



National Committee on Uniform Traffic Control Devices

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Item No. 21B-ROR-02

NCUTCD Proposal for Rules of the Road

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6 **TECHNICAL COMMITTEE:** Rules of Road Joint Task Force
7 **ITEM NUMBER:** 21B-ROR-02
8 **TOPIC:** 2000 UVC Definitions and Chapter 11 (Rules of the
9 Road) as amended by prior NCUTCD actions
10 **ORIGIN OF REQUEST:** Rules of Road Joint Task Force
11 **AFFECTED SECTIONS OF MUTCD:** NA – applies to the Rules of the Road document
12 **DEVELOPMENT HISTORY:**
13 • Approved by Rules of the Road Joint Task Force 10-12-2021
14 • Approved by NCUTCD Council: MM/DD/YYYY

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16 *This is a proposal to show the definitions and Chapter 11, Rules of the Road, from the 2000*
17 *Uniform Vehicle Code (UVC) with the three prior NC Council approved recommendations*
18 *included. No additional changes are proposed in this recommendation. This has been*
19 *developed by a joint task force of the NCUTCD. The NCUTCD is distributing it to its sponsoring*
20 *organizations for review and comment. Sponsor comments will be considered in revising the*
21 *proposal prior to NCUTCD Council consideration. This proposal does not represent a revision of*
22 *the NCUTCD Rules of the Road unless and until approved by the NCUTCD Council.*

SUMMARY:

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25 The Rules of the Road are to be posted on the NCUTCD webpage for the information of users
26 thereof. The Rules of the Road were previously published by the National Committee of
27 Uniform Laws and Ordinances (NCUTLO). They suspended operations in July 2008 with the
28 last published Uniform Vehicle Code (UVC) dated 2000. The NCUTCD determined that they
29 would maintain the Rules of the Road, Chapter 11, UVC to update it with changes to the
30 MUTCD providing a Rules of the Road publication that is consistent with the MUTCD for the
31 information and use of those jurisdictions that want update their vehicle laws that are compatible
32 with the MUTCD. This proposal will establish a “current” document that includes the just the
33 definitions and Chapter 11 from the 2000 UVC with prior changes as approved by the NC
34 Council.

DISCUSSION:

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37 The UVC, including the Rules of the Road (ROR) chapter, needs to be updated to reflect
38 revisions to the MUTCD since that time. Updating the Rules of the Road chapter and related
39 definitions will be addressed in separate recommendations. This recommendation will document
40 the definitions and the Rules of the Road chapter from the 2000 UVC as amended by prior

41 NCUTCD Council actions. Therefore, it is anticipated that sponsor comments will be limited to
42 any needed technical or editorial corrections rather than to the actual text of the definitions or
43 Rules of the Road chapter. (This is the 21B-ROR-01 document with the three prior NC Council
44 approved changes incorporated.)

45
46 **RECOMMENDED RULES OF THE ROAD CHANGES:**
47 There are no changes to the definitions and Chapter 11 of the 2000 UVC other than those
48 previously approved by the NC Council included in this recommendation. Previously approved
49 changes are shown in green double underline for additions and ~~green double strikethrough~~ for
50 deletions. In some cases, background comments may be provided with the text. These comments
51 are [enclosed in brackets and have light blue highlighting].
52

53 54 **CHAPTER 1**

55 56 **WORDS AND PHRASES DEFINED**

57 58 **§ 1-101 Definition of words and phrases**

59 The following words and phrases when used in this code shall, for the purpose of this code,
60 have the meanings respectively ascribed to them in this chapter, except when the context
61 otherwise requires and except where another definition set forth in another chapter of this code
62 and applicable to that chapter or a designated part thereof is applicable.
63

64 **§ 1-102 Alcohol** - any substance or substances containing any form of alcohol.
65

66 **§ 1-103 Alcoholic beverage:**

- 67 (a) Beer, ale, porter, stout and other similar fermented beverages, including sake and similar
68 products, of any name or description containing one-half of one percent or more alcohol
69 by volume, brewed or produced from malt wholly or in part, or from any substitute
70 thereof.
71 (b) Any beverage obtained by the fermentation of the natural content of fruits or other
72 agricultural products containing sugar, of not less than one-half of one percent of alcohol
73 by volume.
74 (c) Any distilled spirits commonly referred to as ethyl alcohol, ethanol or spirits of wine in
75 any form, including all dilutions and mixtures thereof from whatever process produced.
76

77 **§ 1-104 Alcohol concentration** - either grams of alcohol per 100 milliliters of blood or
78 grams of alcohol per 210 liters of breath.
79

80 **§ 1-105 Alley** - A street or highway intended to provide access to the rear or side of lots or
81 buildings in urban districts and not intended for the purpose of through vehicular traffic.
82

83 **§ 1-106 Any measurable and detectable amount of alcohol** – any alcohol concentration in
84 a person's blood or breath that is 0.02 or more.
85

86 § 1-107 **Arterial street** - Any U.S. or State numbered route, controlled access highway, or
87 other major radial or circumferential street or highway designated by local authorities within
88 their respective jurisdictions as part of a major arterial system of streets or highways.
89

90 § 1-108 **Authorized emergency vehicle** - Such fire department vehicles, police vehicles
91 and ambulances as are publicly owned, and such other publicly or privately owned vehicles as
92 are designated by the commissioner of motor vehicles (or other appropriate state official) under
93 §15-111 of this code.
94

95 § 1-109 **Bicycle** - Every vehicle propelled solely by human power upon which any person
96 may ride, having two tandem wheels and except scooters and similar devices.
97

98 § 1-110 **Bus** - Every motor vehicle with a manufacturer's rated seating capacity of 11 or
99 more passengers, including the driver.
100

