

A Guide to North Carolina Bicycle and Pedestrian Laws



**Guidebook on
General Statutes,
Ordinances,
and Resources**



North Carolina Department
of Transportation
Division of Bicycle &
Pedestrian Transportation

A Guide to North Carolina Bicycle and Pedestrian Laws

*Laws are subject to change by the
North Carolina General Assembly.
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North Carolina Department
of Transportation
Division of Bicycle &
Pedestrian Transportation

Disclaimer

Every attempt has been made to provide complete and thorough information on the North Carolina laws pertaining to bicycles and pedestrians. Neither ITRE nor NCDOT can be held responsible for any exclusions, omissions nor deletions of relevant laws. If you have questions or concerns regarding North Carolina law pertaining to bicycles or pedestrians, you may wish to consult an attorney.

Produced by the Institute for Transportation Research and Education at North Carolina State University for the North Carolina Department of Transportation Division of Bicycle and Pedestrian Transportation.

Access an electronic version of this document at
<http://www.ncdot.org/transit/bicycle/laws/resources/lawsguidebook.html>.

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The Purpose of this Guide

Bicyclists and pedestrians are a growing part of the transportation equation in North Carolina as citizens are encouraged to adopt a more active lifestyle. Many communities are working to make their neighborhoods and downtowns more hospitable to both cyclists and walkers. But these positive changes are happening at the same time that more people are driving more miles in their motor vehicles; thus, the chances of clashes and crashes with motor vehicles increases for those walking and bicycling.

The Purpose of
this Guide

This guide—intended for use by educators, law enforcement officials, planners, and citizens—serves as a valuable tool and reference document for education and enforcement of bicycle and pedestrian laws. The first section discusses laws affecting bicyclists, all centering around the legal premise that bicycles are vehicles and must behave predictably while following the law’s prescription for vehicles. The next section focuses on laws affecting pedestrians. In North Carolina pedestrians have the right of way at all intersections and driveways but must yield to motorists when crossing at any place other than a marked crosswalk. A separate section highlights motorists’ responsibilities in interactions with bicyclists and pedestrians.

This guide also looks at issues that the state law does not address and discusses how local ordinances might vary. Another section references North Carolina’s contributory negligence law and how to find more information about its implications for bicyclists and pedestrians. Finally, the last section contains the actual wording of the definitions and North Carolina General Statutes that apply to bicyclists and pedestrians.

It’s important to note that accurate interpretation of the law requires studying the case law, not just the wording of the statutes. A link to the General Statutes Web site <http://www.ncleg.net/gascritps/statutes/statutestoc.pl> is provided as a convenience for those who wish to explore the statutes in more detail.



Relevant case law is cited at the end of each statute on the Web site. The search function on the General Statutes opening screen can locate specific statutes by number and topic.

More information on laws and policies affecting bicyclists and pedestrians can also be found on the Division of Bicycle and Pedestrian Transportation Web site: <http://www.ncdot.org/transit/bicycle>.

With proper education of bicyclists, pedestrians, and motorists combined with judicious enforcement, we can work to reduce the conflicts with motorists and reduce the injuries and deaths that result from crashes with motor vehicles.

Bicyclists and the Law

Organized by topic, this section discusses North Carolina laws affecting bicycles and their operators. In this section, the number of the General Statute is shown at the end of each discussion. For the specific wording of the law, please refer to the sections called General Statutes (shown in numeric order) in this guide that relate to bicycles: North Carolina Statutes Related to Bicycles on page 33 and North Carolina Statutes Related to Both Bicyclists and Pedestrians on page 63.

Bicyclists
and the Law

It is important to note that North Carolina law defines a bicycle as a vehicle with all the rights and responsibilities that are applicable. [§20-4.01 (49)] Thus, every law that refers to “vehicle” can apply to a bicycle. The term “driver” or “operator” in the statutes also applies to bicyclists. Please see the *Definitions* section under General Statutes on page 27 for the legal meanings of relevant terms that are considered part of the law.

The Bicycle and the Operator: Equipment Required

Bicycle Helmets and Seats

Bicyclists and bicycle passengers under the age of 16 must wear approved protective safety helmets that are securely fastened to their head using straps, while riding on public roads, bicycle paths, and other public rights-of-way. Given the proven safety benefits of helmet use, all bicyclists are strongly advised to wear a properly fitted and fastened helmet. [§20-171.7(b)]

Passengers that weigh less than 40 pounds or are less than 40 inches in height must be seated in a separate restraining seat and must be able to maintain an erect seated position. Other passengers under the age of 16 must be seated on saddle seats (as on a tandem bicycle). [§20-171.7(b)]

The parent or legal guardian of a child under the age of 16 cannot knowingly permit a child to break these helmet and seat laws.



The penalty for violation of this law is a civil fine of up to ten dollars. However, the court may waive the fine if the person responsible provides proof that an appropriate helmet or seat has been purchased and is being used as required. [§20-171.9(e)].

Bicycle Lights

For riding after dark, every bicycle must be equipped with proper lighting equipment:

Front - a lighted lamp that is visible from a distance of at least 300 feet.

Rear - a red reflex mirror or lamp that is visible from a distance of at least 200 feet. [§20-129(e)]

Lights are required during the period from sunset to sunrise and when there is insufficient light to see clearly a person on the highway 400 feet ahead. [§20-129(a)] *However, no matter how well equipped bicyclists might be using lights, reflectors, reflector vest, and flashing LED lights, they should always use extreme caution while riding at night and only do so when necessary.*

The Bicycle and the Operator: Bicyclist Behavior

Riding on the Right

When riding on a roadway, a bicyclist must ride in the same direction as other traffic. Also, the bicyclist must travel in the right-hand lane and should ride as close as practicable to the right-hand edge of the highway. [§20-146(a)] Exceptions to this law are provided when the bicyclist is making these maneuvers:

- Passing another vehicle moving in the same direction [§20-146(a)(1)]
- Avoiding a dangerous obstruction [§20-146(a)(2)]
- Riding on a one-way street [§20-146(a)(4)]
- Preparing for a left turn. [§20-146(e)]

Bicyclists are not required to ride on adjacent bicycle paths.

Impaired Driving

A bicycle is not considered a vehicle for purposes of impaired driving. [§20-138.1(e)] *However, bicyclists should not mix drinking and bicycling. According to "Traffic Safety Facts 2000," U.S. Department of Transportation, alcohol involvement was reported in more than one-third of bicycle fatalities in the year 2000.*

Reckless Operation

Bicyclists can be guilty of reckless driving if they operate their bicycles on a highway or public vehicular area - which is defined in §20-4.01(32) - with wanton disregard for the rights and safety of others. Reckless driving also includes riding without due caution and at a speed that can endanger people and their property. [§20-140(b)]

Stopping on the Highway or Bridge

As with other vehicle operators, bicyclists should not park or leave any bicycles on the paved or main-traveled portion of a highway or bridge outside municipal corporate limits. If a bicycle is left for more than 48 hours, it will be assumed that a law enforcement officer has been designated to remove the vehicle to safe storage, and the officer is considered the legal possessor under the law. [§20-161]]

Parking in Restricted Areas

The law does not allow attended or unattended vehicles to park in these restricted areas:

- On a street or highway in front of a private driveway
- Within 15 feet in either direction of a fire hydrant or entrance to a fire station
- Within 25 feet from the intersection of a curbed street or within 15 feet of the intersection of property lines on a street without curbs. Local authorities may pass an ordinance decreasing this distance.
- Any public vehicular area that has been designated as a fire lane, including shopping centers and mall parking lots; however, temporary loading and unloading is allowed as long as the vehicle is attended.

Law enforcement officials may remove any vehicles found in violation and may not be considered criminally liable unless there is wanton misconduct or intentional wrongdoing. [§20-162]

Bicycle Racing

In North Carolina, bicycle racing on highways is unlawful EXCEPT when a racing event has been approved by the respective state and/or local



authorities. The race must be planned in a way to assure reasonable safety for all race participants, spectators, and other highway users and must prevent unreasonable interference with traffic flow that would seriously inconvenience other highway users. If the approving authorities concur, race participants may be exempt from traffic laws that would otherwise apply. [§20-171.2]

For more information on bicycle racing in North Carolina, visit the Division of Bicycle and Pedestrian Transportation Web site: http://www.ncdot.org/transit/bicycle/events/events_racing.html.

Bicycles and Facilities

Signs and Signals

Bicyclists must obey all traffic signs and signals - they are not exempt because they are operating a non-motorized vehicle, except as noted under Bicycle Racing above. [§20-158]

Stop Signs - Bicyclists must come to a complete stop and yield the right-of-way at a stop sign before proceeding. [§20-158(b)(1) and (c)(1)]

Red Lights - Bicyclists must stop when facing a steady or flashing red light. After stopping, they may turn right on red, where permitted, as long as they yield the right-of-way to other vehicles and pedestrians. After stopping at a flashing red light, they may proceed, after yielding the right-of-way to approaching vehicles. [§20-158(b)(2), (c)(2), and (c)(3)]

If a bicyclist has to stop for a sign or signal, he should stop at the stop bar marked in the street or before entering a marked crosswalk or before the intersection with the nearest street. [§20-158(b)(5)]

Yellow Lights - Bicyclists facing a yellow light, which means the light will be turning red, should stop if possible or, if not, may proceed with caution and all due haste through the intersection. If the yellow light is flashing, bicyclists should proceed with caution through the intersection. [§20-158(b)(2), (c)(2), and (c)(4)]

Green Lights - Bicyclists may proceed with due care through the intersection. [§20-158(b)(2)]

Railroads - Bicyclists are prohibited from riding through, around or under a railroad gate or barrier that is closed or being opened. [§20-142.1]

Other Signs and Signals - Bicyclists must obey all other traffic control signs and signals such as one-way street, road closed, and yield signs. [§20-158]

One-Way Streets

Bicyclists must ride in the indicated direction of traffic. [§20-165.1]

Interactions with Others

Signaling and Turning

Before turning, a bicyclist should make certain that the movement can be made safely. [§20-154(a)] When making a right-hand turn, a bicyclist should be as close to the far right edge of the roadway as practicable. When making a left turn, a bicyclist should use the left-most lane position (including a dedicated left-turn lane if one is available) before and after the turn is made, and yield to vehicles that are approaching from the opposite direction. [§20-153] A bicyclist also has the option to dismount the bicycle and cross an intersection as a pedestrian, using the crosswalk.

