

**June 2017 Supplement to Pattern Jury Instructions  
for Motor Vehicle Cases**

This supplement contains a new table of contents for the motor vehicle instructions, replacement instructions for motor vehicle cases, and a new motor vehicle index. Place the instructions in the book in the proper numerical sequence. Old instructions with the same number should be discarded.

**Interim Instructions.** As the Pattern Jury Instructions Committee considers new or updated instructions, it posts Interim Instructions that are too important to wait until June to distribute as part of the annual hard copy supplements to the School of Government Website at <http://www.sog.unc.edu/programs/ncpji>. You may check the site periodically for these instructions or join the Pattern Jury Interim Instructions Listserv to receive notification when instructions are posted to the website. Go to the following link to join the Listserv: [http://lists.unc.edu/read/all\\_forums/subscribe?name=ncpji](http://lists.unc.edu/read/all_forums/subscribe?name=ncpji).

This supplement contains the following replacements for existing instructions:

- 106.60      Property Damages—Issue and Burden of Proof
- 106.67      Damages for Loss of Use of Vehicle—Measure of Damages



**North Carolina**  
**Conference of Superior Court Judges**  
Committee on Pattern Jury Instructions

**North Carolina**  
**PATTERN JURY**  
**INSTRUCTIONS**  
  
**for Motor Vehicle**  
**Negligence**

June 1975  
Reprinted June 2017

**Volume I**



N.C.P.I.—MOTOR VEHICLE TABLE OF CONTENTS  
MOTOR VEHICLE VOLUME  
REPLACEMENT JUNE 2017

TABLE OF CONTENTS

PREFACE

INTRODUCTION

GUIDE TO THE USE OF THIS BOOK

SIGNIFICANT NEW DEVELOPMENTS

NORTH CAROLINA PATTERN JURY INSTRUCTIONS FOR MOTOR VEHICLE  
NEGLIGENCE CASES: \*Dates the instructions were adopted are found at the lower  
left hand corner of the instruction.

**PART I. GENERAL**

**Chapter 1. Preliminary Instructions.**

100.00	Model Motor Vehicle Negligence Charge and Verdict Sheet. (6/2015)
100.10	Opening Statement. (12/04)
100.15	Cameras and Microphones in Courtroom. (5/04)
100.20	Recesses. (6/10)
100.21	Recesses. (6/10)
100.43	Deposition Testimony. (5/04)
100.44	Interrogatories. (12/04)
100.70	Taking of Notes By Jurors. (5/04)
101.00	Admonition to the Trial Judge on Stating the Evidence and Relating the Law to the Evidence. (10/85)
101.05	Function of the Jury. (3/94)
101.10	Burden of Proof and Greater Weight of the Evidence. (3/94)
101.14	Judicial Notice. (10/83)
101.15	Credibility of Witness. (3/94)
101.20	Weight of the Evidence. (3/94)
101.25	Testimony of Expert Witness. (2/94)
101.30	Testimony of Interested Witness. (3/94)
101.32	Evidence--Limitation as to Parties. (10/83)
101.33	Evidence--Limitation as to Purpose. (10/83)
101.35	Impeachment of Witness by Prior Inconsistent Statement. (5/92)
101.36	Impeachment of Party or Witness by Proof of Crime. (4/86)
101.37	Evidence Relating to the Character of a Witness (Including Party) for Truthfulness. (4/86)
101.39	Evidence--Spoilation by a party. (5/01)
101.40	Photograph, Videotape, Motion Pictures, X-Ray, Other Pictorial Representations; Map, Models, Charts--Illustrative and Substantive Evidence. (10/85)
101.41	Stipulations. (1/88)

