

CONTROLLED-ACCESS HIGHWAY--STOPPING ON RIGHT-OF-WAY. G.S. 20-140.3(5).

The motor vehicle law provides that it is unlawful for the operator of a vehicle to [stop] [park] [leave standing] *his* vehicle, whether attended or unattended, on any part or portion of the right-of-way of any controlled-access highway.¹

A violation of this law is negligence within itself.

(Do not use any part of the remainder of this instruction unless the evidence justifies.)

(However, by way of exception, the motor vehicle law permits the operator to [stop] [park] [leave standing] *his* vehicle

[in the case of any emergency]

[when the operator is directed to do so by a peace officer]

[when the vehicle is at a designated parking area].

The burden of proof is on the operator of the vehicle which is [stopped] [parked] [left standing] to prove, by the greater weight of the evidence, that the operation of the vehicle is within [this exception] [one of these exceptions].²

¹The statute applies to both interstate and other controlled-access highways.

²As to the shifting burden of proof, see Insurance Co. v. Chantos, 298 N.C. 246, 258 S.E.2d 334 (1979).