Bicyclists must signal their intention to turn by using electrical, mechanical, or manual (arm and hand) signals for left and right turns, and stopping. The signals must begin at least 100 feet before the turn or stop, and continue throughout the turn. Bicyclists must also give a clearly audible signal to any pedestrians that may be affected by the turning or stopping movement. Manual signals must be given using the left arm as follows:

Left turn - hand and arm horizontal, forefinger pointing. [§20-154(b)]

Right turn - hand and arm pointed upward at a ninety-degree angle. [§20-154(b)]

Stop - hand and arm pointed downward at a ninety-degree angle. [§20-154(b)]



Yielding Right-of-Way to Vehicles

Bicyclists must yield the right-of-way to other vehicles in these situations:

- To the vehicle on their right when two vehicles approach an unsignalized intersection at the same time. [§20-155(a)]
- To vehicles coming from the opposite direction when making a left turn onto a road, alley or driveway. [§20-155(b)]
- To vehicles on a main road when entering from a side street, driveway, building entrance, and private road. [§20-156(a)]
- To emergency vehicles when sirens or lights are turned on. [§20-156(b)]

Bicyclists must also yield the right-of-way before entering or crossing a road when the road they are traveling upon is posted with a “yield right-of-way” sign. [§20-158(b)(1)]

Yielding Right-of-Way to Pedestrians

Bicyclists must yield the right-of-way and avoid colliding with pedestrians who are walking on a roadway, sidewalk, walkway, or in a crosswalk. Bicyclists should exercise caution when exiting a driveway or alley to watch for and yield to pedestrians. Pedestrians have the right-of-way while in a marked or unmarked crosswalk at an intersection that does not have a traffic signal.

Also, bicyclists should not pass a vehicle that is stopped at a crosswalk to permit a pedestrian to cross the highway. [§20-173 and §20-174]

Passing Another Vehicle

When passing another vehicle going in the same direction, bicyclists must pass to the left at least two feet away from the vehicle or bicycle. They must return to the right side of the roadway once the vehicle or bicycle has been safely passed. [§20-149(a)]

Passing on the left is not permitted in the following conditions:

- The left side is not clearly visible and free from oncoming traffic for a distance that is sufficient to pass [§20-150(a)]

- The passing occurs left of the center on the crest of a hill or on a curve where there is less than 500 feet of visibility [§20-150(b)]
- The passing occurs at any railroad grade crossing or highway intersection unless permitted to do so by a traffic or police officer. [§20-150(c)]
- Where Department of Transportation signs or markings indicate “no passing,” such as a double yellow line. [§20-150(d) and (e)]

Passing on the Right

Passing on the right is permitted only if these conditions are met:

- The vehicle being overtaken is in a designated left-hand turn lane
- The street has two or more unobstructed lanes in each direction that are not occupied by parked cars
- The street has two or more travel lanes not occupied by parked vehicles
- The vehicle is in a designated right turn lane. [§20-150.1]

Being Passed

A bicyclist cannot take actions to prevent another vehicle from lawfully passing. For example, the vehicle being passed must give way to the right when given an audible signal, and may not increase their speed until they are completely passed. [§20-149]

Crashes

The operator of any vehicle who is aware or should be aware of a crash involving his vehicle that has resulted in injury or death to any person or in any property damage must immediately stop and remain at the crash scene until law-enforcement officials arrive. The operator may leave the scene of the crime to contact a law enforcement officer but must immediately return. The operator causing the crash must provide his name, address, driver’s license number and the license plate number of his vehicle, where applicable, to the other person(s) involved in the crash or whose property was damaged.



If the property or vehicle owner is not present at the time of the crash—such as a crash involving a parked car or business sign—the operator of the responsible vehicle must provide the necessary information to the nearest peace officer. As an alternative the responsible operator can leave the information on a piece of paper in a conspicuous place in or on the damaged property within 48 hours of the crash. [§20-166]

Reporting a Crash

A crash involving a motor vehicle must be reported to law enforcement if the crash results in death or injury of a human being, or total property damage of one thousand dollars (\$1,000) or more. [§20-4.01 (33b)]

The operator of a vehicle involved in a reportable crash must immediately notify the appropriate law enforcement agency by the quickest means of communication. In a city or town, the appropriate agency is the police department. Outside a municipality, the appropriate agency is the North Carolina Highway Patrol, the county sheriff's office, or other qualified rural police of the county where the crash occurred. [§20-166.1]

“Good Samaritan” Law

Any person who renders first aid or emergency assistance at the scene of a motor vehicle crash cannot be liable in civil action for their acts or omissions unless there was wanton conduct or intentional wrongdoing. [§20-166(d)]

Pedestrians and the Law

Organized by topic, this section discusses North Carolina laws affecting pedestrians.

In this section, the number of the General Statute is shown at the end of each discussion. For the specific wording of the law, please refer to the sections called General Statutes (shown in numeric order) in this guide that relate to pedestrians: North Carolina Statutes Related to Pedestrians on page 53 and North Carolina Statutes Related to Both Bicyclists and Pedestrians on page 63.

Please note that under North Carolina law, operators of personal assistive mobility devices are defined as pedestrians, so these pedestrian laws apply. Please see the *Definitions* section under General Statutes on page 27 considered part of the law.

Pedestrians and Facilities

Signals

Pedestrians must obey special pedestrian-control signals as follows:

WALK - Pedestrians facing the signal can walk across the roadway in the direction of the signal, and motorists must yield the right-of-way.

DON'T WALK - Pedestrians cannot start to cross the roadway, but if they are partially across the highway they can complete their crossing or proceed to a safety island. [§20-172(b)]

On certain streets and highways, traffic islands or other spaces are set aside specifically as pedestrian refuges when pedestrians cannot completely cross the roadway on a single WALK signal. [§20-4.01 (39)]

When these special pedestrian-control signals are not provided, pedestrians must obey the regular traffic-control signals, such as traffic lights. [§20-172(c)]

At places without traffic-control signals, pedestrians should adhere to the rights and responsibilities described in Part 11 of Article 20-Pedestrians' Rights and Responsibilities, which includes §20-172 through §20-175. [§20-172(d)]



Walking Along the Road

When a sidewalk is available, pedestrians must use the sidewalk instead of walking on the roadway, which is defined as the part of the highway that is paved, graveled, or otherwise improved for vehicle travel. [§20-174 (d) and §20-4.01 (38)]

When sidewalks are not provided, pedestrians walking along or on the highway should, when practicable, walk on the extreme left of the roadway or shoulder facing traffic and must yield the right-of-way to traffic. [§20-174(d)]

Railroad Signals

Pedestrians cannot pass through, around, over, or under any railroad crossing gate or barrier that is closed or in operation. [§20-142.1]

Regarding Physical Impairment

Only persons that are wholly or partially blind can use a white cane (or white-tipped with red) on a street or other public space. [§20-175.1]

Electric Personal Assistive Mobility Devices

A person operating an electric personal assistive mobility device has all the rights and duties of a pedestrian. These devices may be operated on public highways with a posted speed of 25 miles per hour or less, on sidewalks, and on bicycle paths. Operators of these devices must yield the right-of-way to pedestrians and other human-powered devices. Municipalities may regulate the time, place, and manner of operating these devices but cannot prohibit their use. [§20-175.6]

Interactions with Others

Right-of-Way at Crosswalks

Pedestrians have the right-of-way at marked and unmarked crosswalks in residential and business areas except where there is a traffic or pedestrian signal. [§20-155(c) and [§20-173(a)]

Also, whenever any vehicle is stopped at an intersection crosswalk to permit a pedestrian to cross, any other motorist or bicyclist approaching from the rear is not permitted to overtake and pass the stopped vehicle. [§20-173(b)]

Between adjacent signalized intersections that are operational, pedestrians must not cross the roadway at any place except a marked crosswalk. [§20-174(c)]

Right Turn on Red

At intersections, motorists and bicyclists must yield the right-of-way to pedestrians and other traffic when making a right turn on red. [§20-158(b)(2)]

Yielding to Vehicles

When not using a marked or unmarked crosswalk at an intersection, pedestrians must yield the right-of-way when crossing the roadway. They must also yield the right-of-way when crossing the roadway and not using a pedestrian alternative, such as a pedestrian tunnel or bridge, that is provided for them. [§20-174(a) and (b)]

Yielding to Pedestrians Outside of Crosswalks and Intersections

Motorists and bicyclists must yield the right-of-way to pedestrians in several cases that do not involve crosswalks and intersections:

- Where there is a traffic signal emitting a steady red light, or flashing red light or flashing yellow light [§20-158(c)]
- Where there is a stop sign [§20-158(d)(1)]
- When a pedestrian is traveling on a sidewalk or driveway and is approaching a driveway, alley, building entrance, or private road. [§20-173(c)]

Regardless of right-of-way, motorists and bicyclists must exercise caution to avoid colliding with pedestrians on the roadway, and must sound a horn to warn pedestrians, when necessary. Vehicle operators must also exercise caution when observing any child or apparently incapacitated person in the roadway. [§20-174(e)]

Blind Pedestrians

Any wholly or partially blind pedestrian has the right-of-way at any crossing or intersection that is not officer- or signal-controlled so long as they are using a white cane (or white tipped with red) or a guide dog. When not using a cane or a guide dog or when using a motorized wheelchair (or similar vehicle not exceeding 1000 pounds gross weight), they retain all the privileges provided to other pedestrians. [§20-175.2, §20-175.3 and §20-175.5]



Audible Warning

Before starting, stopping or turning, motorists on a highway or public vehicular area must ensure that such movement is safe and must give a clearly audible signal by sounding the horn to warn any pedestrians that would be affected. [§20-154(a)]

Keeping the Roadway Clear

Pedestrians cannot impede the regular flow of traffic by willfully standing, sitting, or lying on the roadway. [§20-174.1]

Pedestrians are not permitted to be in the roadway, shoulder, or median of a highway to solicit business or loiter. Pedestrians can hitchhike (solicit rides) from the highway shoulder, but they cannot be on the roadway. [§20-175] However, hitchhiking or soliciting rides is forbidden on interstate or fully controlled-access highways, except in the case of an emergency. [GO-10 of the General Ordinances of the North Carolina Department of Transportation, Chapter 2 of the NCDOT Maintenance Manual]

Motorists' Responsibilities

Motorists and Bicyclists

Bicycles as Vehicles

Under North Carolina law, bicycles are considered vehicles and should be treated just like other vehicles.

