

270.70 FAILURE TO STOP FOR A TRAFFIC SIGNAL. 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]<sup>1</sup> red light on (*name highway*) at the intersection of (*name highway*).<sup>2</sup>

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 [steady] [strobe beam] red light.<sup>3</sup>

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,<sup>4</sup> 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.

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1. A 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.

2. Although 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.

3. If 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]."

4. See note 3.