

N.C.P.I.—Crim-270.65

FAILURE TO STOP FOR BLUE LIGHT AND SIREN (APPROACHING LAW ENFORCEMENT VEHICLE). MISDEMEANOR.

GENERAL CRIMINAL VOLUME

JUNE 2013

N.C. Gen. Stat. §§ 20-157(a), 20-125.

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The defendant has been charged with failing to stop for an approaching law enforcement vehicle displaying a blue light and sounding a siren.¹

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

First, that the defendant was operating a vehicle. (*Describe vehicle*) is a vehicle.

Second, that the defendant was doing so on a highway. (*Describe highway*) is a highway.

Third, that while the defendant was doing so, a law enforcement vehicle approached.² A (*describe law enforcement vehicle*) is a law enforcement vehicle.

Fourth, that the law enforcement vehicle was displaying a blue warning light.³

1 G.S. § 20-157(a) also requires drivers to stop for approaching fire department vehicles, public and private ambulances, and rescue squad emergency service vehicles. If such a vehicle is involved, adapt this instruction accordingly.

2 G.S. § 20-157(a) does not apply to vehicles traveling in opposite directions on a divided four lane highway.

3 G.S. § 20-125(b) authorizes other vehicles of the type covered by G.S. § 20-157(a) to be equipped with "special lights . . . approved by the Commission of motor vehicles." When dealing with a vehicle other than a police vehicle specify the appropriate warning light.

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Fifth, that the law enforcement vehicle was also sounding a siren⁴ audible under normal conditions from a distance of not less than 1,000 feet.

And Sixth, that the defendant [did not immediately drive his or her vehicle to a position as near as possible and parallel to the right hand [edge] [curb] of the highway, clear of any intersections, and stop] [after stopping properly, did not remain in that position until [otherwise directed by a [police] [traffic] officer] [the (*describe vehicle*) had passed].]⁵

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was operating a vehicle on a highway, that while the defendant was doing so a law enforcement vehicle approached displaying a blue warning light and sounding a siren audible under normal conditions from a distance of not less than 1,000 feet, and that the defendant [did not immediately drive his or her vehicle to a position as near as possible and parallel to the right hand [edge] [curb] of the highway, clear of any intersections, and stop] [after stopping properly, did not remain in that position until [otherwise directed by a [police] [traffic] officer] [the (*describe vehicle*) had passed], it would be your duty to return a verdict of guilty. 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 guilty.

⁴ G.S. § 20-157(a) also requires drivers to yield to a bell or an exhaust whistle. When dealing with a vehicle other than a police vehicle, insert the appropriate warning sound.

⁵ It would be an affirmative defense to this charge if the defendant was directed by a police or traffic officer not to stop or to continue to another location. In appropriate cases the jury should be so instructed.