

201.31 PROPER CONTROL - SKIDDING VEHICLES.¹

The operator of a motor vehicle on a highway is required to keep the vehicle under proper control. This means that the operator is at all times under a duty to operate the vehicle at a speed and in a manner which allows the operator to maintain that degree of control over the vehicle which a reasonably careful and prudent person would have maintained under the same or similar circumstances. (When the conditions existing at the scene, such as *(describe conditions)*, obscure the operator's view or otherwise increase the danger by comparison to that existing under normal conditions, the care required of the operator is correspondingly increased.)

A violation of this duty is negligence.

The mere skidding of a vehicle does not, by itself, imply negligence.² However, you may consider skidding as some evidence of negligence when the vehicle skids because:

[the vehicle is operated with worn tires or at an excessive speed]

[the vehicle leaves the paved surface and the operator attempts to re-enter the road]

[the road is covered with snow, ice or water]³

[[*State other condition or situation*]]

Such evidence may be considered together with all the other evidence in determining whether the operator failed to drive at a speed and in a manner which allowed the operator to maintain that degree of control over the vehicle which a reasonably careful and prudent person would have maintained under the same or similar circumstances.

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1. Since the mere skidding of a vehicle does not imply negligence, evidence which shows no more than that the defendant's vehicle skidded is insufficient to take the case to the jury on the issue of negligence. *Williams v. Thomas*, 219 N.C. 727, 14 S.E.2d 797 (1941).

The Supreme Court of North Carolina views "skidding" as evidence of the failure of the operator to maintain proper control. See *Clodfelter v. Wells*, 212 N.C. 823, 195 S.E. 11 (1938), which defines "skidding" as the slipping sideways of the wheels of the car, resulting in the inability of the driver to control its movement.

2. See *Mitchell v. Melts*, 220 N.C. 793, 18 S.E.2d 406 (1942); *Williams v. Thomas*, *supra*; *Creech v. Creech*, 256 N.C. 356, 123 S.E.2d 793 (1962).

3. *Saunders v. Warren*, 264 N.C. 200, 141 S.E.2d 308 (1965), in which Justice Bobbitt, quoting from *Hardee v. York*, 262 N.C. 237, 136 S.E.2d 582 (1964), states:

"An act or omission of a motorist which would not be negligent in the absence of the ice on the highway, might well be so if ice were present. And negligence which would be harmless on a clear, dry highway might well be the proximate cause of injury on an icy highway. An actor's act or omission is to be judged by the circumstances under which it occurs."