[§20-4.01 (49)], [§20-171.1], and [§20-171.8] Note that all the statutes mentioned in this section that refer to “vehicles” should be interpreted to refer to both motor vehicles and bicycles, unless by its nature the law cannot apply to bicycles. Unfortunately, not all bicyclists behave like vehicle operators, so motorists should make every effort to avoid a collision since the bicyclist is more likely to be injured or killed in a crash. In particular, motorists should watch out for children on bicycles because they sometimes behave unpredictably. [§20-154(a)]

Responsibilities
and Ordinances

Passing a Bicycle

A motorist overtaking a bicycle must pass at least two (2) feet to the left of the bicyclist and must not move back to the right side of the highway until safely past the overtaken bicycle. [§20-149(a)]

A motorist may not drive left of the center of the highway to pass a vehicle, including a bicycle, in these circumstances:

- Unless the left side is clearly visible and free of oncoming traffic for a sufficient distance ahead that the motorist can pass the bicyclist safely. [§20-150(a)]
- On the crest of a hill or at a curve in the road where the driver cannot see at least 500 feet ahead. [§20-150(b)]
- At any railroad grade crossing or intersection, unless directed to do so by a traffic control officer. [§20-150(c)]
- Where the Department of Transportation has placed signs or markers indicating that passing should not be attempted. [§20-150(d)] and [(e)]

Following Too Closely

A motorist should not follow a bicycle more closely than is reasonable and prudent, considering vehicle speed, amount of traffic, and the road conditions. [§20-152(a)]

Yielding to Bicyclists at Driveways or Alleys

The driver of a vehicle emerging from or entering an alley, building entrance, private road, or driveway shall yield the right-of-way to any bicyclist approaching on a sidewalk or walkway extending across an alley, building entrance, road, or driveway. [§20-173(c)]

Motorists and Pedestrians

Yielding to Pedestrians in Crosswalks, Driveways

Where traffic control signals are not in place or in working order, a vehicle operator must yield the right-of-way to a pedestrian crossing within a marked crosswalk or within any unmarked crosswalk at or near an intersection. [§20-173(a)] If a pedestrian crosses at any place other than a marked or unmarked crosswalk, he must yield to all vehicles. [§20-174(a)]

The driver of a vehicle emerging from or entering an alley, building entrance, private road, or driveway must yield the right-of-way to any pedestrian, or person riding a bicycle, approaching on any sidewalk or walkway. [§20-173(c)]

Yielding at Right Turn on Red

At intersections, motorists must come to a complete stop and yield the right-of-way to pedestrians and other traffic-including bicycles-when making a right turn on red. [§20-158(b)(2)]

Audible Warning

Before starting, stopping or turning, motorists on a highway or public vehicular area must ensure that such movement is safe and must give a clearly audible signal by sounding the horn to warn any pedestrians that would be affected. [§20-154(a)]

Watching Out for Pedestrians

Even though pedestrians have a responsibility to obey the law and watch out for vehicles, motorists must exercise caution to avoid colliding with pedestrians on the roadway and must sound a horn to warn pedestrians, when necessary. Motorists must also exercise caution when observing any child or apparently incapacitated person in the roadway. [§20-174(e)]

Keeping Pedestrian Facilities Clear

Motorists also have a responsibility to keep pedestrian facilities clear. Vehicles cannot enter an intersection or a marked crosswalk unless there is sufficient space on the other side so the vehicle does not obstruct the passage of pedestrians and other vehicles. [§20-142.5]

Motorists' Responsibilities in General

Signaling Movements

Before starting, stopping, or turning, a motorist must be certain that any movement can be made in safety and must give a plainly visible signal of the intended movement to other drivers and pedestrians. A motorist should not back up a vehicle unless such movement can be done safely and without interfering with other traffic. [§20-154(a)]

Signals for turning and stopping can be indicated with the vehicle's electrical signals or with the hand and arm. The signal should be given continuously for the last 100 feet of travel before the stop or turn. However, in areas with a speed limit of 45 miles an hour or greater, the signal must be given during the last 200 feet before the stop or turn. [§20-153(b)]

Motorists should be particularly careful to look out for bicycles and pedestrians when turning because they can be hidden in the driver's blind spot.

Other Responsibilities

Although the law prescribes certain actions for bicyclists and pedestrians, other actions or issues are not specifically addressed in North Carolina's General Statutes. For example, policies approved by the North Carolina Board of Transportation or the North Carolina Department of Transportation Maintenance Manual govern other behaviors and have the same legal standing as any statute. This section discusses topics affecting bicyclists and pedestrians that are not specifically mentioned in the statutes.

Regarding Bicycles

Bicycling on the Interstate

Under North Carolina General Statute 143B-350(f)(1), the North Carolina Board of Transportation can set policies that shall stand as law. A policy adopted by the Board of Transportation specifically prohibits bicycling on interstate or fully controlled, limited access highways, such as beltlines, unless the Board determines otherwise. The policy provides for exceptions to be made on a case-by-case basis. More information about North Carolina Board of Transportation policies is available on the Division of Bicycle and Pedestrian Transportation Web site: http://www.ncdot.org/transit/bicycle/laws/laws_intro.html.

Riding Two or More Abreast

There is no law that requires bicyclists to ride single file, nor is there a law that gives cyclists the right to ride two or more abreast. Some other states address this issue in their statutes, but there is no consistent treatment. It is always important to ride responsibly and courteously, so that cars may pass safely.

Headphones

There is no law that prohibits wearing headphones when riding a bicycle, however, it is not recommended. It is important to use all your senses to ensure your safety when riding in traffic.

Riding on Sidewalks

The General Statutes do not address bicycling on sidewalks. Rather this issue is usually addressed through local ordinances. Please refer to the section on Local Ordinances on page 24 of this guide.

Regarding Pedestrians

Definition of Pedestrian

The North Carolina General Statutes do not include a definition of pedestrian.

Hitchhiking on Interstates

Chapter 2 of the North Carolina Department of Transportation Maintenance Manual, Section GO-10 makes it unlawful to hitchhike or solicit rides on an interstate or fully controlled access highway, except in the case of an emergency or vehicle failure.

Rollerblades and Skateboards

The General Statutes do not address rollerblades or skateboards. These issues are sometimes governed by local ordinances. Please refer to the section on Local Ordinances on page 24 of this guide.

More Information

The section at the end of this guidebook entitled “Links to Resources,” on page 67 lists online resources related to bicycle and pedestrian laws.

Local Ordinances

This section explains some of the issues affecting bicyclists and pedestrians that are addressed by some local governments-cities, towns, and counties. To find out about local ordinances within North Carolina, you have several options:

1. You can go directly to: <http://www.govengine.com/localgov/northcarolina.html> and select the locality, or you can go to <http://www.govengine.com> on the Internet. Select North Carolina and the county or municipality/township, which will then take you to the Web site for your selection. Some local area Web sites have ordinances clearly indicated on the front page; on others, you may have to explore the site to find ordinances, if they are available. This is a good site if you want to learn more about local government, such as local officials and government departments.
2. You can go to http://www.municode.com/resources/online_codes.asp, a private sector host for city and county ordinances, if they are available electronically. You click on North Carolina and then select from the list of localities (municipalities and counties are mixed together) that have made their ordinances available through this service.
3. You can contact the city or county clerk's office to obtain detailed information about ordinances in that jurisdiction.

Issues Sometimes Addressed by Local Ordinances

The following are a few bicycle and pedestrian issues sometimes addressed by local governments:

Dogs

Dogs can sometimes be a hazard to bicyclists and pedestrians, especially when they are allowed to run loose. Whether local laws address control of dogs and the extent of the law varies widely from locality to locality.

Bicycling on Sidewalks

Bicycling on sidewalks is sometimes addressed by municipalities with great variation in the extent of the law.

Greenways and Multi-Use Pathways

Local ordinances may include provisions about bicyclists' and pedestrians' use of these facilities; some municipalities require bicyclists to yield to pedestrians on greenways and multi-use pathways. State law does not require bicyclists to ride on greenways and multi-use pathways adjacent to the road.

More Stringent Helmet Laws

Under North Carolina law [§20-171.7(b)], bicyclists under the age of 16 are required to wear a bicycle helmet and/or ride in a child carrier. Some localities may have stricter helmet requirements than the state law.

Rollerblades and Skateboards

Some local jurisdictions address the use of skateboards and rollerblades.

Electric Personal Assistive Mobility Devices

Local governments may control the time, place, and manner of operation for electric personal assistive mobility devices.

Contributory Negligence

North Carolina subscribes to a legal principle known as contributory negligence that addresses liability and right of recovery in the case of a wrongful act, such as a vehicle crash where property is damaged or a person is injured or killed. An attorney or other legal expert should be consulted for proper interpretation of contributory negligence laws and their application to a specific situation.

