

N.C.P.I.-Motor Vehicle 210.42
EMERGENCY VEHICLES-APPROACHING PARKED OR STANDING
AUTHORIZED EMERGENCY OR PUBLIC SERVICE VEHICLE.
MOTOR VEHICLE VOLUME
JUNE 2013
N.C. Gen. Stat. § 20-157(f)(1)-(2)

210.42 EMERGENCY VEHICLES - APPROACHING PARKED OR STANDING
AUTHORIZED EMERGENCY OR PUBLIC SERVICE VEHICLE.

NOTE WELL: Two versions of N.C. Gen. Stat. § 20-157(f)(1)-(2) appear in the General Statutes. This instruction is based upon the second version which is designated "Effective July 1, 2006," and should be used accordingly. The first version is designated "Effective before July 1, 2006," and is the basis for N.C.P.I.-MV Civil 210.41.

Our motor vehicle law imposes certain duties upon a motorist when approaching [an authorized emergency vehicle] [a public service vehicle] parked or standing on or near a roadway.

Under the motor vehicle law,¹

[an authorized emergency vehicle is a

[law enforcement or fire department vehicle]

[public or private ambulance]

[rescue squad emergency service vehicle].]

[a public service vehicle is

[one that has been called to the scene by a motorist or law enforcement officer, that is being used to assist motorists or law enforcement officers with wrecked or disabled vehicles, and that is operating an authorized² amber-colored flashing light]

[one that is being used to install, maintain or restore utility service, including electric, cable, telephone, communications

and gas, and is operating an amber-colored flashing light]³

[a highway maintenance vehicle owned and operated by or contracted by the State or a local government and is operating an amber-colored flashing light]⁴.]

The motor vehicle law provides that when [an authorized emergency vehicle] [any public service vehicle] is parked or standing within 12 feet of a roadway and is giving a warning signal by appropriate light, the driver of every other approaching vehicle, as soon as it is safe, [and when not otherwise directed by an individual lawfully directing traffic,]

NOTE WELL: Use Alternative One if the roadway has at least two lanes for traffic proceeding in the direction of the approaching vehicle. If the roadway has only one lane for such traffic, use Alternative Two.

ALTERNATIVE ONE

shall, if the roadway has at least two lanes for traffic proceeding in the direction of the approaching vehicle and if the approaching vehicle may change lanes safely and without interfering with any vehicular traffic, move *his* vehicle into a lane that is not the lane nearest the parked or standing [authorized emergency vehicle] [public service vehicle], and shall continue traveling in that lane until safely clear of the [authorized emergency vehicle] [public service vehicle].⁵

However, if the approaching vehicle cannot change lanes safely and without interfering with any vehicular traffic, then the driver of the approaching vehicle shall slow *his* vehicle, maintain a safe speed for traffic conditions, and operate *his* vehicle at a reduced speed and be

prepared to stop until completely past the [authorized emergency vehicle]
[public service vehicle]].⁶

A violation of this law is negligence in and of itself.

ALTERNATIVE TWO

shall, [if the roadway has only one lane for traffic proceeding in the
direction of the approaching vehicle, slow *his* vehicle, maintain a safe
speed for traffic conditions, and operate *his* vehicle at a reduced speed
and be prepared to stop until completely past the [authorized emergency
vehicle] [public service vehicle]].⁷

A violation of this law is negligence in and of itself.

1. See N.C. Gen. Stat. § 20-157(f).

2. See N.C. Gen. Stat. § 20-130.2.

3. This section was added in 2012 N.C. Sess. Laws 14, becomes effective October 1, 2012 and applies to offenses committed on or after that date.

4. This section was added in 2012 N.C. Sess. Laws 14, becomes effective October 1, 2012 and applies to offenses committed on or after that date.

5. See N.C. Gen. Stat. § 20-157(f)(1).

6. See N.C. Gen. Stat. § 20-157(f)(2).

7. See *id.*