N.C.P.I.—MOTOR VEHICLE TABLE OF CONTENTS  
 MOTOR VEHICLE VOLUME  
 REPLACEMENT JUNE 2017

101.42	Requests for Admission. (1/88)
101.43	Deposition Evidence. (4/88)
101.45	Circumstantial Evidence. (10/85)
101.46	Definition of [Intent] [Intentionally]. (5/04)
101.50	Duty to Recall the Evidence. (3/94)
101.60	Issues. (3/94)
101.62	Presumptions. (4/84)
101.65	Peremptory Instruction. (8/82)
	<b>Chapter 2. Negligence Issue.</b>
102.10	Negligence Issue--Burden of Proof. (5/94)
102.10A	Negligence Issue--Stipulation of Negligence. (5/09)
102.11	Negligence Issue--Definition of Common Law Negligence. (3/94)
102.12	Negligence Issue--Definition of Negligence In and Of Itself (Negligence Per Se). (5/94)
102.13	Negligence of Minor Between Seven and Fourteen Years of Age. (3/94)
102.13A	Negligence of Minor Between Fourteen and Sixteen Years of Age. (5/94)
102.14	Negligence Issue--No Duty to Anticipate Negligence of Others. (5/94)
102.15	Negligence Issue--Doctrine of Sudden Emergency. (6/10)
102.16	Negligence Issue--Sudden Emergency Exception to Negligence Per Se. (5/94)
102.19	Proximate Cause--Definition; Multiple Causes. (5/09)
102.20	Proximate Cause--Peculiar Susceptibility. (4/98)
102.21	"No Contact" Rule. (5/73)
102.24	Proximate Cause--"No Contact Rule." (5/93)
102.25	Negligence Per Se--Violation of Safety Statute or Ordinance. (5/93)
102.26	Proximate Cause--Act of God. (5/94)
102.27	Proximate Cause--Concurring Acts of Negligence. (5/05)
102.28	Proximate Cause--Insulating Acts of Negligence. (6/10)
102.30	Proximate Cause--Defense of Sudden Incapacitation. (2/00)
102.31	Negligence of Minor Between Seven and Fourteen Years of Age. (5/94)
102.35	Contentions of Negligence. (3/94)
102.50	Final Mandate--Negligence Issue. (3/94)
102.60	Concurring Negligence. (5/05)
102.65	Insulating/Intervening Negligence. (6/16)
102.68	Negligence of Owner Entrusting Motor Vehicle to Incompetent, Careless or Reckless Owner. (6/11)
102.70	"Dram Shop" Liability--Statutory--Sale or Furnishing of Alcoholic Beverage to Underage Person. (4/04)
102.75	"Dram Shop" Liability--Statutory--Right of Action Lost by Aiding or Abetting Sale. (1/94)
102.81	"Dram Shop" Liability--Common Law Sale or Furnishing to Intoxicated Person. (1/94)
102.83	Common Law Liability for Providing Alcohol to Person Expected to Drive. (6/10)
102.84	Negligence--Infliction of Severe Emotional Distress. (1/94)
102.85	Willful or Wanton Conduct Issue ("Gross Negligence"). (5/97)

N.C.P.I.—MOTOR VEHICLE TABLE OF CONTENTS  
 MOTOR VEHICLE VOLUME  
 REPLACEMENT JUNE 2017

102.86	Willful or Wanton Conduct Issue ("Gross Negligence")--Used to Defeat Contributory Negligence. (12/03)
102.87	Willful or Wanton Conduct Issue ("Gross Negligence")--Defense of Contributory Willful or Wanton Conduct. (3/94)
102.90	Negligence Issue--Joint Conduct--Multiple Tortfeasors. (3/94)
102.95	Intentional or Reckless Infliction of Severe Emotional Distress. (5/91)
102.97	Action for Loss of Consortium. (5/00)

**Chapter 3. Agency and Derivative Liability.**

103.10	Agency Issue—Burden of Proof—When Principal Is Liable. (5/09)
103.15	Independent Contractor. (5/92)
103.25	Agency--Lent-Servant Doctrine. (10/85)
103.40	Ownership of Vehicle as Prima Facie Evidence of Agency. (10/85)
103.41	Identification of Driver. (4/89)
103.45	Registration as Prima Facie Evidence of Ownership and Agency. (10/85)
103.50	Agency--Departure from Employment. (10/85)
103.55	Agency--Willful and Intentional Injury Inflicted by an Agent. (10/85)
103.60	Agency--Use of Agent's Own Vehicle. (10/85)
103.61	Agency--Use of Motor Vehicle by Transferee of Agent. (6/73)
103.65	Agency--Riders in Principal's Vehicle. (10/85)
103.70	Final Mandate--Agency Issue. (10/85)
103.75	Agency--Family Purpose Issue. (10/85)

**Chapter 4. Contributory Negligence Issue.**

104.10	Contributory Negligence Issue--Burden of Proof--Definition. (3/94)
104.20	Contributory Negligence--Gratuitous Passenger or Guest. (10/85)
104.21	Contributory Negligence Per Se--Gratuitous Passenger Voluntarily and Knowingly Riding With Driver. (6/10)
104.24	Contributory Negligence Per Se--Pedestrian's Violation of Certain Motor Vehicle Laws. (11/79)
104.25	Contributory Negligence of Minor Between Seven and Fourteen Years of Age. (3/94)
104.30	Contributory Negligence--No Duty to Anticipate Negligence of Others. (6/89)
104.35	Contentions of Contributory Negligence. (3/94)
104.40	Contributory Negligence--Doctrine of Sudden Emergency. (5/08)
104.50	Final Mandate--Contributory Negligence Issue. (3/94)