North Carolina General Statutes

Introduction

This section presents parts of the North Carolina Motor Vehicle Code, essentially Chapter 20 of the North Carolina General Statutes, that relate to bicycle and pedestrian travel. The first section contains the Definitions from the General Statutes, which provide the legal meaning of these terms and are part of the law. The second section lists statutes pertaining to bicycles followed by a section listing pedestrian-related statutes. The last section contains a few laws that relate both to bicyclists and pedestrians.

North Carolina
General
Statutes

It's important to note that accurate interpretation of the law requires studying the case law, not just the wording of the statutes. A link to the General Statutes Web site <http://www.ncleg.net/gascripts/statutes/statutestoc.pl> is provided as a convenience for those who wish to explore the statutes in more detail. Relevant case law is cited at the end of each statute on the Web site. The search function on the General Statutes opening screen can locate specific statutes by number and topic.

These laws are subject to change, so please check the General Statutes Web site for new laws and proposed legislation affecting bicyclists and pedestrians.

Definitions in the General Statutes

This section contains definitions from the General Statutes for terms that appear in the laws related to bicycles (as vehicles) and pedestrians. More definitions are part of the Child Bicycle Safety Act [§20-171.8] that requires helmets and/or restraints for children under age 16. These definitions convey the legal meanings of the word and carry the weight of the law.

The definitions are shown here in alphabetical order. For those definitions included here that are not part of §20-4.01, the citation is shown at the end of the definition.

§20-4.01. Definitions

Unless the context requires otherwise, the following definitions apply throughout this Chapter to the defined words and phrases and their cognates:

Bicycle - A non-motorized vehicle with two or three wheels tandem, a steering handle, one or two saddle seats, and pedals by which the vehicle is propelled. [§20-171.1] According to the definition of “vehicle,” bicycles shall be deemed vehicles. [§20-4.01 (49)] Also, under the Child Bicycle Safety Act, ‘Bicycle’ means a human-powered vehicle with two wheels in tandem designed to transport, by the action of pedaling, one or more persons seated on one or more saddle seats on its frame. This term also includes a human-powered vehicle, designed to transport by action of pedaling which has more than two wheels where the vehicle is used on a public roadway, public bicycle path, or other public right-of-way, but does not include a tricycle. [§20-171.8 (1)]

(4b) **Crash** - Any event that results in injury or property damage attributable directly to the motion of a motor vehicle or its load. The terms collision, accident, and crash and their cognates are synonymous.

Crosswalk - See §20-155 in the section entitled North Carolina General Statutes Related to Pedestrians.

(7) **Driver** - The operator of a vehicle, as defined in subdivision (25). The terms “driver” and “operator” and their cognates are synonymous.

(7a) **Electric Personal Assistive Mobility Device** - A self-balancing non-tandem two-wheeled device, designed to transport one person, with a propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

(13) **Highway** - The entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic. The terms “highway” and “street” and their cognates are synonymous.

(16) **Intersection** - The area embraced within the prolongation of the lateral curblines or, if none, then the lateral edge of roadway lines of two or more highways which join one another at any angle whether or not one such highway crosses the other. Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event that such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

(23) **Motor Vehicle** - Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in G.S. 20-4.01(27)(d1).

(25) **Operator** - A person in actual physical control of a vehicle which is in motion or which has the engine running. The terms “operator” and “driver” and their cognates are synonymous.

(30) **Private Road or Driveway** - Every road or driveway not open to the use of the public as a matter of right for the purpose of vehicular traffic.

(32) **Public Vehicular Area** - Any area within the State of North Carolina that is generally open to and used by the public for vehicular traffic, including by way of illustration and not limitation any drive, driveway, road, roadway, street, alley, or parking lot upon the grounds and premises of:

- a. Any public or private hospital, college, university, school, orphanage, church, or any of the institutions, parks or other facilities maintained and supported by the State of North Carolina or any of its subdivisions; or

- b. Any service station, drive-in theater, supermarket, store, restaurant, or office building, or any other business, residential, or municipal establishment providing parking space for customers, patrons, or the public; or
- c. Any property owned by the United States and subject to the jurisdiction of the State of North Carolina. (The inclusion of property owned by the United States in this definition shall not limit assimilation of North Carolina law when applicable under the provisions of Title 18, United States Code, section 13).

The term “public vehicular area” shall also include any beach area used by the public for vehicular traffic as well as any road opened to vehicular traffic within or leading to a subdivision for use by subdivision residents, their guests, and members of the public, whether or not the subdivision roads have been offered for dedication to the public. The term “public vehicular area” shall not be construed to mean any private property not generally open to and used by the public.

(33b) **Reportable Crash** - A crash involving a motor vehicle that results in one or more of the following:

- a. Death or injury of a human being.
- b. Total property damage of one thousand dollars (\$1,000) or more, or property damage of any amount to a vehicle seized pursuant to G.S. 20- 28.3.

(38) **Roadway** - That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two or more separate roadways the term “roadway” as used herein shall refer to any such roadway separately but not to all such roadways collectively.

(39) **Safety Zone** - Traffic island or other space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

(46) **Street** - A highway, as defined in subdivision (13). The terms “highway” and “street” and their cognates are synonymous.

(49) **Vehicle** - Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes of this Chapter bicycles shall be deemed vehicles and every rider of a bicycle upon a highway shall be subject to the provisions of this Chapter applicable to the driver of a vehicle except those which by their nature can have no application. This term shall not include a device which is designed for and intended to be used as a means of transportation for a person with a mobility impairment, or who uses the device for mobility enhancement, is suitable for use both inside and outside a building, including on sidewalks, and is limited by design to 15 miles per hour when the device is being operated by a person with a mobility impairment, or who uses the device for mobility enhancement. This term shall not include an electric personal assistive mobility device as defined in §20-4.01(7a).

General Statutes Related to Bicycles

This section presents parts of the North Carolina Motor Vehicle Code, essentially Chapter 20 of the North Carolina General Statutes, that relate to bicycle travel. These laws, shown here in numeric order, are also available online at the following Web site:

<http://www.ncleg.net/gascripts/statutes/statutesTOC.pl?0020>

You will find relevant terms defined in the *Definitions* section of this guidebook on page 27 and also under §20-171.8 in this section.

Required Lighting for Bicycles

§20-129. Required lighting equipment of vehicles.

- (a) When Vehicles Must Be Equipped. - Every vehicle upon a highway within this State shall be equipped with lighted headlamps and rear lamps as required for different classes of vehicles, and subject to exemption with reference to lights on parked vehicles as declared in G.S. 20-134:
- (1) During the period from sunset to sunrise,
 - (4) At any other time when windshield wipers are in use as a result of smoke, fog, rain, sleet, or snow, or when inclement weather or environmental factors severely reduce the ability to clearly discern persons and vehicles on the street and highway at a distance of 500 feet ahead, provided, however, the provisions of this subdivision shall not apply to instances when windshield wipers are used intermittently in misting rain, sleet, or snow. Any person violating this subdivision during the period from October 1, 1990, through December 31, 1991, shall be given a warning of the violation only. Thereafter, any person violating this subdivision shall have committed an infraction and shall pay a fine of five dollars (\$5.00)

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and shall not be assessed court costs. No drivers license points, insurance points or premium surcharge shall be assessed on account of violation of this subdivision and no negligence or liability shall be assessed on or imputed to any party on account of a violation of this subdivision. The Commissioner of Motor Vehicles and the Superintendent of Public Instruction shall incorporate into driver education programs and driver licensing programs instruction designed to encourage compliance with this subdivision as an important means of reducing accidents by making vehicles more discernible during periods of limited visibility.

- (e) Lamps on Bicycles. - Every bicycle shall be equipped with a lighted lamp on the front thereof, visible under normal atmospheric conditions from a distance of at least 300 feet in front of such bicycle, and shall also be equipped with a reflex mirror or lamp on the rear, exhibiting a red light visible under like conditions from a distance of at least 200 feet to the rear of such bicycle, when used at night.

Impaired and Reckless Driving

§20-138.1. Impaired driving.

- (a) Offense. - A person commits the offense of impaired driving if he drives any vehicle upon any highway, any street, or any public vehicular area within this State:
 - (1) While under the influence of an impairing substance; or
 - (2) After having consumed sufficient alcohol that he has, at any relevant time after the driving, an alcohol concentration of 0.08 or more.
 - (3) With any amount of a Schedule I controlled substance, as listed in G.S. 90-89, or its metabolites in his blood or urine.
- (e) Exception. - Notwithstanding the definition of "vehicle" pursuant to G.S. 20-4.01(49), for purposes of this section the word "vehicle" does not include a horse.

§20-140. Reckless driving.

- (a) Any person who drives any vehicle upon a highway or any public vehicular area carelessly and heedlessly in willful or wanton disregard of the rights or safety of others shall be guilty of reckless driving.
- (b) Any person who drives any vehicle upon a highway or any public vehicular area without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property shall be guilty of reckless driving.
- (d) Reckless driving as defined in subsections (a) and (b) is a Class 2 misdemeanor.
- (f) A person is guilty of the Class 2 misdemeanor of reckless driving if the person drives a commercial motor vehicle carrying a load that is subject to the permit requirements of G.S. 20-119 upon a highway or any public vehicular area either:
 - (1) Carelessly and heedlessly in willful or wanton disregard of the rights or safety of others; or
 - (2) Without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property.

Railroad Signals

§20-142.1. Obedience to railroad signal.

- (a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of the vehicle shall stop within 50 feet, but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he can do so safely. These requirements apply when:
 - (1) A clearly visible electrical or mechanical signal device gives warning of the immediate approach of a railroad train;
 - (2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;



- (3) A railroad train approaching within approximately 1500 feet of the highway crossing emits a signal audible from that distance, and the railroad train is an immediate hazard because of its speed or nearness to the crossing; or
 - (4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.
- (b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed, nor shall any pedestrian pass through, around, over, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed.

Keep to the Right; Passing

§20-146. Drive on right side of highway; exceptions.