101 § 1-111 **Business district** - The territory contiguous to and including a highway when
102 within any 600 feet along such highway there are buildings in use for business or industrial
103 purposes, including but not limited to hotels, banks, or office buildings, railroad stations and
104 public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively
105 on both sides of the highway.
106

107 § 1-112 **Cancellation of driver's license** - The annulment or termination by formal action
108 of the department of a person's driver's license because of some error or defect in the license or
109 because the licensee is no longer entitled to such license, but the cancellation of a license is
110 without prejudice and application for a new license may be made at any time after such
111 cancellation.
112

113 § 1-113 **Child Passenger Restraint System** - a specially designed seating system which
114 meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213 as it may be
115 amended from time to time and which is either permanently affixed to a motor vehicle or is
116 affixed to such vehicle by a safety belt or a universal attachment system.
117

118 § 1-114 **Commissioner**¹ - The commissioner of motor vehicles of this State.
119

120 § 1-115 **Component part** - Each part contained in or upon a vehicle, including the engine
121 or motor; the transmission or transaxle; the chassis, frame, or load-bearing major structural
122 equivalent thereof; any door, hood, deck lid, hatch, or tailgate; any bumper; any fender or quarter
123 panel; a cowl or firewall; a cargo compartment or passenger compartment floor or floor panel;
124 and any motorcycle frame, front fork, or crankcase.
125
126

¹ If the term "commissioner" is not appropriate in a particular state, then the appropriate term and definition should be substituted.

127 § 1-116 **Controlled-access highway** - Every highway, street or roadway in respect to which
128 owners or occupants of abutting land and other persons have no legal right of access to or from
129 the same except at such points only and in such manner as may be determined by the public
130 authority having jurisdiction over such highway, street or roadway.

131
132 § 1-117 **Conviction** - means that a court of original jurisdiction has made an adjudication of
133 guilt. The term includes an unvacated forfeiture of bail or collateral deposited to secure a
134 defendant's appearance in court, a plea of nolo contendere accepted by the court, the payment of
135 a fine, and a plea of guilty or a finding of guilt, regardless of whether the penalty is rebated,
136 suspended or probated.

137
138 § 1-118 **Crosswalk** –

139 (a) That part of a roadway at an intersection included within the connections of the lateral
140 lines of the sidewalks on opposite sides of the highway measured from the curbs or, in
141 the absence of curbs, from the edges of the traversable roadway; and in the absence of a
142 sidewalk on one side of the roadway, that part of a roadway included within the
143 extension of the lateral lines of the existing sidewalk at right angles to the centerline.

144 (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for
145 pedestrian crossing by lines or other markings on the surface.

146
147 § 1-119 **Dealer** - Every person in the business of buying, selling or exchanging vehicles.

148
149 § 1-120 **Department²** - The department of motor vehicles of this State.

150
151 § 1-121 **Disclose** -to engage in any practice or conduct to make available and make known
152 personal information contained in records of the department about a person to any other person,
153 organization, or entity, by any means of communication

154
155 § 1-122 **Divided highway** - A highway divided into two or more roadways by leaving an
156 intervening space or by a physical barrier or by clearly indicated dividing section so constructed
157 as to impede vehicular traffic

158
159 § 1-123 **Drive** - To operate or be in physical control of a vehicle.

160
161 § 1-124 **Driveway towaway operation** -Any operation in which any motor vehicle, trailer
162 or semitrailer, singly or in combination, new or used, constitutes the commodity being
163 transported, when one set or more of wheels of any such vehicle are on the roadway during the
164 course of transportation, whether or not any such vehicle furnishes the motive power.

165
166 § 1-125 **Driven** - To have operated or been in physical control of a vehicle.

167
168 § 1-126 **Driver** - Every person who drives or is in actual physical control of a vehicle.

² If the administration of this code is not vested in the department of motor vehicles within a particular state, the above definition should be revised to designate the appropriate department or bureau of the state government to administer this code.

169
170 § 1-127 **Driver's license** - Any license to operate a motor vehicle issued under the laws of
171 this State.
172
173 § 1-128 **Driving** - Operating or being in physical control of a vehicle.
174
175 § 1-129 **Drug** - A controlled substance as defined by State or federal law or any other drug
176 or psychoactive substance capable of impairing a person's physical or mental faculties or any
177 combination of these substances.
178
179 § 1-130 **Essential Parts** - All integral and body parts of a vehicle of a type required to be
180 registered hereunder, the removal, alteration or substitution of which would tend to conceal the
181 identity of the vehicle or substantially alter its appearance, model, type or mode of operation.
182
183 § 1-131 **Established place of business** - The place actually occupied either continuously or
184 at regular periods by a dealer or manufacturer where such person's books and records are kept
185 and a large share of the person's business is transacted.
186
187 § 1-132 **Explosives** - Any chemical compound or mechanical mixture that is commonly
188 used or intended for the purpose of producing an explosion and which contains any oxidizing
189 and combustive units or other ingredients in such proportions, quantities or packing that an
190 ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the
191 compound or mixture may cause such a sudden generation of highly heated gases that the
192 resultant gaseous pressures are capable of producing destructive effects on contiguous objects or
193 of destroying life or limb.
194
195 § 1-133 **Farm tractor** - Every motor vehicle designed and used primarily as a farm
196 implement, for drawing plows, mowing machines and other implements of husbandry.
197
198 § 1-134 **Flammable liquid** - Any liquid which has a flash point of 70° F. or less, as
199 determined by a tagliabue or equivalent closed-cup test device.
200
201 § 1-135 **Foreign vehicle** - Every vehicle of a type required to be registered hereunder
202 brought into this State from another state, territory or country other than in the ordinary course of
203 business by or through a manufacturer or dealer and not registered in this State.
204
205 § 1-136 **Gross weight** - The weight of a vehicle without load plus the weight of any load
206 thereon.
207
208 § 1-137 **Hazardous material** - Has the same meaning as that found in 49 U.S.C. §5102
209 (definitions).
210
211 § 1-138 **Highway**³ - The entire width between the boundary lines of every way publicly
212 maintained when any part thereof is open to the use of the public for purpose of vehicular travel.

