

VEHICLE TRANSPORTING EXPLOSIVES BEFORE JUNE 24, 1985. G.S. 20-167.

*Note Well: Use this charge only in conjunction with claims arising before June 24, 1985.*

The motor vehicle law provides that when any vehicle operating on a highway has a cargo consisting, in whole or in part, of any explosive,<sup>1</sup> the operator must see to it that the vehicle is marked (or placarded) on each side and the rear with the word "Explosives." The word must appear in letters not less than eight inches high. In the alternative, the operator may display a red flag not less than 24 inches square and marked with the word "Danger" in white letters six inches high on the rear of the vehicle in such manner as to make it clearly visible at all times.<sup>2</sup> The motor vehicle law also provides that the vehicle be equipped with not less than two fire extinguishers, filled and ready for immediate use, placed at a convenient point on the vehicle.<sup>3</sup>

A violation of this law is negligence within itself.

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<sup>1</sup>"Explosive" is defined by G.S. 20-38(7) as: "Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by a detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous presses are capable of producing destructible effects on contiguous objects or of destroying life or limb."

<sup>2</sup>The words in this bracket, beginning with "in such manner" are not found in G.S. 20-167. However, see Ratliff v. Power Co., 268 N.C. 605, 151 S.E.2d 641 (1966), giving such an interpretation to the flag requirement of G.S. 20-117 (loads extending beyond the rear of the vehicle).

<sup>3</sup>The statute authorizes and directs the Commissioner of Motor Vehicles to promulgate additional regulations.