**Chapter 5. Last Clear Chance.**

105.15	Last Clear Chance--Burden of Proof; Definition; Final Mandate. (6/07)
--------	---

**Chapter 6. Damage Claims by Plaintiffs.**

106&109 Series	Reorganization Notice--Damages. (5/00)
106.00	Personal Injury Damages--Issue and Burden of Proof. (5/04)
106.02	Personal Injury Damages--In General. (5/00)
106.04	Personal Injury Damages--Medical Expenses. (6/13)
106.06	Personal Injury Damages--Loss of Earnings. (5/00)
106.08	MV--Personal Injury Damages--Pain & Suffering. (5/06)

N.C.P.I.—MOTOR VEHICLE TABLE OF CONTENTS  
MOTOR VEHICLE VOLUME  
REPLACEMENT JUNE 2017

106.10	Personal Injury Damages--Scars or disfigurement. (1/05)
106.12	Personal Injury Damages--Loss (of Use) of Part of the Body. (12/04)
106.14	Personal Injury Damages--Permanent Injury. (6/2015)
106.16	Personal Injury Damages--Future Worth in Present Value. (5/00)
106.18	Personal Injury Damages--Set Off/Deduction of Workers' Compensation Award. (5/00)
106.19	Personal Injury Damages--Jury to Consider Only Matters in Evidence. (4/00)
106.20	Personal Injury Damages--Final Mandate (Regular). (5/00)
106.22	Personal Injury Damages--Final Mandate (Per Diem Argument by Counsel). (5/00)
106.24	Personal Injury Damages--Defense of Mitigation. (6/14)
106.26	Loss of Future Earning Capacity Where the Plaintiff has no Employment of Past Employment at the Time of the Accident. (Delete Sheet). (4/00)
106.30	Personal Injury Damages--Loss of Consortium. (4/00)
106.32	Personal Injury Damages--Parent's Claim for Negligent or Wrongful Injury to Minor Child. (4/00)
106.40	Wrongful Death Damages. (4/00)
106.41	Wrongful Death Damages--Set Off/Deduction of Workers' Compensation Award. (5/00)
106.42	Wrongful Death Damages--In General. (1/00)
106.44	Wrongful Death Damages--Medical Expenses. (6/13)
106.46	Wrongful Death Damages--Pain and Suffering. (1/00)
106.48	Wrongful Death Damages--Funeral Expenses. (6/13)
106.50	Wrongful Death Damages--Present Monetary Value of Deceased to Next-of-Kin. (1/00)
106.54	Wrongful Death Damages--Final Mandate (Regular). (1/00)
106.56	Wrongful Death Damages--Final Mandate (Per Diem Argument by Counsel). (1/00)
106.60	Property Damages--Issue and Burden of Proof. (4/17)
106.62	Property Damages--Diminution in Market Value. (5/00)
106.64	Property Damages No Market Value--Cost of Replacement or Repair. (5/00)
106.66	Property Damages--No Market Value, Repair or Replacement--Recovery of Intrinsic Actual Value. (5/00)
106.67	Damages for Loss of Use of Vehicle--Measure of Damages; Final Mandate. (5/17)
106.68	Property Damages--Final Mandate. (5/00)
106.90	Punitive Damages--Issue of Existence of Outrageous or Aggravated Conduct. (5/96)
106.91	Punitive Damages--Issue of Existence of Malicious, Willful or Wanton, or Grossly Negligent Conduct--Wrongful Death Cases. (5/97)
106.92	Punitive Damages--Insurance Company's Bad Faith Refusal to Settle a Claim. (5/96)
106.93	Punitive Damages--Issue of Whether to Make Award and Amount. (5/96)
106.94	Punitive Damages--Issue of Whether to Make Award and Amount. (Special Cases). (5/96)



N.C.P.I.—MOTOR VEHICLE TABLE OF CONTENTS  
MOTOR VEHICLE VOLUME  
REPLACEMENT JUNE 2017

- 106.96 Punitive Damages--Liability of Defendant. (8/04)
- 106.98 Punitive Damages--Issue of Whether to Make Award and Amount.  
(5/96)

**Chapter 7. Consolidated with Chapter 6. (5/00)**

**Chapter 8. Consolidated with Chapter 6. (5/00)**

**Chapter 9. Plaintiff's Negligence.**

- 108.10 Issue of Plaintiff's Negligence (Counterclaim)--Burden of Proof;  
Definition; Contentions of Negligence. (6/93)
- 108.50 Final Mandate--Issue of Plaintiff's Negligence (Counterclaim). (6/93)
- 108.75 Negligence of Third Party Tort Feasor--Contribution. (1/87)