³ By the above definition the terms "street" and "highway" are synonymous and interchangeable.

- 213
214 **§ 1-139 House trailer**
215 (a) A trailer or semitrailer which is designed, constructed and equipped as a dwelling place,
216 living abode or sleeping (either permanently or temporarily) and is equipped for use as a
217 conveyance on streets and highways, or
218 (b) A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for
219 use as a house trailer, as defined in paragraph (a), but which is used instead permanently
220 or temporarily for the advertising, sales, display or promotion of merchandise or
221 services, or for any other commercial purpose except the transportation of property for
222 hire or the transportation of property for distribution by a private carrier.
223
- 224 **§ 1-140 Human-powered vehicle** - Every vehicle designed to be moved solely by human
225 power.
226
- 227 **§ 1-141 Identifying number** - The vehicle identification number assigned by the
228 manufacturer or by the department for the purpose of identifying the vehicle. The term shall
229 include any numbers or letters assigned by the manufacturer for the purpose of identifying a part
230 of a vehicle and any such number placed on a part in accordance with this code or regulations of
231 the department for the purpose of identifying it.
232
- 233 **§ 1-142 Implement of husbandry** - Every vehicle designed or adapted and used
234 exclusively for agricultural operations and only incidentally operated or moved upon the
235 highway.
236
- 237 **§ 1-143 Imprisonment** - corrections facility, house arrest with electronic monitoring,
238 inpatient rehabilitation or treatment center, or other facility, provided the individual under
239 confinement is in fact being detained.
240
- 241 **§ 1-144 Incarceration** - Confinement in a jail, minimum-security facility, community
242 correction facility, house arrest with electronic monitoring, inpatient rehabilitation or treatment
243 center, or other facility provided the individual under confinement is in fact being detained.
244
- 245 **§ 1-145 Individual record** - A record containing personal information about a designated
246 person who is the subject of the record, as identified in a request for information.
247
- 248 **§ 1-146 Intersection** –
249 (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if
250 none, then the lateral boundary lines of the roadways of two highways which join one
251 another at, or approximately at, right angles, or the area within which vehicles traveling
252 upon different highways joining at any other angle may come in conflict.
253

254 (b) Where a highway includes two roadways (30) feet or more apart, then every crossing of
255 each roadway of such divided highway by an intersecting highway shall be regarded as a
256 separate intersection. In the event such intersecting highway also includes two roadways
257 (30) feet or more apart, then every crossing of two roadways of such highways shall be
258 regarded as a separate intersection.

259 (c) The junction of an alley with a street or highway shall not constitute an intersection.
260

261 **§ 1-147 Laned roadway** - A roadway which is divided into two or more clearly marked
262 lanes for vehicular traffic.

263
264 **§ 1-148 License or License to operate a motor vehicle** - Any driver's license or any
265 license or permit to operate a motor vehicle issued under, or granted by, the laws of this State
266 including:

267 (a) Any temporary license or instruction permit;

268 (b) The privilege of any person to drive a motor vehicle whether or not such person holds a
269 valid license;

270 (c) Any nonresident's operating privilege as defined herein.
271

272 **§ 1-149 Lienholder** - A person holding a security interest in a vehicle.
273

274 **§ 1-150 Local authorities** - Every county, municipal and other local board or body having
275 authority to enact laws relating to the traffic under the constitution and laws of this State.
276

277 **§ 1-151 Mail** - To deposit in the United States mail properly addressed and with postage
278 prepaid.
279

280 **§ 1-152 Manufacturer** - Every person engaged in the business of constructing or
281 assembling vehicles of a type required to be registered hereunder at an established place of
282 business in this State.
283

284 **§ 1-153 Metal tire** - Every tire the surface of which in contact with the highway is wholly
285 or partly metal or other hard, non-resilient material.
286

287 **§ 1-154 Moped** - A motor-driven cycle with a motor which produces not to exceed two-
288 brake horsepower and which is not capable of propelling the vehicle at a speed in excess of 30
289 mph on level ground. If an, internal combustion engine is used, the displacement shall not exceed
290 50 cubic centimeters, and the moped shall have a power drive system that functions directly or
291 automatically without clutching or shifting by the operator after the drive system is engaged.
292

293 **§ 1-155 Motor home** - A motor vehicle designed to provide temporary living quarters built
294 into as an integral part of, or permanently attached to, a self-propelled motor vehicle chassis or
295 van. The vehicle must contain permanently installed independent life support systems which
296 meet the ANSI/NFPA 501C Standard and provide at least four of the following facilities:
297 cooking, refrigeration or ice box, self-contained toilet heating and/or air conditioning, a potable
298 water supply system including a faucet and sink, separate 110-125 volt electrical power supply
299 and/or an LP-gas supply. The basic types are specified as follows:

300 Type A: A raw chassis upon which is built a driver's compartment and an entire body
301 which provides temporary living quarters as defined above; and
302 Type B: A completed van-type vehicle which has been altered to provide temporary living
303 quarters as defined above; and
304 Type C: An incomplete vehicle upon which is permanently attached a body designed to
305 provide temporary living quarters as defined above.
306

