

N.C.P.I.-Motor Vehicle 205.55  
DRIVER TO GIVE WAY TO OVERTAKING VEHICLE.  
MOTOR VEHICLE VOLUME  
FEBRUARY 1989  
N.C. Gen. Stat. §§ 20-149(b) and 20-151  
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205.55 DRIVER TO GIVE WAY TO OVERTAKING VEHICLE.<sup>1</sup> N.C. Gen. Stat. § 20-149(b) and N.C. Gen. Stat. § 20-151<sup>2</sup>

The motor vehicle law provides that the operator of a vehicle about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right<sup>3</sup> in favor of the overtaking vehicle on suitable and audible signal<sup>4</sup> being given by the operator of the overtaking vehicle.

In any event, the operator of the overtaken vehicle shall not increase the speed of the vehicle until completely passed by the overtaking vehicle.

A violation of this law is negligence within itself.

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1. This instruction does not apply where the overtaking and passing is upon the right side of the vehicle about to be overtaken and passed when such passing on the right is permitted by N.C. Gen. Stat. § 20-150.1. See N.C.P.I.-Civil 205.60.

2. N.C. Gen. Stat. § 20-151 was repealed by Session Law 1995-282, which revised and amended N.C. Gen. Stat. § 20-149(b) (increased penalties for failure to give way to an overtaking vehicle.)

3. For occasions when passing on the right is permitted, see N.C.P.I.-Civil 205.60.

4. Regarding the duty of the overtaking driver to sound his horn, see N.C.P.I.-Civil 205.65 and 205.66.