**Chapter 10. Damage Claims by Defendants.**

- 109.00 Defendant's Personal Injury Damages (Counterclaim)--Issue and  
Burden of Proof. (5/00)
- 109.02 Defendant's Personal Injury Damages (Counterclaim)--In General.  
(5/00)
- 109.19 Defendant's Personal Injury Damages (Counterclaim)--Jury to  
Consider Only Matters in Evidence. (4/00)
- 109.20 Defendant's Personal Injury Damages (Counterclaim)--Final Mandate  
(Regular). (5/00)
- 109.22 Defendant's Personal Injury Damages (Counterclaim)--Final Mandate  
(Per Diem Argument by Counsel). (5/00)
- 109.60 Defendant's Property Damages (Counterclaim)--Issue and Burden of  
Proof. (5/00)
- 109.62 Defendant's Property Damages (Counterclaim)--Diminution in Market  
Value. (5/00)
- 109.64 Defendant's Property Damages (Counterclaim)--No Market Value--Cost  
of Replacement of Repair. (5/00)
- 109.66 Defendant's Property Damages (Counterclaim)--No Market Value,  
Repair or Replacement--Recovery of Intrinsic Actual Value. (5/00)
- 109.67 Damages for Loss of Use of Vehicle--Measure of Damages; Final  
Mandate. (5/00)
- 109.68 Defendant's Property Damages (Counterclaim)--Final Mandate. (5/00)

**Chapter 11. Consolidated with Chapter 10. (5/00)**

**Chapter 12. Summary Instructions.**

- 150.10 Jury Should Consider All Contentions. (3/94)
- 150.12 Jury Should Render Verdict Based on Fact, Not Consequences. (3/94)
- 150.20 The Court Has No Opinion. (3/94)
- 150.30 Verdict Must be Unanimous. (3/94)
- 150.40 Selection of Foreperson. (3/94)
- 150.45 Concluding Instructions--When to Begin Deliberations, Charge  
Conference. (3/94)
- 150.50 Failure of Jury to Reach a Verdict. (10/80)
- 150.60 Discharging the Jury. (5/88)

N.C.P.I.—MOTOR VEHICLE TABLE OF CONTENTS  
 MOTOR VEHICLE VOLUME  
 REPLACEMENT JUNE 2017

**PART II SPECIFIC ACTS OF NEGLIGENCE.**

**Chapter 1. Lookout and Control.**

- 201.20 Reasonable Lookout. (6/93)
- 201.30 Proper Control. (6/93)
- 201.31 Proper Control--Skidding Vehicles 2/89)

**Chapter 2. Speed Restrictions.**

- 202.10 Speed Restrictions—Reasonable and Prudent (5/09)
- 202.15 Speed Restrictions--Speed Zones. (3/94)
- 202.20A Speed Restrictions--Failure to Reduce Speed. (5/88)
- 202.40 Speed Restrictions—School and School Activity Buses. (6/10)
- 202.60 Speed Limitations on Bridges, Causeways and Viaducts. (5/88)
- 202.80 Speed Limit Not Applicable--Emergency Vehicles. (11/96)
- 202.81 Speed Limit Not Applicable--Emergency Vehicles--Willful or Wanton Conduct--("Gross Negligence"). (12/03)
- 202.85 Driving Too Slowly--No Prescribed Minimum Speed. (5/88)
- 202.90 Driving Too Slowly--Prescribed Minimum Speeds. (5/88)

**Chapter 3. Right-of-Way; Railroad Crossings.**

- 203.05 Right-of-Way--Traffic Circle. (4/89)
- 203.06 Right-of-Way--Vehicles Approaching Intersection at Approximately the Same Time. (4/89)
- 203.07 Right-of-Way--One Vehicle Intending to Turn Left at Intersection. (6/89)
- 203.08 Right-of-Way--One Vehicle Intending to Turn Left at Alley, Private Road or Driveway. (6/89)
- 203.10 Stop Sign Violation. (5/06)
- 203.15 Stop Sign Violation--Duty of Driver on Starting from Stopped Position. (6/89)
- 203.20 Stop Sign Violation--Duty of Driver on Dominant Highway. (6/89)
- 203.25 Right-of-Way of Driver on Servient Street When Entering Intersection After Stopping. (6/89)
- 203.28 Yield Right-of-Way Signs. (6/89)
- 203.29 Entering Highway from Private Road or Drive. (6/89)
- 203.30 Vehicle Control at Intersections. (5/08)
- 203.31 Signal Lights other than at Intersections. (5/08)
- 203.50 Railway Crossings--Stop Sign. (6/89)
- 203.51 Railroad Warning Signals Must Be Obeyed. (6/89)
- 203.55 Railroad Crossings--Buses and Trucks. (6/89)
- 203.56 Railroad Crossing--Railroad's Duty of Care--Duty to Keep Lookout; Duty to Give Warning. (4/90)
- 203.57 Railroad Crossing--Railroad's Duty of Care--Duty to Provide Special Warning at Extra Hazardous Crossings. (4/90)
- 203.57A Railroad Crossing--Railroad's Duty of Care--Duty of Railroad to Operate and Maintain Existing Crossing Signals. (5/90)

