

258.30 ERECTING OR MAINTAINING SIGNS ON HIGHWAYS.  
MISDEMEANOR.

The defendant has been charged with [erecting] [maintaining] a [warning sign] [direction sign] [marker] [signal] [light] (or) [an imitation [warning sign] [direction sign] [marker] [signal] [light]] upon a highway.<sup>1</sup>

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

First, that the defendant [erected] [maintained] a [warning sign] [direction sign] [marker] [signal] [light] (or) [an imitation [warning sign] [direction sign]<sup>2</sup> [marker] [signal] [light]] upon a highway;

And Second, that the defendant was not authorized<sup>3</sup> to [erect] [maintain] such (imitation) [warning sign] [direction sign] [marker] [signal] [light]. If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant, without authorization, [erected] [maintained] a [warning sign] [direction sign] [marker] [signal] [light] (or) [an imitation [warning sign] [direction sign] [marker] [signal] [light]] upon a highway, 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, then it would be your duty to return a verdict of not guilty.

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1. N.C. Gen. Stat. § 20-4.01 (13) defines "highway" as "[t]he entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic. The terms "highway" and "street" and their cognates are synonymous."

2. N.C. Gen. Stat. § 136-32 (a) provides that imitation of "any official sign" is prohibited.

3. N.C. Gen. Stat. § 136-32 (a) states that the "erection or maintenance of signs, markers, or signals bearing thereon the name of an organization authorized to erect the same

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by the Department of Transportation or by any local authority referred to in N.C. Gen. Stat. § 136-31" are not prohibited.