

FAILURE TO STOP FOR A TRAFFIC CONTROL SIGNAL.
G.S. § 20-158(b) (2). MISDEMEANOR.

The defendant has been charged with failing to stop for a traffic control signal.

For you to find the defendant guilty of this offense, the state must prove four things beyond a reasonable doubt.

First, that there was a traffic control signal emitting a [steady] [strobe beam]¹ red light on (*name highway*) at the intersection of (*name highway*).²

Second, that the defendant was the driver of a vehicle. A (*describe vehicle*) is a vehicle.

Third, that the defendant's vehicle was facing this traffic control signal.

And Fourth, that the defendant's vehicle entered this intersection while the traffic control signal was emitting the

¹A strobe is defined by Webster's New World Dictionary, 1975 Ed., as a tube that can emit extremely rapid, brief, and brilliant flashes of light.

²Although G.S. § 20-158(a) (3) authorizes the erection of traffic control signals at intersections "and other appropriate places," G.S. § 20-158(b) (2) prohibits vehicles only from "entering the intersection." In addition, G.S. § 20-4.01(16) defines intersection so that it applies only to "two or more highways." A highway is not a "public vehicular area" and thus is not a parking lot. Compare G.S. § 20-4.01(16) with G.S. § 20-4.01(32).

Thus G.S. § 20-158(b) (2) and this instruction seem not to be applicable when the defendant has run a traffic control signal when entering a highway from such a place as a shopping center exit, parking lot and the like, unless the exit makes up the fourth arm of what would otherwise be a "T" intersection.

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[steady] [strobe beam] red light.³

If you find from the evidence beyond a reasonable doubt that on or about the alleged date there was a traffic control signal emitting a [steady] [strobe beam] red light on (*name highway*) at its intersection with (*name intersecting highway*), that the defendant was the driver of a vehicle facing this traffic control signal, and that the defendant's vehicle entered the intersection of (*name highways*) while the traffic control signal was emitting a [steady] [strobe beam] red light,⁴ 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.

³If there is evidence that the defendant may have been making a right turn, add the following:

". . . and that

[the defendant did not enter the intersection to make a right turn]

[the vehicle did not come to a complete stop before entering the intersection]

[the vehicle did not yield the right of way to a [pedestrian] [vehicle] using the intersection]".

⁴See note 3.