

N.C.P.I.-Motor Vehicle 204.80
ONE-WAY TRAFFIC.
MOTOR VEHICLE VOLUME
FEBRUARY 1989
N.C. Gen. Stat. § 20-165.1

204.80 ONE-WAY TRAFFIC.

The motor vehicle law provides that the Department of Transportation¹ may designate any [highway] [separate roadway] for one-way traffic and erect appropriate signs giving notice thereof. When such signs have been erected, it is unlawful for any person to operate willfully any vehicle on such a [highway] [roadway] except in the direction indicated by the signs.

A violation of this law is negligence within itself.

1. N.C. Gen. Stat. § 20-169 delegates to local authorities the power to regulate traffic by ordinance, including the power to "prohibit other than one-way traffic upon certain highways." In the event a local authority has so acted, the standard may be different from the "willful" standard adopted by N.C. Gen. Stat. § 20-165.1 for one-way traffic on highways under Department of Transportation jurisdiction. The local ordinance must be alleged and established by proper evidence. *Smith v. Buie*, 243 N.C. 209, 90 S.E.2d 514 (1955). A violation of a valid ordinance adopted pursuant to N.C. Gen. Stat. § 20-169 is negligence *per se*. *Currin v. Williams*, 248 N.C. 32, 102 S.E.2d 455 (1958). Thus, the trial judge should be aware that this charge (204.80) is to be applied only where the Department of Transportation has made the designation of one-way routing and has jurisdiction. Where a local authority has acted, the "willful" standard of N.C. Gen. Stat. § 20-165.1 may not exist and the charge must be altered accordingly.