must be maintained or given continuously for the last 100 feet traveled before stopping]. [The signal for a turn must be maintained or given continuously for the last [100] [200]³ feet traveled before turning.]

(Hand and arm signals, when used, must be given by extending the hand and arm from and beyond the left side of the vehicle: [for a left turn, hand and arm horizontal, forefinger pointing] [for a right turn, hand and arm pointed upward] [for a stop, hand and arm pointed downward.]

[Starting] [stopping] [turning] in violation of this motor vehicle law is not negligence within itself. However, the evidence with regard to it is to be considered with all the other facts in evidence in determining whether the operator was negligent. This means that if the operator fails to use that degree of care in [starting] [stopping] [turning] that a reasonably careful and prudent person would exercise under all the circumstances then existing, then such failure would be negligence.⁴

³Use 100 if the speed limit was less than 45 miles per hour; 200 if the speed limit was 45 miles per hour or higher.

⁴In some instances, it is not necessarily enough to look and give the statutory signal. Ratliff v. Duke Power Co., 268 N.C. 605, 151 S.E.2d 641 (1966) involves a turning vehicle drawing behind it a 40 foot pole.