

203.75 MOTOR VEHICLES LEFT UNATTENDED - SETTING PARKING
BRAKES, ETC.

The motor vehicle law provides that no person driving or in charge of a motor vehicle shall allow such vehicle to stand on any [highway] [public vehicular area]¹ unattended without first stopping the engine [and] effectively setting the brakes [and, when standing upon a grade, turning the front wheels to the curb or side of the highway].

A violation of this law is negligence within itself.²

1. N.C. Gen. Stat. § 20-4.01(32) defines "public vehicular area" to include "any drive, driveway, road, roadway, street, or alley upon the grounds and premises of any public or private hospital, college, university, school, orphanage, church, or any of the institutions maintained and supported by the State of North Carolina, or any of its subdivisions or upon the grounds and premises of any service station, drive-in theater, supermarket, store, restaurant, or office building, or any other business, residential, or municipal establishment providing parking space for customers, patrons, or the public." *But see Wiggins v. Paramount Motor Sales*, 89 N.C. App. 119, 122, 365 S.E.2d 192 (1988).

2. *See McCall v. Warehousing, Inc.*, 272 N.C. 190, 158 S.E.2d 72 (1967) (truck left on incline at loading ramp without setting brakes); *Bundy v. Bundy*, 253 N.C. 31, 116 S.E.2d 200 (1960); *Watts v. Watts*, 252 N.C. 352, 113 S.E.2d 720 (1960); *Arnett v. Yeago*, 247 N.C. 356, 100 S.E.2d 855 (1957).