

202.90 DRIVING TOO SLOWLY - PRESCRIBED MINIMUM SPEEDS.¹

The motor vehicle law provides that it is unlawful to operate a passenger vehicle at less than [40 miles per hour when the posted maximum limit is 55 miles per hour] [45 miles per hour when the posted maximum speed limit is 60 miles per hour or greater] when a sign indicating the minimum speed is posted.

A violation of this law is negligence within itself.

(Do not use any part of the remainder of this instruction except as the evidence justifies.)

However, this law does not apply when

[the vehicle is towing another vehicle]

[an advisory safe speed sign indicates a slower speed]

*[(state any other pertinent exception)].*²

1. This instruction covers only the provisions of N.C. Gen. Stat. § 20-141(c). However, it should be noted that N.C. Gen. Stat. § 20-141(g) authorizes the Board of Transportation and local authorities to establish and post minimum speeds, below which "no person shall operate a motor vehicle except when necessary for safe operation because of mechanical failure or in compliance with law." Such posted minimum speeds do not apply to "farm tractors and other motor vehicles operating at reasonable speeds for the type and nature of such vehicles." Unlike subsection (c), subsection (g) contains no negation of negligence within itself.

As to driving too slowly where no minimum speed is prescribed, see N.C.P.I.-Civil 202.85.

2. The minimum speed requirement of N.C. Gen. Stat. § 20-141(c) does not apply where "otherwise provided by law." Hence, if, under the circumstances some other rule of the road indicates that speed should be slower than the minimum otherwise prescribed by N.C. Gen. Stat. § 20-141(c), an exception covering it should be stated at this point in the instruction. School and school activity buses are forbidden to drive faster than certain

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speeds. See N.C.P.I.-Civil 202.40.