- (a) Upon all highways of sufficient width a vehicle shall be driven upon the right half of the highway except as follows:
 - (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
 - (2) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
 - (3) Upon a highway divided into three marked lanes for traffic under the rules applicable thereon; or
 - (4) Upon a highway designated and signposted for one-way traffic.
- (b) Upon all highways any vehicle proceeding at less than the legal maximum speed limit shall be driven in the right-hand lane then available for thru traffic, or as close as practicable to the right-hand curb or edge of the highway, except when overtaking and

passing another vehicle proceeding in the same direction or when preparing for a left turn.

- (c) Upon any highway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the centerline of the highway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the highway for use by traffic not otherwise permitted to use such lanes or except as permitted under subsection (a)(2) hereof.
- (d) Whenever any street has been divided into two or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply.
 - (1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
 - (2) Upon a street which is divided into three or more lanes and provides for the two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in the preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control device.
 - (3) Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the street and drivers of vehicles shall obey the direction of every such device.
 - (4) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of streets, and drivers of vehicles shall obey the directions of every such device.



- (e) Notwithstanding any other provisions of this section, when appropriate signs have been posted, it shall be unlawful for any person to operate a motor vehicle over and upon the inside lane, next to the median of any dual-lane highway at a speed less than the posted speed limit when the operation of said motor vehicle over and upon said inside lane shall impede the steady flow of traffic except when preparing for a left turn. “Appropriate signs” as used herein shall be construed as including “Slower Traffic Keep Right” or designations of similar import.

§20-149. Overtaking a vehicle.

- (a) The driver of any such vehicle overtaking another vehicle proceeding in the same direction shall pass at least two feet to the left thereof, and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle. This subsection shall not apply when the overtaking and passing is done pursuant to the provisions of G.S. 20-150.1.
- (b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle while being lawfully overtaken on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. Failure to comply with this subsection:
 - (1) Is a Class 1 misdemeanor when the failure is the proximate cause of a collision resulting in serious bodily injury.
 - (2) Is a Class 2 misdemeanor when the failure is the proximate cause of a collision resulting in bodily injury or property damage.
 - (3) Is, in all other cases, an infraction.

§20-150. Limitations on privilege of overtaking and passing.

- (a) The driver of a vehicle shall not drive to the left side of the center of a highway, in overtaking and passing another vehicle proceeding in the same direction, unless such left side is clearly visible and is free of

oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety.

- (b) The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction upon the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed within a distance of 500 feet.
- (c) The driver of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any railway grade crossing nor at any intersection of highway unless permitted so to do by a traffic or police officer. For the purposes of this section the words "intersection of highway" shall be defined and limited to intersections designated and marked by the Department of Transportation by appropriate signs, and street intersections in cities and towns.
- (d) The driver of a vehicle shall not drive to the left side of the centerline of a highway upon the crest of a grade or upon a curve in the highway where such centerline has been placed upon such highway by the Department of Transportation, and is visible.
- (e) The driver of a vehicle shall not overtake and pass another on any portion of the highway which is marked by signs, markers or markings placed by the Department of Transportation stating or clearly indicating that passing should not be attempted.
- (f) The foregoing limitations shall not apply upon a one-way street nor to the driver of a vehicle turning left in or from an alley, private road, or driveway.

§20-150.1. When passing on the right is permitted.

The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

- (1) When the vehicle overtaken is in a lane designated for left turns;
- (2) Upon a street or highway with unobstructed pavement of sufficient width which have been marked for two or more lanes of moving vehicles in each direction and are not occupied by parked vehicles;



- (3) Upon a one-way street, or upon a highway on which traffic is restricted to one direction of movement when such street or highway is free from obstructions and is of sufficient width and is marked for two or more lanes of moving vehicles which are not occupied by parked vehicles;
- (4) When driving in a lane designating a right turn on a red traffic signal light.

Distance for Following Vehicles

§20-152. Following too closely.

- (a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.
- (b) The driver of any motor vehicle traveling upon a highway outside of a business or residential district and following another motor vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor vehicle from overtaking and passing another motor vehicle. This provision shall not apply to funeral processions.

Turning and Signaling

§20-153. Turning at intersections.

- (a) Right Turns - Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
- (b) Left Turns - The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of that vehicle, and, after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in the direction upon the roadway being entered.
- (c) Local authorities and the Department of Transportation, in their respective

jurisdictions, may modify the foregoing method of turning at intersections by clearly indicating by buttons, markers, or other direction signs within an intersection the course to be followed by vehicles turning thereat, and it shall be unlawful for any driver to fail to turn in a manner as so directed.

§20-154. Signals on starting, stopping or turning.

- (a) The driver of any vehicle upon a highway or public vehicular area before starting, stopping or turning from a direct line shall first see that such movement can be made in safety, and if any pedestrian may be affected by such movement shall give a clearly audible signal by sounding the horn, and whenever the operation of any other vehicle may be affected by such movement, shall give a signal as required in this section, plainly visible to the driver of such other vehicle, of the intention to make such movement. The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.
- (b) The signal herein required shall be given by means of the hand and arm in the manner herein specified, or by any mechanical or electrical signal device approved by the Division, except that when a vehicle is so constructed or loaded as to prevent the hand and arm signal from being visible, both to the front and rear, the signal shall be given by a device of a type which has been approved by the Division. Whenever the signal is given the driver shall indicate his intention to start, stop, or turn by extending the hand and arm from and beyond the left side of the vehicle as hereinafter set forth.

Left turn - hand and arm horizontal, forefinger pointing.

Right turn - hand and arm pointed upward.

Stop - hand and arm pointed downward.

All hand and arm signals shall be given from the left side of the vehicle and all signals shall be maintained or given continuously for



the last 100 feet traveled prior to stopping or making a turn. Provided, that in all areas where the speed limit is 45 miles per hour or higher and the operator intends to turn from a direct line of travel, a signal of intention to turn from a direct line of travel shall be given continuously during the last 200 feet traveled before turning.

Right-of-Way

§20-155. Right-of-way.

- (a) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
- (b) The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close as to constitute an immediate hazard.
- (c) The driver of any vehicle upon a highway within a business or residence district shall yield the right-of-way to a pedestrian crossing such highway within any clearly marked crosswalk, or any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block, except at intersections where the movement of traffic is being regulated by traffic officers or traffic direction devices.
- (d) The driver of any vehicle approaching but not having entered a traffic circle shall yield the right-of-way to a vehicle already within such traffic circle.

§20-156. Exceptions to the right-of-way rule.

- (a) The driver of a vehicle about to enter or cross a highway from an alley, building entrance, private road, or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered.
- (b) The driver of a vehicle upon the highway shall yield the right-of-way to police and fire department vehicles and public and private

ambulances, vehicles used by an organ procurement organization or agency for the recovery or transportation of human tissues and organs for transplantation or a vehicle operated by a transplant coordinator who is an employee of an organ procurement organization or agency when the transplant coordinator is responding to a call to recover or transport human tissues or organs for transplantation, and to rescue squad emergency service vehicles and vehicles operated by county fire marshals and civil preparedness coordinators when the operators of said vehicles are giving a warning signal by appropriate light and by bell, siren or exhaust whistle audible under normal conditions from a distance not less than 1,000 feet.

Traffic Signals and Controls

§20-158. Vehicle control signs and signals.

- (a) The Department of Transportation, with reference to State highways, and local authorities, with reference to highways under their jurisdiction, are hereby authorized to control vehicles:
 - (1) At intersections, by erecting or installing stop signs requiring vehicles to come to a complete stop at the entrance to that portion of the intersection designated as the main traveled or through highway. Stop signs may also be erected at three or more entrances to an intersection.
 - (2) At appropriate places other than intersections, by erecting or installing stop signs requiring vehicles to come to a complete stop.
 - (3) At intersections and other appropriate places, by erecting or installing steady-beam stoplights and other traffic control devices, signs, or signals. All steady-beam stoplights emitting alternate red and green lights shall be arranged so that the red light shall appear at the top of the signaling unit and the green light shall appear at the bottom of the signaling unit.



- (4) At intersections and other appropriate places, by erecting or installing flashing red or yellow lights.
- (b) Control of Vehicles at Intersections. -
- (1) When a stop sign has been erected or installed at an intersection, it shall be unlawful for the driver of any vehicle to fail to stop in obedience thereto and yield the right-of-way to vehicles operating on the designated main-traveled or through highway. When stop signs have been erected at three or more entrances to an intersection, the driver, after stopping in obedience thereto, may proceed with caution.
 - (2) Vehicles facing a red light controlling traffic passing straight through an intersection from a steady or strobe beam stoplight shall not enter the intersection while the steady or strobe beam stoplight is emitting a red light controlling traffic passing straight through an intersection; provided that, except where prohibited by an appropriate sign, vehicular traffic facing a red light controlling traffic passing straight through an intersection, after coming to a complete stop at the intersection, may enter the intersection to make a right turn but such vehicle shall yield the right-of-way to pedestrians and to other traffic using the intersection. When the stoplight is emitting a steady yellow circular light on a traffic signal controlling traffic passing straight through an intersection or a steady yellow arrow light on a traffic signal controlling traffic turning at an intersection, vehicles facing the yellow light are warned that the related green light is being terminated or a red light will be immediately forthcoming. When the stoplight is emitting a steady green light, vehicles may proceed with due care through the intersection subject to the rights of pedestrians and other vehicles as may otherwise be provided by law.

