

## 203.28 YIELD RIGHT-OF-WAY SIGNS.

The motor vehicle law provides that when a main traveled or through [highway] [street], that is, a dominant [highway] [street], is designated as such by the erection of a sign, on an intersecting or servient [highway] [street], notifying the operator of a vehicle to yield the right-of-way, it is unlawful for the operator on the servient [highway] [street] to enter or to cross the dominant [highway] [street] without slowing down and yielding the right-of-way to a vehicle on the dominant [highway] [street] which is approaching so as to arrive at the intersection at approximately the same time as the vehicle on the servient [highway] [street].<sup>1</sup>

Failure to slow down or yield the right-of-way is not negligence within itself. However, the failure to slow down or yield the right-of-way when, under the same or similar circumstances, a reasonably careful and prudent person would have slowed down or yielded the right-of-way, would be negligence.

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1. "The driver along the servient highway is not required to anticipate that a driver on the dominant highway will travel at excessive speed or fail to observe the rules of the road applicable to him." *Farmer v. Reynolds*, 4 N.C. App. 554, 559, 167 S.E.2d 480 (1969). The Court also quoted from *Yost v. Hall*, 233 N.C. 463, 467, 64 S.E.2d 554 (1951) (dealing with stop signs): "It is his duty to stop and yield the right of way unless the motorist on the dominant highway is a sufficient distance from the intersection to warrant the assumption that he can cross in safety before the other vehicle, operated at a reasonable speed, reaches the crossing."