N.C.P.I.—MOTOR VEHICLE TABLE OF CONTENTS  
MOTOR VEHICLE VOLUME  
REPLACEMENT JUNE 2017

203.58	Railroad Crossing--Railroad's Duty of Care--Duty to Maintain Crossings. (5/90)
203.58A	Railroad Crossing--Railroad's Duty of Care--Duty of Railroad as to Obstructions. (5/90)
203.59	Operator's Duty of Care at Railroad Crossing. (5/90)
<b>Chapter 4. Stopping on Highway.</b>	
203.60	Stopping on Shoulder of Highway. (6/11)
203.60A	Stopping on Shoulder of Highway. (6/11)
203.65	Stopping on Highway. (6/11)
203.65A	Stopping on Highway. (6/11)
203.65B	Stopping on Highway. (6/11)
203.66	Stopping on Highway--Disabled Trucks, Trailers or Semitrailers. (2/89)
203.70	Parking on Highways--Lighting Required. (2/89)
203.71	Night Parking on Highways--Bright Lights Prohibited. (2/89)
203.75	Motor Vehicles Left Unattended--Setting Parking Brakes, Etc. (4/89)

**Chapter 5. Proper Lane.**

204.09	Duty to Drive Within Lanes Provided. (12/88)
204.10	Duty to Drive on Right Side--Four or More Lanes. (2/89)
204.15	General Duty to Drive on Right Side and Exceptions. (2/89)
204.17	Duty to Keep to the Right in Crossing Intersections or Railroads. (3/89)
204.20	Duty to Drive in Right Lane at Slow Speeds. (2/89)
204.25	DELETE SHEET--Driving to the Left of Center on Hillcrest or Curve. (6/07)
204.51	Operation of Motorcycles--Driving More Than Two Abreast. (2/89)
204.52	Operation of Motorcycles--Entitlement to Full Use of a Lane. (2/89)
204.80	One-Way Traffic. (2/89)

**Chapter 6. Following and Passing.**

205.10	Meeting of Vehicles. (6/89)
205.30	Following Too Closely. (2/89)
205.32	Following Too Closely--Overtaking Vehicle. (2/89)
205.50	Overtaking and Passing on Two-Lane Highway. (6/07)
205.51	DELETE SHEET--Overtaking and Passing When Prohibited by Signs, Marks, or Markers. (6/07)
205.55	Driver to Give Way to Overtaking Vehicle. (2/89)
205.60	Passing on Right Prohibited; Exceptions. (2/89)
205.65	Common Law Duty to Sound Horn in Passing. (2/89)
205.70	Passing Horses or Other Draft Animals. (2/89)
205.80	Duty to Dim Headlights. (2/89)

**Chapter 7. Backing Vehicle and Turn Signals.**

205.90	Backing of Vehicles. (2/89)
206.10	Signal on Starting, Stopping or Turning--Another Vehicle Affected. (2/89)

**Chapter 8. Reckless Driving and Driving While Impaired.**

N.C.P.I.—MOTOR VEHICLE TABLE OF CONTENTS  
 MOTOR VEHICLE VOLUME  
 REPLACEMENT JUNE 2017

- 207.10 Reckless Driving. (4/89)
- 208.10 Driving While Impaired. (5/09)

**Chapter 9. Turning.**

- 209.10 Turning--Right Turn. (4/89)
- 209.15 Turning at Intersection--Left Turn. (4/89)
- 209.20 Turning at Intersection--Controlled by Buttons, Markers, or Other Direction Signs. (4/89)

**Chapter 10. Emergency Vehicles.**

- 210.10 Right-of-Way of Emergency Vehicles--Duty of Driver of Emergency Vehicle. (4/89)
- 210.15 Emergency Vehicles--Duty of Driver of Non-Emergency Vehicle. (6/07)
- 210.25 Emergency Vehicles--Interference with Fire Equipment (6/07)
- 210.30 Emergency Vehicles--Chasing Firetrucks (Inside City Limits). (6/07)
- 210.31 Emergency Vehicles--Chasing Firetrucks (Outside City Limits). (6/07)
- 210.35 Emergency Vehicles--Interference With Fire Equipment. (4/89)
- 210.40 Emergency Vehicles--Parking Within 100 Feet of Emergency Vehicle. (6/07)
- 210.41 Emergency Vehicles--Approaching Parked or Standing Authorized Emergency Vehicles (effective before July 1, 2006). (6/07)
- 210.42 Emergency Vehicles--Approaching Parked or Standing Authorized Emergency Vehicles (effective July 1, 2006). (6/13)