- (3) When a flashing red light has been erected or installed at an intersection, approaching vehicles facing the red light shall stop and yield the right-of-way to vehicles in or approaching the intersection. The right to proceed shall be subject to the rules applicable to making a stop at a stop sign.
 - (4) When a flashing yellow light has been erected or installed at an intersection, approaching vehicles facing the yellow flashing light may proceed through the intersection with caution, yielding the right-of-way to vehicles in or approaching the intersection.
 - (5) When a stop sign, stoplight, flashing light, or other traffic-control device authorized by subsection (a) requires a vehicle to stop at an intersection, the driver shall stop at an appropriately marked stop line, or if none, before entering a marked crosswalk, or if none, before entering the intersection at the point nearest the intersecting street where the driver has a view of approaching traffic on the intersecting street.
- (c) Control of Vehicles at Places other than Intersections. -
- (1) When a stop sign has been erected or installed at a place other than an intersection, it shall be unlawful for the driver of any vehicle to fail to stop in obedience thereto and yield the right-of-way to pedestrians and other vehicles.
 - (2) When a stoplight has been erected or installed at a place other than an intersection, and is emitting a steady red light, vehicles facing the red light shall come to a complete stop. When the stoplight is emitting a steady yellow light, vehicles facing the light shall be warned that a red light will be immediately forthcoming and that vehicles may not proceed through such a red light. When the stoplight is emitting a steady green light, vehicles may proceed subject to the rights of pedestrians and other vehicles as may otherwise be provided by law.



- (3) When a flashing red light has been erected or installed at a place other than an intersection, approaching vehicles facing the light shall stop and yield the right-of-way to pedestrians or other vehicles.
 - (4) When a flashing yellow light has been erected or installed at a place other than an intersection, approaching vehicles facing the light may proceed with caution, yielding the right-of-way to pedestrians and other vehicles.
 - (5) When a stoplight, stop sign, or other signaling device authorized by subsection (a) requires a vehicle to stop at a place other than an intersection, the driver shall stop at an appropriately marked stop line, or if none, before entering a marked crosswalk, or if none, before proceeding past the signaling device.
- (d) No failure to stop as required by the provisions of this section shall be considered negligence or contributory negligence per se in any action at law for injury to person or property, but the facts relating to such failure to stop may be considered with the other facts in the case in determining whether a party was guilty of negligence or contributory negligence.

Stopping on Highway; Prohibited Parking

§20-161. Stopping on highway prohibited; warning signals; removal of vehicles from public highway.

- (a) No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled portion of any highway or highway bridge outside municipal corporate limits unless the vehicle is disabled to such an extent that it is impossible to avoid stopping and temporarily leaving the vehicle upon the paved or main traveled portion of the highway or highway bridge.
- (b) No person shall park or leave standing any vehicle upon the shoulder of a public highway outside municipal corporate limits unless the vehicle can be clearly seen by approaching

drivers from a distance of 200 feet in both directions and does not obstruct the normal movement of traffic.

- (e) When any vehicle is parked or left standing upon the right-of-way of a public highway for a period of 48 hours or more, the owner shall be deemed to have appointed any investigating law-enforcement officer his agent for the purpose of arranging for the transportation and safe storage of such vehicle and such investigating law-enforcement officer shall be deemed a legal possessor of the motor vehicle within the meaning of that term as it appears in G.S. 44A- 2(d).

§20-162. Parking in front of private driveway, fire hydrant, fire station, intersection of curb lines or fire lane.

- (a) No person shall park a vehicle or permit it to stand, whether attended or unattended, upon a highway in front of a private driveway or within 15 feet in either direction of a fire hydrant or the entrance to a fire station, nor within 25 feet from the intersection of curb lines or if none, then within 15 feet of the intersection of property lines at an intersection of highways; provided, that local authorities may by ordinance decrease the distance within which a vehicle may park in either direction of a fire hydrant.
- (b) No person shall park a vehicle or permit it to stand, whether attended or unattended, upon any public vehicular area, street, highway or roadway in any area designated as a fire lane. This prohibition includes designated fire lanes in shopping center or mall parking lots and all other public vehicular areas. Provided, however, persons loading or unloading supplies or merchandise may park temporarily in a fire lane located in a shopping center or mall parking lot as long as the vehicle is not left unattended. The prima facie rule of evidence created by G.S. 20-162.1 is applicable to prosecutions for violation of this section. The owner of a vehicle parked in violation of this subsection shall be deemed to have appointed any State, county or municipal



law-enforcement officer as his agent for the purpose of arranging for the transportation and safe storage of such vehicle. No law-enforcement officer removing such a vehicle shall be held criminally or civilly liable in any way for any acts or omissions arising out of or caused by carrying out or enforcing any provisions of this subsection, unless the conduct of the officer amounts to wanton misconduct or intentional wrongdoing.

One-Way Traffic

§20-165.1. One-way traffic.

In all cases where the Department of Transportation has heretofore, or may hereafter lawfully designate any highway or other separate roadway, under its jurisdiction for one-way traffic and shall erect appropriate signs giving notice thereof, it shall be unlawful for any person to willfully drive or operate any vehicle on said highway or roadway except in the direction so indicated by said signs.

Part 10B. Child Bicycle Safety Act.

§20-171.6. Short title.

This Article shall be known and may be cited as the “Child Bicycle Safety Act”.

§20-171.7. Legislative findings and purpose.

- (a) The General Assembly finds and declares that:
- (1) Disability and death of children resulting from injuries sustained in bicycling accidents are a serious threat to the public health, welfare, and safety of the people of this State, and the prevention of that disability and death is a goal of all North Carolinians.
 - (2) Head injuries are the leading cause of disability and death from bicycling accidents.
 - (3) The risk of head injury from bicycling accidents is significantly reduced for bicyclists who wear proper protective bicycle helmets; yet helmets are worn by fewer than five percent (5%) of child bicyclists nationwide.

- (4) The risk of head injury or of any other injury to a small child who is a passenger on a bicycle operated by another person would be significantly reduced if any child passenger sat in a separate restraining seat.
- (b) The purpose of this Article is to reduce the incidence of disability and death resulting from injuries incurred in bicycling accidents by requiring that while riding on a bicycle on the public roads, public bicycle paths, and other public rights-of-way of this State, all bicycle operators and passengers under the age of 16 years wear approved protective bicycle helmets; that all bicycle passengers who weigh less than 40 pounds or are less than 40 inches in height be seated in separate restraining seats; and that no person who is unable to maintain an erect, seated position shall be a passenger in a bicycle restraining seat, and all other bicycle passengers shall be seated on saddle seats.

§20-171.8. Definitions.

As used in this Article, the following terms have the following meanings:

- (1) “Bicycle” means a human-powered vehicle with two wheels in tandem designed to transport, by the action of pedaling, one or more persons seated on one or more saddle seats on its frame. This term also includes a human-powered vehicle, designed to transport by the action of pedaling which has more than two wheels where the vehicle is used on a public roadway, public bicycle path, or other public right-of-way, but does not include a tricycle.
- (2) “Operator” means a person who travels on a bicycle seated on a saddle seat from which that person is intended to and can pedal the bicycle.
- (3) “Other public right-of-way” means any right-of-way other than a public roadway or public bicycle path that is under the jurisdiction and control of this State or a local political subdivision of the State and is designed for use and used by vehicular and/or pedestrian traffic.



- (4) “Passenger” means a person who travels on a bicycle in any manner except as an operator.
- (5) “Protective bicycle helmet” means a piece of headgear that meets or exceeds the impact standards for protective bicycle helmets set by the American National Standards Institute (ANSI) or the Snell Memorial Foundation.
- (6) “Public bicycle path” means a right-of-way under the jurisdiction and control of this State or a local political subdivision of the State for use primarily by bicycles and pedestrians.
- (7) “Public roadway” means a right-of-way under the jurisdiction and control of this State or a local political subdivision of the State for use primarily by motor vehicles.
- (8) “Restraining seat” means a seat separate from the saddle seat of the operator of the bicycle that is fastened securely to the frame of the bicycle and is adequately equipped to restrain the passenger in such seat and protect such passenger from the moving parts of the bicycle.
- (9) “Tricycle” means a three-wheeled, human-powered vehicle designed for use as a toy by a single child under the age of six years, the seat of which is no more than two feet from ground level.

§20-171.9. Requirements for helmet and restraining seat use.

With regard to any bicycle used on a public roadway, public bicycle path, or other public right-of-way:

- (a) It shall be unlawful for any parent or legal guardian of a person below the age of 16 to knowingly permit that person to operate or be a passenger on a bicycle unless at all times when the person is so engaged he or she wears a protective bicycle helmet of good fit fastened securely upon the head with the straps of the helmet.

- (b) It shall be unlawful for any parent or legal guardian of a person below the age of 16 to knowingly permit that person to be a passenger on a bicycle unless all of the following conditions are met:
 - (1) The person is able to maintain an erect, seated position on the bicycle.
 - (2) Except as provided in subdivision (3) of this subsection, the person is properly seated alone on a saddle seat (as on a tandem bicycle).
 - (3) With respect to any person who weighs less than 40 pounds, or is less than 40 inches in height, the person can be and is properly seated in and adequately secured to a restraining seat.
- (c) No negligence or liability shall be assessed on or imputed to any party on account of a violation of subsection (a) or (b) of this section.
- (d) Violation of this section shall be an infraction. Except as provided in subsection (e) of this section, any parent or guardian found responsible for violation of this section may be ordered to pay a civil fine of up to ten dollars (\$10.00), inclusive of all penalty assessments and court costs.
- (e) In the case of a first conviction of this section, the court may waive the fine upon receipt of satisfactory proof that the person responsible for the infraction has purchased or otherwise obtained, as appropriate, a protective bicycle helmet or a restraining seat, and uses and intends to use it whenever required under this section.

Pedestrians' Right-of-Way

§20-173. Pedestrians' right-of-way at crosswalks.

- (a) Where traffic-control signals are not in place or in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at or near an intersection, except as otherwise provided in Part 11 of this Article.



- (b) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
- (c) The driver of a vehicle emerging from or entering an alley, building entrance, private road, or driveway shall yield the right-of-way to any pedestrian, or person riding a bicycle, approaching on any sidewalk or walkway extending across such alley, building entrance, road, or driveway.

§20-174. Crossing at other than crosswalks; walking along a highway.

