

202.10 SPEED RESTRICTIONS – REASONABLE AND PRUDENT.

With respect to the [plaintiff's] [defendant's] (*state number*) contention, the motor vehicle law provides that: it is unlawful to operate a motor vehicle [on a highway]¹ [in a public vehicular area]² at a speed greater than is reasonable and prudent under the conditions then existing.

A violation of this safety statute is negligence in and of itself.

In determining whether the vehicle was being operated at a speed greater than was reasonable and prudent, you should consider all of the evidence about the physical features at the scene, the hour of day or night, the weather conditions, the extent of other traffic, the width and nature of the roadway and any other circumstances shown to exist.

Considering all such circumstances, a rate of speed may be unreasonable and imprudent even though it is within the posted maximum speed limit at that time and at the scene.

1. N.C. Gen. Stat. § 20-4.01(13) defines a "highway" as the "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 term "highway" is synonymous with "street."

2. N.C. Gen. Stat. § 20-4.01(32). A "public vehicular area" includes:

Any area within the State of North Carolina that meets one or more of the following requirements:

a. The area is used by the public for vehicular traffic at any time, including by way of illustration and not limitation any drive, driveway, road, roadway, street, alley, or parking lot upon the grounds and premises of any of the following:

1. Any public or private hospital, college, university, school, orphanage, church, or any of the institutions, parks or other facilities maintained and supported by the State of North Carolina or any of its subdivisions.

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2. Any service station, drive-in theater, supermarket, store, restaurant, or office building, or any other business, residential, or municipal establishment providing parking space whether the business or establishment is open or closed.
 3. Any property owned by the United States and subject to the jurisdiction of the State of North Carolina. (The inclusion of property owned by the United States in this definition shall not limit assimilation of North Carolina law when applicable under the provisions of Title 18, United States Code, section 13).
- b. The area is a beach area used by the public for vehicular traffic.
- c. The area is a road used by vehicular traffic within or leading to a gated or non-gated subdivision or community, whether or not the subdivision or community roads have been offered for dedication to the public.
- d. The area is a portion of private property used by vehicular traffic and designated by the private property owner as a public vehicular area in accordance with N.C. Gen. Stat. § 20-219.4.