**Chapter 11. Pedestrians.**

- 211.01 Motorist's Duty Toward Pedestrian--Intersection or Other Appropriate Place With Special Pedestrian Control Signals. (4/89)
- 211.10 Motorists's Duty Toward Pedestrian--Crosswalk or Intersection. (4/89)
- 211.20 Duty of Following Motorist When Vehicle Has Stopped for Pedestrian. (4/89)
- 211.30 Pedestrian--Crossing At Intersection or Other Appropriate Place With Special Pedestrian Control Signals. (6/89)
- 211.35 Pedestrian--Crossing At Intersection With Vehicular Traffic Control Signals. (6/89)
- 211.36 Pedestrian--Crossing At Places With Vehicular Traffic Control Signals Other Than at Intersections. (6/89)
- 211.40 Pedestrian--Crossing at Other Than Crosswalks. (6/89)
- 211.40A Motorist's Duty toward Pedestrian--Crossing at Other Than Crosswalks. (6/89)
- 211.45 Pedestrian Must Walk to Left of Highway and Yield Right-of-Way. (6/89)
- 211.45A Motorist's Duty to Pedestrian--Walking on Highway. (6/89)
- 211.46 Motorist's Duty to Pedestrian--Turning at Intersection with Vehicular Traffic Control Signals. (5/08)
- 211.50 Pedestrian--Standing, Sitting or Lying Upon Highway. (6/89)
- 211.55 Hitchhiker--Pedestrians Soliciting Rides. (6/89)
- 211.56 Pedestrians--Standing or Loitering on Highways; Soliciting Employment, Business or Contributions. (6/89)

N.C.P.I.—MOTOR VEHICLE TABLE OF CONTENTS  
MOTOR VEHICLE VOLUME  
REPLACEMENT JUNE 2017

- 211.70 Right-of-Way of Blind Pedestrians With White Canes or Guide Dogs. (6/89)
- 211.75 Pedestrians--Duty of Lookout--Pedestrians With Right-of-Way. (6/89)
- 211.76 Pedestrians--Duty of Lookout--Pedestrians Without Right-of-Way. (6/89)
- 211.80 Children (Including Those on Bicycles) on Highways and Streets. (6/89)
- 211.82 Children—Transporting Children in Open Bed of Vehicle. (5/09)

**Chapter 12. Speed Competition.**

- 213.10 Racing and Speed Competition. (5/88)

**Chapter 13. Required Equipment.**

- 215.10 Required Lighting Equipment--Ordinary Motor Vehicles. (6/89)
- 215.11 Required Lighting Equipment--Ordinary Motor Vehicles and Motorcycles--Stoplights. (6/89)
- 215.15 Required Lighting Equipment--Motorcycles--Nighttime. (10/88)
- 215.16 Required Lighting Equipment--Motorcycles--Daytime. (10/88)
- 215.20 Required Lighting Equipment--Bicycles. (10/88)
- 215.25 Flag or Light at End of Load. (6/10)
- 215.30 Requirement of Safety Glass for Motor Vehicles. (6/89)
- 215.31 Windshield and Window Requirements. (6/13)
- 215.35 Inside Mirrors--Most Motor Vehicles. (10/88)
- 215.36 Mirrors--Pickup Trucks. (10/88)
- 215.37 Mirrors--When Inside Mirror Would Be Ineffective. (10/88)
- 215.38 Outside Mirrors--Most Motor Vehicles, Including Motorcycles. (10/88)
- 215.40 Tires--Safety Requirements. (6/10)
- 215.40A Tires—Safety Requirements. (6/10)
- 215.50 Overloading or Overcrowding Motor Vehicles Prohibited. (10/88)
- 215.55 Motorcycles--Overcrowding; Helmets. (10/88)
- 215.60 Securing Loads--Open Flat Trucks. (4/89)
- 215.65 Towed Vehicles--Attachment; Snaking. (10/88)
- 215.70 Vehicle Transporting Explosives Before June 24, 1985. (10/88)
- 215.71 Vehicle Transporting Explosives After June 24, 1985. (10/88)
- 215.75 Steering Mechanism. (10/88)
- 215.80 Brakes--Most Motor Vehicles. (10/88)
- 215.81 Brakes--Motorcycles. (10/88)
- 215.82 Brakes--Trucks and Tractor-Trucks. (10/88)
- 215.83 Brakes--Towed Vehicles. (10/88)