307 **§ 1-156 Motor vehicle** - Every vehicle which is self-propelled, and every vehicle which is
308 propelled by electric power obtained from overhead trolley wires but not operated upon rails,
309 except vehicles moved solely by human power and motorized wheelchairs.
310

311 **§ 1-157 Motorcycle** - Every motor vehicle having a seat or saddle for the use of the rider
312 and designed to travel on not more than three wheels in contact with the ground but excluding a
313 tractor.
314

315 **§ 1-158 Motor-driven cycle** - Every motorcycle, motor scooter or motorized bicycle having
316 an engine with less than 150 cubic centimeters displacement or with five brake horsepower or
317 less.
318

319 **§ 1-159 Motorized wheelchair** - Any self-propelled vehicle designed for, and used by, a
320 person with disabilities that is incapable of a speed in excess of eight miles per hour.
321

322 **§ 1-160 Nonresident** - Every person who is not a resident of this State.
323

324 **§ 1-161 Nonresident's operating privilege** - The privilege conferred upon a nonresident by
325 the laws of this State pertaining to the operation by such person of a motor vehicle, or the use of
326 a vehicle owned by such person, in this State.
327

328 **§ 1-162 Odometer** - An instrument for measuring and recording the actual distance a motor
329 vehicle travels while in operation, other than any auxiliary odometer designed to be reset by the
330 operator of the motor vehicle for the purpose of recording mileage on trips.
331

332 **§ 1-163 Official traffic-control device** - All signs, signals, markings and devices not
333 inconsistent with this code placed or erected by authority of a public body or official having
334 jurisdiction, for the purpose of regulating, warning or guiding traffic.
335

336 **§ 1-164 Open alcoholic beverage container** - Any bottle, can or other receptacle that
337 contains any amount of alcoholic beverage, and that is open, has a broken seal, or the contents of
338 which are partially removed.
339

340 **§ 1-165 Park or parking** - The standing of a vehicle, whether occupied or not, otherwise
341 than temporarily for the purpose of and while actually engaged in loading or unloading property
342 or passengers.
343

344 **§ 1-166 Passenger area** - The area designed to seat the driver and passengers while the
345 motor vehicle is in operation and any area that is readily accessible to the driver or passengers

346 while in their seating positions, including but not limited to the glove compartment.

347

348 **§ 1-167 Passenger car** - Every motor vehicle, except motorcycles and motor- driven cycles,
349 designed for carrying 10 passengers or less and used for the transportation of persons.

350

351 **§ 1-168 Pedestrian** - ~~Any person afoot.~~ A person on foot, in a wheelchair, on skates, or on a
352 skateboard. [Council approved June 2012,12A-UVC-01 (item # on NCUTCD website).

353

354 **§ 1-169 Person** - Every natural person, firm, co-partnership, association or corporation.

355

356 **§ 1-170 Person with disabilities** - Persons who, as determined by a licensed physician:

357 (a) cannot walk two hundred feet without stopping to rest;

358 (b) cannot walk without the use of, or assistance from, a brace, cane, crutch, another person,
359 prosthetic device, wheelchair, or other assistance device

360 (c) restricted by lung disease to such an extent that the person's forced (respiratory)
361 expiratory volume for one second, when measured by spirometry, is less than one liter,
362 or the arterial oxygen tension is less than sixty mm of Hg on room air at rest;

363 (d) use portable oxygen;

364 (e) have a cardiac condition to the extent that the person's functional limitations are
365 classified in severity as Class III or Class IV according to standards set by the American
366 Heart Association; or

367 (f) are severely limited in their ability to walk due to an arthritic, neurological, or
368 orthopedic condition.

369

370 **§ 1-171 Personal identification card** – A document issued by the department for the sole
371 purpose of identifying the bearer and not authorized for use as a driver's license.

372

373 **§ 1-172 Personal information** - Information that identifies a person, including an
374 individual's photograph or computerized image, social security number, driver identification
375 number, name, address, (but not the 5-digit zip code), telephone number, and medical or
376 disability information, but does not include information on vehicular accidents, driving or
377 equipment-related violations, and driver's license or registration status.

378

379 **§ 1-173 Pneumatic tire** - Every tire in which compressed air is designed to support the
380 load.

381

382 **§ 1-174 Pole trailer** - Every vehicle without motive power designed to be drawn by another
383 vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or
384 otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly
385 shaped loads such as poles, pipes or structural members capable, generally, of sustaining
386 themselves as beams between the supporting connections.

387

388

389 § 1-175 **Police officer** - Every officer authorized to direct or regulate traffic or to make
390 arrests or issue citations for violations of traffic laws or ordinances.
391

392 § 1-176 **Preliminary alcohol screening test** - An instrument designed and used to measure
393 the presence of alcohol in a person based on a breath sample.
394

395 § 1-177 **Private road or driveway** - Every way or place in private ownership and used for
396 vehicular travel by the owner and those having express or implied permission from the owner,
397 but not by other persons.
398

399 § 1-178 **Railroad** - A carrier of persons or property upon cars (other than streetcars),
400 operating upon stationary rails.
401

402 § 1-179 **Railroad sign or signal** - Any sign, signal or device erected by authority of a
403 public body or official or by a railroad and intended to give notice of the presence of railroad
404 tracks or the approach of a railroad train.
405

406 § 1-180 **Railroad train** - A steam engine, electric or other motor, with or without cars
407 coupled thereto, operated upon rails (except streetcars).
408

409 § 1-181 **Reconstructed vehicle** - Every vehicle of a type required to be registered hereunder
410 materially altered from its original construction by the removal, addition or substitution of
411 essential parts, new or used.
412

413 § 1-182 **Registration** - The registration certificate or certificates and registration plates
414 issued under the laws of this State pertaining to the registration of vehicles.
415

