

FAILURE TO STOP FOR BLUE LIGHT AND SIREN (APPROACHING LAW ENFORCEMENT VEHICLE<sup>1</sup>) CAUSING DAMAGE TO PROPERTY IN EXCESS OF \$500. G.S. §§ 20-157(a), (h); 20-125. MISDEMEANOR.

The defendant has been charged with failing to stop for an approaching law enforcement vehicle displaying a blue light and sounding a siren causing damage to property in excess of \$500.

For you to find the defendant guilty of this offense, the State must prove seven 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 [street] [highway]. (*Describe highway*) is a highway.

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

Fourth, that the law enforcement vehicle was displaying a blue warning light.<sup>3</sup>

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<sup>1</sup>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.

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

<sup>3</sup>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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(Continued).

Fifth, that the law enforcement vehicle was also sounding a siren<sup>4</sup> audible under normal conditions from a distance of not less than 1,000 feet.

Sixth, that the defendant [did not immediately drive his 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].]<sup>5</sup>

And Seventh, that in doing so, the defendant caused damage to property in the immediate area of the authorized [emergency vehicle] [public service vehicle] in excess of \$500.

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 he was doing

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<sup>4</sup>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.

<sup>5</sup>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.

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(Continued).

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 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], and that in doing so, the defendant caused damage to property in the immediate area of the authorized [emergency vehicle] [public service vehicle] in excess of \$500, 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.<sup>6</sup>

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<sup>6</sup>If there is evidence to support the submission of a lesser included offense, this last phrase would be amended as follows "If you do not so find or have a reasonable doubt as to one or more of these things, then you would not return a verdict of guilty of failure to stop for blue light and siren causing damage to property in excess of \$500, but would consider whether the defendant is guilty of . . . ."

