

MOTORIST'S DUTY TOWARD PEDESTRIANS¹--TURNING AT INTERSECTION WITH VEHICULAR TRAFFIC—CONTROL SIGNALS. N.C. Gen. Stat. § 20-158(b)(2)a, (b)(2)b, and (2a).

The motor vehicle law provides that (*Select among the following choices as applicable*):

[*(Right turn on red light)*² when a steady-beam traffic signal erected and installed at an intersection is emitting a steady red circular light controlling traffic approaching the intersection, an approaching vehicle facing the red light shall come to a complete stop and shall not enter the intersection.

[*(Use if there is a right turn on red contention)*³ Unless prohibited by an appropriate sign, however, an approaching vehicle, after coming to a complete stop at the intersection, may enter the intersection to make a right turn on the red light. A vehicle making a right turn on a red light shall yield the right-of-way to other traffic and to [pedestrians using the intersection] [pedestrians who are moving towards the intersection, who are in reasonably close proximity to the intersection, and who are preparing to cross in front of the traffic that is required to stop at the red light]].⁴

Failure to [come to a complete stop] [come to a complete stop and yield the right-of-way] [yield the right-of-way] as required is not negligence within itself.⁵ However, failure to [come to a complete stop] [come to a complete stop and yield the right-of-way] [yield the

¹For instructions relating to a motorist's duties toward pedestrians at intersections with vehicular traffic control signals or devices, see N.C.P.I.--M.V. 203.30 ("Signal Lights at Intersections"). For instructions relating to a motorist's duties towards pedestrians at places other than intersections and which have vehicular traffic-control signals or devices, see N.C.P.I.--M.V. 203.31 ("Signal Lights Other Than At Intersections").

²N.C. Gen. Stat. § 20-158(b)(2)a., (b)(2)b.

³Where prohibited by appropriate sign, there is no privilege to turn right on a red light. N.C. Gen. Stat. § 20-158(b)(2)a.

⁴N.C. Gen. Stat. § 20-158(b)(2)b.1-b.2.

⁵N.C. Gen. Stat. § 20-158(d). However, failure to yield the right-of-way while turning at an intersection controlled by special pedestrian control signals may be negligence within itself. See N.C.P.I.--Civil 211.01 ("Motorist's Duty Toward Pedestrian--Intersection--Other Appropriate Place With Special Pedestrian Control Signals) and N.C.P.I.--Civil 211.10 ("Motorist's Duty Toward Pedestrian--Crosswalk or Intersection"); see also N.C. Gen. Stat. §§ 20-155(c), 20-172(b), and 20-173(a).

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(Continued).

right-of-way] would be negligence if, under the same or similar circumstances, a reasonably careful and prudent person would have [come to a complete stop] [come to a complete stop and yielded the right-of-way] [yielded the right-of-way].]⁶

[(*Turn on a green light*⁷) when a traffic signal erected and installed at an intersection is emitting a steady green light, a vehicle approaching the intersection and facing the green light may enter the intersection with due care to make a right turn (subject to the rights of pedestrians and other vehicles). The driver of a vehicle making a right turn on a green light shall yield the right-of-way to pedestrians who are proceeding to cross the intersection in accord with a favorable traffic-control signal.⁸

Failure to yield the right-of-way as required is not negligence within itself.⁹
However, failure to yield the right-of-way would be negligence if, under the same or similar circumstances, a reasonably careful and prudent person would have yielded the right-of-way.]

⁶See N.C. Gen. Stat. § 20-158(d).

When necessary to explain where the driver shall stop for a steady red light, use the following suggested language: when a traffic signal requires a vehicle to stop at an intersection, the driver must stop [at an appropriately marked stop line] [before entering a marked crosswalk] [before entering the intersection at the point nearest the intersecting street where the driver has a view of approaching traffic on the intersecting street]. See N.C. Gen. Stat. § 20-158(b)(5).

⁷ N.C. Gen. Stat. § 20-158(b)(2a).

⁸This rule is not statutory but is derived from case law holding that a pedestrian's right to proceed in accord with a green light is superior to a driver's right to turn in accord with a green light, and the driver must yield the right-of-way. See *Duke v. Meisky*, 12 N.C. App. 329, 334, 183 S.E.2d 292, 296 (1971); see also *Wagoner v. Butcher*, 6 N.C. App. 221, 228, 170 S.E.2d 151, 155 (1969) ("The distinction has been made that while the green signal of a stop-go light merely gives *permission* to make a turn, it is an invitation to proceed straight ahead. That theory is based upon the observation that once the turn has been made the turning vehicle is actually traveling 'in a direction against which the signal is closed.' While the motorist has permission to make the turn and proceed under what is actually a red light, a party crossing his path following a green light has a superior right" (emphasis in original) (citations omitted)).

⁹See n.5 *supra* and N.C. Gen. Stat. § 20-158(d).