416 § 1-183 **Residence district** - The territory contiguous to and including a highway not
417 comprising a business district when the property on such highway for a distance of 300 feet or
418 more is in the main improved with residences, or residences and buildings in use for business.
419

420 § 1-184 **Revocation of driver's license** - The termination by formal action of the
421 department of a person's license or privilege to operate a motor vehicle on the highways, which
422 terminated license or privilege shall not be subject to renewal or restoration except that an
423 application for a new license may be presented and acted upon by the department after the
424 expiration of the applicable period of time prescribed in this code.
425

426 § 1-185 **Right of way** - The right of one vehicle or pedestrian to proceed in a lawful manner
427 in preference to another vehicle or pedestrian approaching under such circumstances of direction,
428 speed and proximity as to give rise to danger of collision unless one grants precedence to the
429 other.
430

431 § 1-186 **Roadway** - that portion of a highway improved, designed or ordinarily used for
432 vehicular travel, exclusive of the sidewalk, berm or shoulder even though such sidewalk, berm or
433 shoulder is used by persons riding bicycles or other human powered vehicles. In the event a
434

435 highway includes two or more separate roadways the term "roadway" as used herein shall refer
436 to any such roadway separately but not to all such roadways collectively.

437
438 **§ 1-187 Safety Belt** - Any strap, webbing, or similar device designed to secure a person in a
439 motor vehicle including all necessary buckles and other fasteners, and all a roadway for the
440 exclusive use of pedestrians and which is protected or is so marked or indicated by official traffic
441 control devices as to be plainly visible at all times while set apart as a safety zone.

442
443 **§ 1-188 Safety zone** - The area or space officially set apart within a roadway for the
444 exclusive use of pedestrians and which is protected or is so marked or indicated by official traffic
445 control devices as to be plainly visible at all times as set apart as a safety zone.

446
447 **§ 1-189 School bus** - Every bus that is used to transport children to or from school or in
448 connection with school activities, but not including buses operated by common carriers in urban
449 transportation who incidentally accept school children as passengers.

450
451 **§1-190 Security agreement** - A written agreement which reserves or creates a security
452 interest.

453
454 **§1-191 Security interest** - An interest in a vehicle reserved or created by agreement and
455 which secures payment or performance of an obligation. The term includes the interest of a
456 lessor under a lease intended as security. A security interest is "perfected" when it is valid
457 against third parties generally, subject only to specific statutory exceptions.

458
459 **§ 1-192 Semitrailer** - Every vehicle with or without motive power, other than a pole trailer,
460 designed for carrying persons or property and for being drawn by a motor vehicle and so
461 constructed that some part of its weight and that of its load rests upon or is carried by another
462 vehicle.

463
464 **§ 1-193 Sidewalk** - That portion of a street between the curb lines, or the lateral lines of a
465 roadway, and the adjacent property lines, intended for use by pedestrians.

466
467 **§ 1-194 Solid rubber tire** - Every tire of rubber or other resilient material which does not
468 depend upon compressed air for the support of the load.

469
470 **§ 1-195 Special mobile equipment** - Every vehicle not designed or used primarily for the
471 transportation of persons or property and only incidentally operated or moved over a highway,
472 including but not limited to: ditch-digging apparatus, well-boring apparatus and road
473 construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket
474 loaders, tractors other than truck tractors, ditchers, levelling graders, finishing machines, motor
475 graders, road rollers, scarifiers, earth moving carry-ails and scrapers, power shovels and drag
476 lines, and self-propelled cranes and earth moving equipment. The term does not include house
477 trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed
478 for the transportation of persons or property to which machinery has been attached.

479
480 **§ 1-196 Specially constructed vehicles** - Every vehicle of a type required to be registered

481 hereunder not originally constructed under a distinctive name, make, model, or type by a
482 generally recognized manufacturer of vehicles and not materially altered from its original
483 construction.

484
485 **§ 1-197 Stand or standing** - The halting of a vehicle, whether occupied or not, otherwise
486 than temporarily for the purpose of and while actually engaged in receiving or discharging
487 passengers.

488
489 **§ 1-198 State** - A state, territory or possession of the United States, the District of
490 Columbia, the Commonwealth of Puerto Rico or a province of Canada.

491
492 **§ 1-199 Stop** - When required means complete cessation from movement.

493
494 **§ 1-200 Stop or stopping** - When prohibited means any halting even momentarily of a
495 vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in
496 compliance with the directions of a police officer or official traffic-control device.

497
498 **§ 1-201 Street⁴** - The entire width between boundary lines of every way publicly
499 maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

500
501 **§ 1-202 Streetcar⁵** - A car other than a railroad train for transporting persons or property
502 and operated upon rails principally within a municipality.

503
504 **§ 1-203 Suspension of driver's license** - The temporary withdrawal by formal action of the
505 department of a person's license or privilege to operate a motor vehicle on the public highways,
506 which temporary withdrawal shall be for a period specifically designated by the department.

507
508 **§ 1-204 Tank vehicle** - Any motor vehicle that is designed to transport any liquid or
509 gaseous material within a tank that is either permanently or temporarily attached to a vehicle or
510 the chassis. However, this definition does not include tanks having a rated capacity of less than
511 1,000 gallons.

512
513 **§ 1-205 Through highway** - Every highway or portion thereof on which vehicular traffic is
514 given preferential right of way, and at the entrances to which vehicular traffic from intersecting
515 highways is required by law to yield the right of way to vehicles on such through highway in
516 obedience to a stop sign, yield sign, or other official traffic-control device, when such signs or
517 devices are erected as provided in this code.

