

N.C.P.I.—CRIM 270.60

UNSAFE MOVEMENT (STARTING, STOPPING, OR TURNING). INFRACTION.

GENERAL CRIMINAL VOLUME

JUNE 2014

N.C. Gen. Stat. § 20-154

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270.60 UNSAFE MOVEMENT (STARTING, STOPPING, OR TURNING).  
INFRACTION.

The defendant has been charged with the unsafe [starting] [stopping] [turning] of a vehicle.

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

First, that the defendant was the driver of a vehicle on a [highway] [public vehicular area];

Second that defendant [started] [stopped] [turned] this vehicle (from a direct line)<sup>1</sup>;

Third, that this [start] [stop] [turn] could not be made in safety at the time it was made. It is not required that the circumstances be absolutely free from danger. In determining whether the driver can [start] [stop] [turn] with safety, the driver has the right to assume, in the absence of circumstances indicating the contrary, that other drivers will exercise reasonable care to avoid colliding with the driver's vehicle;

Fourth, that before [starting] [stopping] [turning] the defendant did not see that the movement could be made in safety;

<sup>2</sup>And Fifth, that when the defendant [started] [stopped] [turned] [there was a pedestrian who was affected by this movement and the defendant failed to give a clearly audible signal by sounding the defendant's horn] [there was another (other) vehicle(s) which was affected by this movement, and the defendant failed to give a plainly visible (*describe hand*

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1 Use parenthetical only with "turned".

2 Delete this parenthetical where neither horn nor signal was necessary or sufficient for safe movement.

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*signal required*)] [there was a motorcycle operator who was affected by this movement and defendant caused this motorcycle operator to [change travel lanes] [leave that portion of any [public street] [highway]] designated as travel lanes)].

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 and that this vehicle was on a [highway] [public vehicular area], that the defendant [started] [stopped] [turned] the defendant's vehicle (from a direct line), that there was [a pedestrian who] [another vehicle which] [a motorcycle operator who] was affected by this movement, and that the defendant, before making this [stop] [start] [turn] did not see that it could be made in safety<sup>3</sup>, (and that when the defendant [started] [stopped] [turned] [there was a pedestrian who was affected by this movement and the defendant failed to give a clearly audible signal by sounding the defendant's horn.] [there was another (other) vehicle(s) which was affected by this movement, and the defendant failed to give a plainly visible (*describe hand signal required*)] [there was a motorcycle operator who was affected by this movement and defendant caused this motorcycle operator to [change travel lanes] [leave that portion of any [public street] [highway]] designated as travel lanes)), it would be your duty 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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<sup>3</sup> See note 2.