**Chapter 14. Stop at Scene of Accident.**

- 217.10 Duty to Stop and Render Aid at Scene of Accident. (5/09)

**Chapter 15. School Buses.**

- 218.10 Stopping for School and Other Buses Transporting Children (or Senior Citizens). (5/06)
- 218.11 Stopping for School and Other Buses Transporting Children (or Senior Citizens). (5/06)
- 218.50 Receiving or Discharging School Bus Passengers. (6/89)

N.C.P.I.—MOTOR VEHICLE TABLE OF CONTENTS  
MOTOR VEHICLE VOLUME  
REPLACEMENT JUNE 2017

**Chapter 16. Operating Vehicle Without License.**

- 220.10 Operation of Vehicle Without a License--Under Age. (6/89)
- 220.20 Knowingly Permitting One to Operate a Vehicle Without a License.  
(6/89)
- 220.21 Permitting Unlicensed Minor (Over Sixteen and Under Eighteen) to  
Drive. (6/89)

**Chapter 17. Interstate Highway Violations.**

- 221.10 Interstate Highway--Crossing Central Dividing Line. (4/89)
- 221.15 Interstate Highway--Turns. (4/89)
- 221.20 Interstate Highway--Driving in Improper Lane, Way. (4/89)
- 221.25 Interstate Highway--Entering and Exiting. (4/89)
- 221.30 Interstate Highway--Stopping on Right-of-Way. (4/89)
- 221.35 Interstate Highway--Failure to Yield Right-of-Way. (4/89)

**Chapter 18. Miscellaneous Acts of Negligence.**

- 225.10 Location of Video Monitors and Screens in Motor Vehicles. (6/10)
- 225.11 Driving While Texting. (6/13)
- 225.13 Commercial Motor Vehicle—Driving While Using A Mobile Telephone Or  
Other Electronic Device. (6/13)
- 225.20 Coasting Prohibited. (10/88)
- 225.22 Driving Through Safety Zone. (4/89)
- 225.23 Driving on Sidewalks. (4/89)
- 225.35 Persons Riding Animals and Drivers of Animal-Drawn Vehicles. (6/89)
- 225.37 Special Acts of Negligence--Moped Operator (Under Age). (6/10)

**APPENDICES.**

A. DEFINITIONS FROM THE MOTOR VEHICLE CODE. (2/89)

B. TABLE OF SECTIONS OF GENERAL STATUTES INVOLVED IN CIVIL INSTRUCTIONS  
THROUGH 225.35. (6/85)

C. DESCRIPTIVE WORD INDEX. (6/15)

N.C.P.I.—MV 106.60  
PROPERTY DAMAGES—ISSUE AND BURDEN OF PROOF.  
MOTOR VEHICLE VOLUME  
APRIL 2017  
-----

106.60 PROPERTY DAMAGES—ISSUE AND BURDEN OF PROOF.<sup>1</sup>

The (*state number*) issue reads:

"What amount is the plaintiff entitled to recover for property damages?"

If you have answered the (*state number*) issue "Yes" (and the (*state number*) issue "No") in favor of the plaintiff, the plaintiff is entitled to recover nominal damages even without proof of actual damages. Nominal damages consist of some trivial amount such as one dollar in recognition of the technical damages incurred by the plaintiff.

The plaintiff may also be entitled to recover actual damages. On this issue the burden of proof is on the plaintiff. This means that the plaintiff must prove, by the greater weight of the evidence, the amount of actual property damages proximately caused by the negligence of the defendant.<sup>2</sup>

---

<sup>1</sup> This issue covers only actual damage to the property and not damages for loss of use. Where the evidence could justify recovery for loss of use, that should be submitted as a separate and additional issue. See, for example, N.C.P.I.-MV 106.67.

<sup>2</sup> Care should be exercised in choosing the appropriate standard. Negligence cases require proximate cause. Intentional torts generally do not.





N.C.P.I.—MV 106.67

DAMAGES FOR LOSS OF USE OF VEHICLE—MEASURE OF DAMAGES.

MOTOR VEHICLE VOLUME

MAY 2017

-----  
106.67 DAMAGES FOR LOSS OF USE OF VEHICLE—MEASURE OF DAMAGES.<sup>1</sup>

The (*state number*) issue reads:

"What amount is the plaintiff entitled to recover for loss of use of *his* (*describe vehicle*)?"