518
519 **§ 1-206 Trackless trolley coach** - Every motor vehicle which is propelled by electric power
520 obtained from overhead trolley wires but not operated upon rails.

521
522 **§ 1-207 Traffic** - Pedestrians, ridden or herded animals, vehicles, streetcars and other
523 conveyances either singly or together while using such highway for purpose of travel.

⁴ By the above definition the terms "street" and "highway" are synonymous and interchangeable.

⁵ This definition should be omitted by states in which streetcars are not in operation.

524
525 § 1-208 **Traffic control signal** - Any device, whether manually, electrically or
526 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.
527
528 § 1-209 **Trailer** - Every vehicle with or without motive power, other than a pole trailer,
529 designed for carrying persons or property and for being drawn by a motor vehicle and so
530 constructed that no part of its weight rests upon the towing vehicle.
531
532 § 1-210 **Transporter** - Every person engaged in the business of delivering vehicles of a
533 type required to be registered hereunder from a manufacturing, assembling or distributing plant
534 to dealers or sales agents of a manufacturer.
535
536 § 1-211 **Truck** - Every motor vehicle designed, used or maintained primarily for the
537 transportation of property.
538
539 § 1-212 **Truck camper** - Any structure designed, used or maintained primarily to be loaded
540 on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or
541 commercial space.
542
543 § 1-213 **Truck tractor** - Every motor vehicle designed and used primarily for drawing other
544 vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle
545 and load so drawn.
546
547 § 1-214 **Urban district** - The territory contiguous to and including any street which is built
548 up with structures devoted to business, industry or dwelling houses situated at intervals of less
549 than 100 feet for a distance of a quarter of a mile or more.
550
551 § 1-215 **Vehicle** - Every device upon or by which any person or property is or may be
552 transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or
553 tracks.
554
555 § 1-216 **Vehicle identification number** - The vehicle identification number or any other
556 numbers, letters, symbols, data, or combination thereof placed on a vehicle or vehicle part for
557 purposes of identification by the manufacturer or at the direction of the department in accordance
558 with the provisions of this code or at the direction of proper authorities in accordance with the
559 laws of the United States, another state or country. The term includes any identification number
560 placed on or assigned to a component part, replacement part, engine, transmission, and any
561 vehicle identification number derivative.

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CHAPTER 11

RULES OF THE ROAD

ARTICLE I - OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

§ 11-101 Provisions of chapter refer to vehicles upon the highways - exceptions

The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

1. Where a different place is specifically referred to in a given section.
2. The provisions of article IX (and chapter 10)⁷¹ shall apply upon highways and elsewhere throughout the State.

§ 11-102 Required obedience to traffic laws

- (a) It is unlawful, and unless otherwise declared in this chapter with respect to particular offenses, it is a (misdemeanor) (violation) for any person to do any act forbidden or fail to perform any act required in this chapter.
- (b) OPTIONAL Any person who violates section 11-809, 11-901, 11- 902, 11-907, or 11-908 shall be guilty of a misdemeanor.⁷²
- (c) OPTIONAL Any person who violates any other section in this chapter shall be guilty of an infraction.⁷²

§ 11-103 Obedience to authorized persons directing traffic

- (a) No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer, firefighter, flagger at highway construction or maintenance site, or uniformed adult school crossing guard invested by law with authority to direct, control or regulate traffic.
- (b) A police officer at the scene of an accident shall have the authority to control crowds of persons, restore order, open lanes of traffic by causing vehicles to be moved, direct traffic, investigate the cause of the accident, and control the clearing of the scene. All persons at the scene, including but not limited to firefighters, ambulance drivers, paramedics, tow truck operators, and other emergency service personnel, shall obey lawful orders of a police officer.
- (c) When flaggers at highway construction or maintenance sites are directing traffic, they shall use devices and procedures conforming to the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways.

⁷¹ States which have adopted §10-101 should not enact the reference to Chapter 10.

⁷² If the enacting state wishes to provide that most rules of the road violations are not misdemeanors, the word ‘violation’ should be used in subsection (a) in place of the word ‘misdemeanor,’ and subsections (b) and(e) should be adopted. These states also should adopt OPTIONAL 17-101.1 to provide a penalty for violations that are infractions. If the enacting state prefers that all traffic law violations be misdemeanors, the word ‘misdemeanor’ should be used in (a) and subsections (b) and (c) should not be adopted.

600 § 11-104 **Persons riding animals or driving animal - drawn vehicles**

601 Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be
602 granted all of the rights and shall be subject to all of the duties applicable to the driver of a motor
603 vehicle by this chapter, except those provisions of this chapter which by their very nature can
604 have no application.

605
606 § 11-105 **Persons working on highways - exceptions**

607 Unless specifically made applicable, the provisions of this chapter except those contained in
608 article IX shall not apply to persons, motor vehicles and equipment while actually engaged in
609 work upon a highway but shall apply to such persons and vehicles when traveling to or from
610 such work.

