

N.C.P.I.-Motor Vehicle 210.41
EMERGENCY VEHICLES-APPROACHING PARKED OR STANDING
AUTHORIZED EMERGENCY VEHICLES.
MOTOR VEHICLE VOLUME
JUNE 2007
N.C. Gen. Stat. § 20-157(f)(1)-(2)

210.41 EMERGENCY VEHICLES - APPROACHING PARKED OR STANDING
AUTHORIZED EMERGENCY VEHICLES.

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 first version which is designated "Effective before July 1, 2006," and should be used accordingly. The second version is designated "Effective July 1, 2006," and is the basis for N.C.P.I. Civil-210.42.

The motor vehicle law provides that when an authorized emergency vehicle, such as a [police or fire department vehicle] [public or private ambulance] [rescue squad emergency 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,]

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, and shall continue traveling in that lane until safely clear of the authorized emergency vehicle.¹

However, if the approaching vehicle may not 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 until completely past the authorized emergency vehicle.^{2]}

A violation of this law is not negligence within itself. However, the evidence with regard to it is to be considered with all the other facts in evidence in determining whether the [plaintiff] [defendant] was negligent.

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 until completely past the authorized emergency vehicle^{3]}.

A violation of this law is not negligence within itself. However, the evidence with regard to it is to be considered with all the other facts in evidence in determining whether the [plaintiff] [defendant] was negligent.

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

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

3. See *id.*