

270.51 DRIVING TOO FAST FOR CONDITIONS. INFRACTION.

The defendant has been charged with driving a vehicle at a speed greater than was reasonable and prudent under the conditions then existing.

For you to find the defendant responsible for this infraction, the State must prove three things beyond a reasonable doubt:

First, that the defendant drove a vehicle upon a [highway] [public vehicular area].

Second, that (state speed alleged to be greater than reasonable and prudent) was greater than was reasonable and prudent under the conditions then existing¹.

And Third, that the defendant drove at a speed of at least (*state speed alleged to be greater than reasonable and prudent*).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant drove a vehicle upon a [highway] [public vehicular area] at a speed of at least (*state speed*) and (*state speed*) was greater than was reasonable and prudent under the conditions then existing, it would be your duty to return a verdict of responsible. If you do not so find or have a reasonable doubt about one or more of these things, it would be your duty to return a verdict of not responsible.

1. When applicable, an instruction may be given to the effect that what is reasonable and prudent under the conditions then existing may often be a speed less than that which is posted, as when on approaches a curve, hillcrest, intersection, or other hazard, or because of weather, visibility, or other traffic conditions. See G.S. 20-141(c). Thus, a sentence might be added as follows: "The greatest speed which is reasonable and prudent under the existing conditions is often less than the speed which is posted, as, for example, when it is raining and the driver is approaching a curve."