611
612 § 11-106 **Authorized emergency vehicles**

- 613 (a) The driver of an authorized emergency vehicle, when responding to an emergency call
614 or when in the pursuit of an actual or suspected violator of the law or when responding
615 to a fire alarm, may exercise the privileges set forth in this section, but subject to the
616 conditions herein stated.
- 617 (b) The driver of an authorized emergency vehicle may:
- 618 1. Park or stand, irrespective of the provisions of this chapter;
 - 619 2. Proceed past a red or stop signal or stop sign, but only after slowing down as may
620 be necessary for safe operation;
 - 621 3. Exceed the maximum speed limits so long as life or property are not thereby
622 endangered;
 - 623 4. Disregard regulations governing direction of movement or turning in specified
624 directions.
- 625 (c) The exemptions herein granted to an authorized emergency vehicle shall apply only
626 when such vehicle is making use of an audible signal meeting the requirements of §12-
627 401 (d) and visual signals meeting the requirements of §12-214 of this code, except that
628 an authorized emergency vehicle operated as a police vehicle need not be equipped with
629 or display a special visual signal visible from in front of the vehicle.
- 630 (d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle
631 from the duty to drive with due regard for the safety of all persons, nor shall such
632 provisions protect the driver from the consequences of the driver's reckless disregard for
633 the safety of others.
- 634
635

636 ARTICLE II - TRAFFIC CONTROL DEVICES

637
638 § 11-201 Obedience to and required traffic-control devices

- 639 (a) The driver of any vehicle shall obey the instructions of any official traffic-control device
640 applicable thereto placed or held in accordance with the provisions of this code, unless
641 otherwise directed by a police officer, subject to the exceptions granted the driver of an
642 authorized emergency vehicle in this code.
- 643 (b) No provision of this code for which official traffic-control devices are required shall be
644 enforced against an alleged violator if at the time and place of the alleged violation an
645 official device is not in proper position and sufficiently legible to be seen by an
646 ordinarily observant person. Whenever a particular section does not state that official
647 traffic-control devices are required, such section shall be effective even though no
648 devices are erected or in place.
- 649 (c) Whenever official traffic-control devices are placed or held in position approximately
650 conforming to the requirements of this code, such devices shall be presumed to have
651 been so placed or held by the official act or direction of lawful authority, unless the
652 contrary shall be established by competent evidence.
- 653 (d) Any official traffic-control device placed or held pursuant to the provisions of this code
654 and purporting to conform to the lawful requirements pertaining to such devices shall be
655 presumed to comply with the requirements of this code, unless the contrary shall be
656 established by competent evidence.

657
658 § 11-202 Traffic-control signal legend

659 ~~(d)~~ In the event an official traffic-control signal is ~~erected and maintained~~ operated at a place
660 other than an intersection, the provisions of this section shall be applicable except as to those
661 provisions which by their nature can have no application. Any stop required shall be made ~~at a~~
662 ~~sign or marking on the pavement indicating where the stop shall be made, but in the absence of~~
663 ~~any such sign or marking the stop shall be made at the signal.~~ before a clearly marked stop line, but
664 if none, before entering the associated crosswalk, or if none, at a location as designated by a traffic
665 control device. In the absence of both pavement markings and other traffic control devices, the required
666 stop shall be made at a point prior to the point of conflict with pedestrian and/or vehicular traffic. [Edited
667 and moved from end of §11-202.]

668 Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or
669 colored lighted arrows, successively one at a time or in combination, only the colors Green, Red
670 and Yellow shall be used, except for special pedestrian signals carrying a legend, and said lights
671 shall indicate and apply to drivers of vehicles and to pedestrians as follows:

- 672 (a) Green indication
- 673 1. Vehicular traffic facing a circular green signal indication may proceed straight
674 through or turn right or left or make a U-turn movement except as such movements
675 are modified or prohibited by other traffic control devices, unless a sign at such
676 place prohibits either such turn. But vehicular traffic, including vehicles turning
677 right or left, shall yield the right of way to other vehicles and to pedestrians lawfully
678 within the intersection or an adjacent crosswalk at the time such signal is exhibited.
679 At the time such signal indication is exhibited, vehicular traffic, including vehicles
680 turning right or left or making a U-turn movement, shall yield the right-of-way to:
681 a. Pedestrians lawfully within the intersection or an associated crosswalk, and

- 682 b. Other vehicles lawfully within the intersection, or approaching so closely as to
 683 constitute an immediate hazard, and
- 684 c. Other vehicles approaching from the opposite direction so closely as to
 685 constitute an immediate hazard during the time when such turning vehicle is
 686 moving across or within the intersection.
- 687 2. Vehicular traffic facing a green arrow signal indication⁷³, ~~exhibited shown~~ alone or
 688 in combination with another traffic signal indication, may cautiously enter the
 689 intersection only to make the movement indicated by such arrow, or such other
 690 movement as is permitted by other indications ~~exhibited shown~~ at the same time.
 691 ~~Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an~~
 692 ~~adjacent crosswalk and to other traffic lawfully using the intersection.~~⁷³
- 693 At the time such signal indication is exhibited, vehicular traffic, including vehicles
 694 turning right or left or making a U-turn movement, shall yield the right-of-way to:
- 695 a. Pedestrians lawfully within the intersection or an associated crosswalk, and
 696 b. Other vehicles lawfully within the intersection, or approaching so closely as to
 697 constitute an immediate hazard, and
 698 c. Other vehicles approaching from the opposite direction so closely as to
 699 constitute an immediate hazard during the time when such turning vehicle is
 700 moving across or within the intersection.
- 701 3. Unless otherwise directed by a pedestrian-control signal or sign as provided in §11-
 702 203, pedestrians facing any circular green signal indication, except when the sole
 703 green signal is a turn arrow, may proceed across the roadway within any associated
 704 marked or unmarked crosswalk. Such pedestrians shall yield the right-of-way to
 705 vehicles lawfully within the intersection or so close as to constitute an immediate hazard at
 706 the time that the green signal indication is first exhibited.
- 707 4. Unless otherwise directed by a pedestrian control signal as provided in §11-203,
 708 pedestrians facing only a green arrow signal indication shall not enter or cross the
 709 roadway. [Note: Item 4 is shown as 2000 UVC text with an edit in the 14A-ROR-01
 710 file. However, the 2000 UVC does not have this text included under 11-202 (a). It
 711 is therefore shown in this document as a prior NC approved change.]
- 712 (b) Steady yellow indication⁷⁴
- 713 1. Vehicular traffic facing a steady circular yellow ~~or yellow arrow~~ signal indication is
 714 thereby warned that the related green movement or the related flashing arrow
 715 movement is being modified or terminated ~~or that a red indication will be exhibited~~
 716 ~~immediately thereafter.~~ The rules set forth concerning vehicular and pedestrian
 717 operation under the movement(s) being modified or terminated shall continue to
 718 apply while the steady circular yellow signal indication is exhibited.

