

RECKLESS DRIVING--DRIVING TO ENDANGER. G.S. 20-140(b).  
MISDEMEANOR.

The defendant has been charged with reckless driving.

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that the defendant drove a vehicle upon a [highway] [public vehicular area]. (*Name or describe highway or public vehicular area*) is a [highway] [public vehicular area].<sup>1</sup>

Second, that he drove that vehicle (*describe manner of driving*)<sup>2</sup> and that in so doing he acted without due caution or circumspection.

And Third, that he drove at a speed or in a manner so as to endanger or be likely to endanger any person or property.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant drove a vehicle upon a [highway] [public vehicle area] (*describe manner of driving*), and that in so doing he acted without due caution or circumspection and drove at a speed or in a manner so as to endanger or be likely to endanger any person or property, it would be your duty to return a verdict of guilty. If you do not so find or if you have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

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<sup>1</sup>"Public vehicular area" is defined in G.S. 10-4.01(32).

<sup>2</sup>This description is necessary to avoid reversible error. Cf. *Ingle v. Transfer Corp.*, 271 N.C. 276 (1967).



270.90 FAILURE TO MAINTAIN LANE CONTROL.

*NOTE WELL: This instruction is meant to serve as a model of NC Gen. Stat. § 20-146, offenses for failure to drive on the right side of the highway. For offenses other than failure to maintain lane control this instruction will need to be adapted for the offense charged.*

The defendant has been charged with failure to maintain lane control.

For you to find the defendant responsible for this infraction, the State must prove four things beyond a reasonable doubt:

First, that the defendant was the driver of a vehicle on a street or highway.

Second, that the defendant was traveling on a street or highway that had been divided into two or more clearly marked lanes for traffic.

Third, that the defendant failed to drive as nearly as practicable entirely within a single lane of travel.

And Fourth, that before leaving the defendant's lane of travel, the defendant failed to ascertain that such a movement could be made in safety.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was the driver of a vehicle on a street or highway, that the street or highway had been divided into two or more clearly marked lanes for traffic, that the defendant failed to drive as nearly as practicable entirely within a single lane of travel, and that before leaving the defendant's lane of travel the defendant failed to ascertain that such a movement could be made in safety, it would be your responsibility to return a verdict of responsible. If you do not so find or have a reasonable doubt as to one or more of these things it would be your duty to return a verdict of not responsible.

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FAILURE TO MAINTAIN LANE CONTROL. INFRACTION.

GENERAL CRIMINAL VOLUME

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N.C. Gen. Stat. § 20-146(d)(1)

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