The plaintiff's actual property damages may also include compensation for the loss of use of *his* vehicle. (*Here give the applicable alternative statement (give only one):*)

[*Repairs possible at reasonable cost in reasonable time.* When a vehicle, damaged by the negligence of another, can be repaired at a reasonable cost and within a reasonable time, the owner may recover for the loss of its use. The measure of such damages is the cost of renting a similar vehicle during a reasonable period for repairs (whether or not the owner actually rented such a similar vehicle).<sup>2</sup>]

[*Repairs possible at reasonable cost in reasonable time. (Use if plaintiff is a lease holder.)*<sup>3</sup> When a vehicle, damaged by the negligence of another, can be repaired at a reasonable cost and within a reasonable time, the lease holder may recover for the loss of its use. The measure of such damages is the cost of renting a similar vehicle during a reasonable period for repairs (whether or not the lease holder actually rented such a similar vehicle).]

[*Total destruction or repairs improvident.* When a vehicle, by the negligence of another, is totally destroyed as a conveyance (or if for some reason repairs would be so long delayed as to be improvident), the owner may recover for loss of use only if a substitute vehicle is not immediately obtainable. If a substitute is not immediately obtainable, the owner may recover for loss of use during the period reasonably necessary to acquire a

N.C.P.I.—MV 106.67

DAMAGES FOR LOSS OF USE OF VEHICLE—MEASURE OF DAMAGES.

MOTOR VEHICLE VOLUME

MAY 2017

-----  
 substitute. The measure of such damages is the cost of renting a similar vehicle during such period (whether or not the owner actually rented such a similar vehicle).<sup>4</sup>]

[*Owner elects to replace repairable vehicle.* When a vehicle, damaged by the negligence of another, can be repaired at a reasonable cost and within a reasonable time, but the owner elects to replace it by acquiring a substitute vehicle, the owner may recover for loss of use during the time reasonably required to make repairs or to acquire the substitute, whichever is shorter. The measure of such damages is the cost of renting a similar vehicle during such period].<sup>5</sup>

*NOTE WELL: When the evidence satisfies the conditions described in Amerson v. Willis, 109 N.C. App. 297, 299, 426 S.E.2d 428, 429 (1993) (citing Roberts v. Pilot Freight Carriers, Inc., 273 N.C. 600, 607, 160 S.E.2d 712, 718 (1968)), the appropriate measure of the plaintiff's actual property damage may include damages for lost profits rather than for loss of use.*

*If so justified by the evidence, one of the applicable alternative statements should be given first and the following paragraph should be read second.*

(In such a situation, if the owner proves that *he* made a reasonable effort to obtain a substitute vehicle but was unable to do so within the area reasonably related to *his* business, and further proves with reasonable certainty the profits *he* lost through inability to use the vehicle, then *he* may recover, in place of the cost of rental, such profits lost during a reasonable period within which to [make repairs] [obtain a substitute not immediately obtainable].)

---

<sup>1</sup> This instruction is based upon *Roberts v. Pilot Freight Carriers, Inc.*, 273 N.C. 600, 160 S.E.2d 712 (1968), which should be studied before determining which parts of the

N.C.P.I.—MV 106.67

DAMAGES FOR LOSS OF USE OF VEHICLE—MEASURE OF DAMAGES.

MOTOR VEHICLE VOLUME

MAY 2017

instruction should be given. See also *Amerson v. Willis*, 109 N.C. App. 297, 298-299, 426 S.E.2d 428, 429 (1993).

If there is a question as to whether any period mentioned in this instruction is reasonable, it is, of course, for the jury to determine what is reasonable, and a special addition to this instruction may be required. See *Ling v. Bell*, 23 N.C. App. 10, 13, 207 S.E.2d 789, 791 (1974). The phrasing of such an addition will depend upon the facts in evidence—particularly since (1) a period which appears initially to be reasonable may become unreasonably extended; (2) a decision to purchase a substitute may depend upon a number of diverse and changing factors. In any event, the two cases cited should be carefully reviewed in preparation for giving that part of the instruction which relates the law to the evidence.

2 See *Roberts*, 273 N.C. at 607, 160 S.E.2d at 718 (holding that the cost of similar rental, whether or not incurred, is the measure of damages for loss of use of business vehicles); *Martin v. Hare*, 78 N.C. App. 358, 364-65, 337 S.E.2d 632, 636 (1985) (same, in the context of pleasure vehicles).

3 See *Mauney v. Carroll*, \_\_\_ N.C. App. \_\_\_, \_\_\_, 795 S.E.2d 239, 242 (2016) (holding that when loss of use occurs during the period of a lease, it is the lease holder, not the lessor, who may recover for loss of use).

4 See *Roberts*, 273 N.C. at 606, 160 S.E.2d at 717 (holding that the cost of similar rental, whether or not incurred, is the measure of damages for the interval reasonably necessary to acquire the substitute vehicle).

5 *Id.*

