

RECKLESS DRIVING. G.S. 20-140(a) and (b).¹

The motor vehicle law prohibits reckless driving. Reckless driving means the operation of a vehicle on [a highway] [any public vehicular area]:

[carelessly and heedlessly in willful or wanton disregard of the rights or safety of others]

[without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property].

A violation of this law is negligence within itself.

¹Warning: In Roberts v. Freight Carriers, 273 N.C. 600, 160 S.E.2d 712 (1968), in finding error in a charge on reckless driving, the Court said: "To plead reckless driving effectively, a party must allege facts which show that the other was violating specific rules of the road in a criminally negligent manner. Since a person is civilly liable for his ordinary negligence, allegations of reckless driving can rarely add anything to the case except an unnecessary hazard --as here demonstrated. Once the judge has given the jury the instructions which the pleadings and evidence require on the law of civil negligence, there is no need for him to superimpose an explanation of the law of criminal negligence. If plaintiff's evidence does not establish civil negligence, a fortiori, it will not prove reckless driving, which is criminal negligence.