- (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- (b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
- (c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.
- (d) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the extreme left of the roadway or its shoulder facing traffic which may approach from the opposite direction. Such pedestrian shall yield the right-of-way to approaching traffic.
- (e) Notwithstanding the provisions of this section, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, and shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

General Statutes Related to Pedestrians

This section presents parts of the North Carolina Motor Vehicle Code, essentially Chapter 20 of the North Carolina General Statutes, that relate to pedestrian travel. These laws, shown here in numeric order, are also available online at the following Web site:

<http://www.ncleg.net/gascripts/statutes/statutesTOC.pl?0020>

You will find relevant terms defined in the *Definitions* section of this Guidebook on page 27. These definitions convey the legal meanings of the words and carry the weight of law.

General
Statutes for
Pedestrians

Railroad Signals

§20-142.1. Obedience to railroad signal.

- b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed, nor shall any pedestrian pass through, around, over, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed.

Other Related Rights and Responsibilities

§20-142.5. Stop when traffic obstructed.

No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or railroad grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains, notwithstanding the indication of any traffic control signal to proceed. Any person who violates any provision of this section shall be guilty of an infraction and punished in accordance with G.S. 20-176. Violation of this section shall not constitute negligence per se.



§20-154. Signals on starting, stopping or turning.

- (a) The driver of any vehicle upon a highway or public vehicular area before starting, stopping or turning from a direct line shall first see that such movement can be made in safety, and if any pedestrian may be affected by such movement shall give a clearly audible signal by sounding the horn, and whenever the operation of any other vehicle may be affected by such movement, shall give a signal as required in this section, plainly visible to the driver of such other vehicle, of the intention to make such movement. The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

Right-of-Way

§20-155. Right-of-way.

- (b) The driver of any vehicle upon a highway within a business or residence district shall yield the right-of-way to a pedestrian crossing such highway within any clearly marked crosswalk, or any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block, except at intersections where the movement of traffic is being regulated by traffic officers or traffic direction devices.

§20-158. Vehicle control signs and signals.

- (b) Control of Vehicles at Intersections. -
 - (2) Vehicles facing a red light controlling traffic passing straight through an intersection from a steady or strobe beam stoplight shall not enter the intersection while the steady or strobe beam stoplight is emitting a red light controlling traffic passing straight through an intersection; provided that, except where prohibited by an appropriate sign, vehicular traffic facing a red light controlling traffic passing straight through an intersection, after coming to a complete stop at the intersection, may enter the intersection to

make a right turn but such vehicle shall yield the right-of-way to pedestrians and to other traffic using the intersection. When the stoplight is emitting a steady yellow circular light on a traffic signal controlling traffic passing straight through an intersection or a steady yellow arrow light on a traffic signal controlling traffic turning at an intersection, vehicles facing the yellow light are warned that the related green light is being terminated or a red light will be immediately forthcoming. When the stoplight is emitting a steady green light, vehicles may proceed with due care through the intersection subject to the rights of pedestrians and other vehicles as may otherwise be provided by law.

(c) Control of Vehicles at Places other than Intersections -

- (1) When a stop sign has been erected or installed at a place other than an intersection, it shall be unlawful for the driver of any vehicle to fail to stop in obedience thereto and yield the right-of-way to pedestrians and other vehicles.
- (2) When a stoplight has been erected or installed at a place other than an intersection, and is emitting a steady red light, vehicles facing the red light shall come to a complete stop. When the stoplight is emitting a steady yellow light, vehicles facing the light shall be warned that a red light will be immediately forthcoming and that vehicles may not proceed through such a red light. When the stoplight is emitting a steady green light, vehicles may proceed subject to the rights of pedestrians and other vehicles as may otherwise be provided by law.
- (3) When a flashing red light has been erected or installed at a place other than an intersection, approaching vehicles facing the light shall stop and yield the right-of-way to pedestrians or other vehicles.



- (4) When a flashing yellow light has been erected or installed at a place other than an intersection, approaching vehicles facing the light may proceed with caution, yielding the right-of-way to pedestrians and other vehicles.
- (d) No failure to stop as required by the provisions of this section shall be considered negligence or contributory negligence per se in any action at law for injury to person or property, but the facts relating to such failure to stop may be considered with the other facts in the case in determining whether a party was guilty of negligence or contributory negligence.

Pedestrian Signals

§20-172. Pedestrians Subject to Traffic-Control Signals

- (a) The Board of Transportation, with reference to State highways, and local authorities, with reference to highways under their jurisdiction, are hereby authorized to erect or install at intersections or other appropriate places, special pedestrian control signals exhibiting the words or symbols “WALK” or “DON’T WALK” as a part of a system of traffic-control signals or devices.
- (b) Whenever special pedestrian-control signals are in place, such signals shall indicate as follows:
 1. WALK - Pedestrians facing such signal may proceed across the highway in the directions of the signal and shall be given the right-of-way by drivers of all vehicles.
 2. DON’T WALK - No pedestrian shall start to cross the highway in the direction of such signal, but any pedestrian who has partially completed his crossing on the “WALK” signal shall proceed to a sidewalk or safety island while the “DON’T WALK” signal is showing.
- (c) Where a system of traffic-control signals or devices does not include special pedestrian-control signals, pedestrians shall be subject to the vehicular traffic-control signals or devices as they apply to pedestrian traffic.

- (d) At places without traffic-control signals or devices, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in Part 11 of this Article.

(NOTE: Part 11, "Pedestrians' Rights and Duties," includes § 20-172 through 20-175.)

Crosswalks

§20-173. Pedestrians' Right-of-Way at Crosswalks

- (a) Where traffic-control signals are not in place or in operation the driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at or near an intersection, except as otherwise provided in Part 11 of this Article.

(NOTE: Part 11, "Pedestrians' Rights and Duties," includes § 20-172 through 20-175.)

- (b) Whenever any vehicle is stopped at a crosswalk or an unmarked crosswalk at an intersection to permit a pedestrian to cross, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
- (c) The driver of a vehicle emerging from or entering an alley, building entrance, private road, or driveway shall yield the right-of-way to any pedestrian, or person riding a bicycle, approaching on any sidewalk or walkway extending across such alley, building entrance, road, or driveway.

Other Crossings and Along the Highway

§20-174. Crossing at other than crosswalks; walking along highway.

- (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- (b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.



- (c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.
- (d) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the extreme left of the roadway or its shoulder facing traffic which may approach from the opposite direction. Such pedestrian shall yield the right-of-way to approaching traffic.
- (e) Notwithstanding the provisions of this section, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, and shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

§20-174.1. Standing, sitting or lying upon highways or streets prohibited.

- (a) No person shall willfully stand, sit, or lie upon the highway or street in such a manner as to impede the regular flow of traffic.
- (b) Violation of this section is a Class 2 misdemeanor.

§20-175. Pedestrians soliciting rides, employment, business or funds upon highways or streets.

- (a) No person shall stand in any portion of the State highways, except upon the shoulders thereof, for the purpose of soliciting a ride from the driver of any motor vehicle.

(NOTE: North Carolina Department of Transportation Ordinances forbid hitchhiking on interstates and fully controlled access highways, except in emergency situations.)

- (b) No person shall stand or loiter in the main traveled portion, including the shoulders and median, of any State highway or street, excluding sidewalks, or stop any motor vehicle for the purpose of soliciting employment, business or contributions from the driver or

occupant of any motor vehicle that impedes the normal movement of traffic on the public highways or streets: Provided that the provisions of this subsection shall not apply to licensees, employees or contractors of the Department of Transportation or of any municipality engaged in construction or maintenance or in making traffic or engineering surveys.

Physical Impairment

§20-175.1. Public use of white canes by other than blind persons prohibited.

It shall be unlawful for any person, except one who is wholly or partially blind, to carry or use on any street or highway, or in any other public place, a cane or walking stick which is white in color or white tipped with red.

§20-175.2. Right-of-way at crossings, intersections and traffic-control signal points; white cane or guide dog to serve as signal for the blind.

At any street, road or highway crossing or intersection, where the movement of traffic is not regulated by a traffic officer or by traffic-control signals, any blind or partially blind pedestrian shall be entitled to the right-of-way at such crossing or intersection, if such blind or partially blind pedestrian shall extend before him at arm's length a cane white in color or white tipped with red, or if such person is accompanied by a guide dog. Upon receiving such a signal, all vehicles at or approaching such intersection or crossing shall come to a full stop, leaving a clear lane through which such pedestrian may pass, and such vehicle shall remain stationary until such blind or partially blind pedestrian has completed the passage of such crossing or intersection. At any street, road or highway crossing or intersection, where the movement of traffic is regulated by traffic-control signals, blind or partially blind pedestrians shall be entitled to the right-of-way if such person having such cane or accompanied by a guide dog shall be partly across such crossing or intersection at the time the traffic-control signals change, and all vehicles



shall stop and remain stationary until such pedestrian has completed passage across the intersection or crossing.

§20-175.3. Rights and privileges of blind persons without white cane or guide dog.

Nothing contained in this Part shall be construed to deprive any blind or partially blind person not carrying a cane white in color or white tipped with red, or being accompanied by a guide dog, of any of the rights and privileges conferred by law upon pedestrians crossing streets and highways, nor shall the failure of such blind or partially blind person to carry a cane white in color or white tipped with red, or to be accompanied by a guide dog, upon the streets, roads, highways or sidewalks of this State, be held to constitute or be evidence of contributory negligence by virtue of this Part.

§20-175.5. Use of motorized wheelchairs or similar vehicles not exceeding 1000 pounds gross weight.

While a person with a mobility impairment as defined in G.S. 20-37.5 operates a motorized wheelchair or similar vehicle not exceeding 1000 pounds gross weight in order to provide that person with the mobility of a pedestrian, that person is subject to all the laws, ordinances, regulations, rights and responsibilities which would otherwise apply to a pedestrian, but is not subject to Part 10 of this Article or any other law, ordinance or regulation otherwise applicable to motor vehicles.

Part 11C. Electric Personal Assistive Mobility Devices.

§20-175.6. Electric personal assistive mobility devices.

