

N.C.P.I.—CRIM 270.61A

UNSAFE MOVEMENT (BACKING) CAUSING [PROPERTY DAMAGE] [PERSONAL INJURY] TO MOTORCYCLE [OPERATOR] [PASSENGER]. INFRACTION.

GENERAL CRIMINAL VOLUME

JUNE 2014

N.C. Gen. Stat. § 20-154(a1)

270.61A UNSAFE MOVEMENT (BACKING) CAUSING [PROPERTY DAMAGE] [PERSONAL INJURY] TO MOTORCYCLE [OPERATOR] [PASSENGER]. INFRACTION.

The defendant has been charged with causing [property damage] [personal injury] to a motorcycle [operator] [passenger].

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

First, that the defendant was the driver of a vehicle;

Second, that the vehicle was on a highway;

Third, that the defendant backed this vehicle and that this backing could not be made with safety and without interfering with other traffic;

Fourth, that before backing this vehicle, the defendant did not see that the movement could be made in safety; It is not required that the circumstances be absolutely free from danger. In determining whether the driver can back 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;

Fifth, that when the defendant backed this vehicle there was a motorcycle operator who may be affected by this movement and defendant caused this motorcycle operator to [change travel lanes] [leave that portion of any highway designated as travel lanes];

And Sixth, that the defendant's actions resulted in a crash causing [property damage] [personal injury] to a motorcycle [operator] [passenger].

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, that the

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vehicle was on a highway, that the defendant backed this vehicle and that this backing could not be made with safety and without interfering with other traffic, that before backing this vehicle, the defendant did not see that the movement could be made in safety, that when the defendant backed this vehicle there was a motorcycle operator who may be affected by this movement and defendant caused this motorcycle operator to [change travel lanes] [leave that portion of any highway designated as travel lanes], and that the defendant's actions resulted in a crash causing [property damage] [personal injury] to a motorcycle [operator] [passenger], 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.