- (a) Electric Personal Assistive Mobility Device.-
As defined in G.S. 20-4.01(7a).
- (b) Exempt From Registration -
As provided in G.S. 20-51.
- (c) Use of Device - An electric personal assistive mobility device may be operated on public highways with posted speeds of 25 miles per hour or less, sidewalks, and bicycle paths. A person operating an electric personal assistive mobility device on a sidewalk, roadway, or bicycle path shall yield the right-of-way to pedestrians and other human-powered devices. A person operating an electric personal assistive mobility device shall have all rights and duties of a pedestrian, including the rights and duties set forth in Part 11 of this Article, “Pedestrians’ Rights and Responsibilities.”
- (d) Municipal Regulation - For the purpose of assuring the safety of persons using highways and sidewalks, municipalities having jurisdiction over public streets, sidewalks, alleys, bridges, and other ways of public passage may by ordinance regulate the time, place, and manner of the operation of electric personal assistive mobility devices, but shall not prohibit their use.

Laws Related to Both Bicyclists and Pedestrians

This section presents parts of the North Carolina General Statutes that relate to both bicyclists and pedestrians. These laws, shown here in numeric order, are also available online at the following Web site: <http://www.ncleg.net/gascripts/statutes/statutesTOC.pl?0020>

Laws Related
to Both

§20-166. Duty to stop in event of accident or collision; furnishing information or assistance to injured person, etc.; persons assisting exempt from civil liability.

- (a) The driver of any vehicle who knows or reasonably should know:
 - (1) That the vehicle which he is operating is involved in an accident or collision; and
 - (2) That the accident or collision has resulted in injury or death to any person; shall immediately stop his vehicle at the scene of the accident or collision. He shall remain at the scene of the accident until a law-enforcement officer completes his investigation of the accident or collision or authorizes him to leave; Provided, however, that he may leave to call for a law-enforcement officer or for medical assistance or medical treatment as set forth in (b), but must return to the accident scene within a reasonable period of time. A willful violation of this subsection shall be punished as a Class H felony.
- (b) In addition to complying with the requirement of (a), the driver as set forth in (a) shall give his name, address, driver's license number and the license plate number of his vehicle to the person struck or the driver or occupants of any vehicle collided with, provided that such person or persons are physically and mentally capable of receiving such information, and shall render to any person injured in such accident or collision reasonable assistance, including the calling for medical assistance if it

is apparent that such assistance is necessary or is requested by the injured person. A violation of this subsection is a Class 1 misdemeanor.

- (c) The driver of any vehicle, when he knows or reasonably should know that the vehicle which he is operating is involved in an accident or collision, which accident or collision, results:
- (1) Only in damage to property; or
 - (2) In injury or death to any person, but only if the operator of the vehicle did not know and did not have reason to know of the death or injury; shall immediately stop his vehicle at the scene of the accident or collision. A violation of this subsection is a Class 1 misdemeanor.

(c1) In addition to complying with the requirement of (c), the driver as set forth in (c) shall give his name, address, driver's license number and the license plate number of his vehicle to the driver or occupants of any other vehicle involved in the accident or collision or to any person whose property is damaged in the accident or collision. If the damaged property is a parked and unattended vehicle and the name and location of the owner is not known to or readily ascertainable by the driver of the responsible vehicle, the said driver shall furnish the information required by this subsection to the nearest available peace officer, or, in the alternative, and provided he thereafter within 48 hours fully complies with G.S. 20-166.1(c), shall immediately place a paper-writing containing said information in a conspicuous place upon or in the damaged vehicle. If the damaged property is a guardrail, utility pole, or other fixed object owned by the Department of Transportation, a public utility, or other public service corporation to which report cannot readily be made at the scene, it shall be sufficient if the responsible driver shall furnish the information required to the nearest peace officer or make written report thereof containing said information by U.S. certified mail, return receipt requested, to the North Carolina Division of Motor Vehicles within five days following said collision. A violation of this subsection is a Class 1 misdemeanor.

- (d) Any person who renders first aid or emergency assistance at the scene of a motor vehicle accident on any street or highway to any person injured as a result of such accident, shall not be liable in civil damages for any acts or omissions relating to such services rendered, unless such acts or omissions amount to wanton conduct or intentional wrongdoing.

§20-166.1. Reports and investigations required in event of accident.

- (a) Notice of Accident. - The driver of a vehicle involved in a reportable accident must immediately, by the quickest means of communication, notify the appropriate law enforcement agency of the accident. If the accident occurred in a city or town, the appropriate agency is the police department of the city or town. If the accident occurred outside a city or town, the appropriate agency is the State Highway Patrol or the sheriff's office or other qualified rural police of the county where the accident occurred.
- (b) Insurance Verification. - When requested to do so by the Division, the driver of a vehicle involved in a reportable accident must furnish proof of financial responsibility.
- (c) Parked Vehicle. - The driver of a motor vehicle that collides with another motor vehicle left parked or unattended on a highway of this State must report the collision to the owner of the parked or unattended motor vehicle. This requirement applies to an accident that is not a reportable accident as well as to one that is a reportable accident. The report may be made orally or in writing, must be made within 48 hours of the accident, and must include the following:
 - (1) The time, date, and place of the accident.
 - (2) The driver's name, address, and drivers license number.
 - (3) The registration plate number of the vehicle being operated by the driver at the time of the accident. If the driver makes a written report to the owner of the parked or unattended vehicle and the report is

not given to the owner at the scene of the accident, the report must be sent to the owner by certified mail, return receipt requested, and a copy of the report must be sent to the Division.

- (e) Investigation by Officer. - The appropriate law enforcement agency must investigate a reportable accident. A law-enforcement officer who investigates a reportable accident, whether at the scene of the accident or by subsequent investigations and interviews, must make a written report of the accident within 24 hours of the accident and must forward it as required by this subsection. The report must contain information on financial responsibility for the vehicle driven by the person whom the officer identified as at fault for the accident. If the officer writing the report is a member of the State Highway Patrol, the officer must forward the report to the Division. If the officer is not a member of the State Highway Patrol, the officer must forward the report to the local law enforcement agency for the area where the accident occurred. A local law enforcement agency that receives an accident report must forward it to the Division within 10 days after receiving the report. When a person injured in a reportable accident dies as a result of the accident within 12 months after the accident and the death was not reported in the original report, the law enforcement officer investigating the accident must file a supplemental report that includes the death.
- (f) Medical Personnel. - A county medical examiner must report to the Division the death of any person in a reportable accident and the circumstances of the accident. The medical examiner must file the report within five days after the death. A hospital must notify the medical examiner of the county in which the accident occurred of the death within the hospital of any person who dies as a result of injuries apparently sustained in a reportable accident.

Links to Resources

The following online resources offer additional information about laws related to bicycles and pedestrians as well as safety materials to help educate all highway users.

NCDOT Division of Bicycle and Pedestrian Transportation (DBPT)

The DBPT Web site offers information on North Carolina bicycle and pedestrian laws and policies. Knowledge of these state policies is important because North Carolina General Statute 143B-350(f) states that policies set forth by the North Carolina Board of Transportation shall stand as law: http://www.ncdot.org/transit/bicycle/laws/laws_intro.html.

North Carolina General Statutes

Chapter 20 of the General Statutes contains laws related to bicycles, pedestrians, motor vehicles, highways, crosswalks, sidewalks, and “rules of the road.” You can access specific statutes at this Web site: <http://www.ncleg.net/gascripts/statutes/statutesTOC.pl>.

Municipal Ordinances

The Municipal Code Corporation, or MuniCode, Web site provides online access to the ordinances of many North Carolina cities, towns, and counties as well as those of innumerable other US localities: <http://www.municode.com/>.

Resource Guide on Pedestrian and Bicycle Laws

The National Highway Traffic Safety Administration has compiled a resource guide on bicycle and pedestrian laws that is available for download at this Web site: <http://www.nhtsa.dot.gov/people/injury/pedbimot/ped/resourceguide/>.

Links to
Resources

Laws Pertaining to Bicycles

Supported by the Massachusetts Bicycling Coalition, this Web site contains an extensive set of Web site links for information on bicycle laws and legal issues in U.S. states and cities, Canada, Europe and the Uniform Vehicle Code: <http://www.massbike.org/bikelaw/bikelaw.htm>.

Pedestrian and Bicycle Information Center

This Web site contains some of the most extensive online resources for bicycle and pedestrian issues such as design and engineering, safety, policy, crash information, research, and community involvement: <http://www.pedbikeinfo.org/>.

Legislation and Policies Affecting Bicycles

<http://www.bikeleague.org/educenter/index.html>.

Bicycle and Pedestrian Safety

Sponsored by the U.S. Department of Transportation Federal Highway Administration, this Web site offers comprehensive online resources for bicycle safety, crash data, and other issues related to bicycle laws: http://safety.fhwa.dot.gov/programs/ped_bike.htm.

The National Highway Traffic Safety Administration (NHTSA) produces a variety of materials to help pedestrians and bicyclists obey the law and keep themselves safe. You can access information about NHTSA's catalog at this site: <http://www.nhtsa.com/people/outreach/media/catalog/index.cfm>.

A Guide to North Carolina Bicycle and Pedestrian Laws

Bicyclists and pedestrians are a growing part of the transportation equation in North Carolina as citizens are encouraged to adopt a more active lifestyle.

Many communities are working to make their neighborhoods and downtowns more hospitable to both cyclists and walkers. But these positive changes are happening at the same time that more people are driving more miles in their motor vehicles; thus, the chances of clashes and crashes with motor vehicles increases for those walking and bicycling.

This guide, intended for use by educators, law enforcement officials, planners, and citizens, serves as a valuable tool for education and enforcement of bicycle and pedestrian laws and also serves as a reference to motorists' responsibilities in inter-actions with bicyclists and pedestrians. Access an electronic version of this booklet at: <http://www.ncdot.org/transit/bicycle/laws/resources/lawsguidebook.html>

A valuable tool for bicyclists, pedestrians, motorists, law enforcement, educators, planners, and the general public