⁷³ It is recommended that the exhibition display of a turning green arrow indication alone or with another indication should indicate that during this display the turning movement is not interfered with by oncoming traffic, which simultaneously should face a red signal.

⁷⁴ It is recommended that the color yellow not be used ~~only before red. If yellow is used~~ following the circular red. ~~†Traffic facing the signal notified of a pending green or flashing arrow indication has a tendency to start before the green or flashing arrow signal appears~~ indication is exhibited, causing interference with cross traffic clearing the intersection.

719 A steady red signal indication may be exhibited immediately thereafter when
720 subsection (c) Steady red indication shall apply. Or a flashing arrow may be
721 exhibited immediately thereafter, whereby the movement being modified may
722 continue under the rules applicable to the flashing arrow being then exhibited.
723 2. Vehicular traffic facing a steady yellow arrow signal indication is thereby warned that the
724 related green arrow movement or the related flashing arrow movement is being modified or
725 terminated. The rules set forth concerning vehicular and pedestrian operation under the
726 movement(s) being modified or terminated shall continue to apply while the steady yellow
727 arrow signal indication is exhibited.
728 A steady red signal indication may be exhibited immediately thereafter when subsection (c)
729 Steady red indication shall apply. Or a flashing arrow may be exhibited immediately
730 thereafter whereby the movement being modified may continue under the rules applicable to
731 the flashing arrow being then exhibited.
732 ~~23. Pedestrians facing a steady circular yellow or yellow arrow signal, unless~~
733 otherwise directed by a pedestrian-control signal as provided in §11-203,
734 pedestrians facing a steady circular yellow or yellow arrow signal indication are
735 thereby ~~advised~~ warned that there is insufficient time to cross the roadway before
736 the next signal indication a red indication is shown is exhibited and no pedestrian
737 shall then start to cross the roadway. [Note: The edits to the 2000 UVC shown for
738 this item in the 14A-ROR-01 file do not appear to be consistent with the actual
739 2000 UVC text. The edits shown to #3 are as needed to reflect the text for this item
740 as approved in the 2014 NC item.]
741 (c) Steady red indication
742 1. Vehicular traffic facing a steady circular red signal indication exhibited alone shall
743 stop ~~at~~ before a clearly marked stop line, but if none, before entering the crosswalk
744 on the near side of the intersection, or if none, then before entering the intersection,
745 and shall remain standing until an indication to proceed is shown except as provided
746 in subsection (c)3.
747 2. Vehicular traffic facing a steady red arrow signal indication shall not enter the
748 intersection to make the movement indicated by the arrow, and unless entering the
749 intersection to make a movement permitted by another signal, shall stop ~~at~~ before a
750 clearly marked stop line, but if none, before entering the crosswalk on the near side
751 of the intersection, or if none, then before entering the intersection and shall remain
752 standing until an indication, steady permitting the movement indicated by such red
753 arrow indication is ~~shown exhibited. except as provided in subsection (c)3.~~
754 3. Except when a traffic control device sign is in place prohibiting a turn on red or a
755 steady red arrow indication is exhibited, vehicular traffic facing ~~any a~~ a steady circular
756 red signal indication may cautiously enter the intersection to turn right, or to turn left
757 from a one-way street into a one-way street, after stopping as required by
758 subsection (c)1 ~~or subsection (c)2.~~ After stopping, the ~~driver shall yield the right of~~
759 ~~way to any vehicle in the intersection or approaching on another roadway so closely~~
760 ~~as to constitute an immediate hazard during the time such driver is moving across or~~
761 ~~within the intersection or junction of roadways. Such driver shall yield the right of~~
762 ~~way to pedestrians within the intersection or an adjacent crosswalk right to proceed~~
763 with the turn shall be subject to the rules applicable after making a stop at a stop
764 sign. [Note: The edits to the 2000 UVC shown for this item in the 14A-ROR-01 file
765 do not appear to be consistent with the actual 2000 UVC text. The edits shown to

766 #3 are as needed to reflect the text for this item as approved in the 2014 NC item.]

767 4. Unless otherwise directed by a pedestrian-control signal as provided in §11-203,
768 pedestrians facing a steady circular red or red arrow signal indication exhibited
769 alone shall not enter or cross the roadway.

770 (d) Flashing yellow arrow signal indications⁷⁵

771 1. Vehicular traffic facing a flashing yellow arrow signal indication, exhibited alone or in
772 combination with another signal indication, is permitted to cautiously enter the
773 intersection only to make the movement indicated by such arrow, or other such
774 movement as is permitted by other signal indications exhibited at the same time.

775 At the time such signal indication is exhibited, vehicular traffic, including vehicles turning
776 right or left or making a U-turn movement, shall yield the right-of-way to:

777 a. Pedestrians lawfully within the intersection or an associated crosswalk, and

778 b. Other vehicles lawfully within the intersection, or approaching so closely as to
779 constitute an immediate hazard, and

780 c. Other vehicles approaching from the opposite direction so closely as to
781 constitute an immediate hazard during the time when such turning vehicle is
782 moving across or within the intersection.

783 2. Unless otherwise directed by a pedestrian control signal as provided in §11—203,
784 pedestrians facing a flashing yellow arrow signal indication may proceed across the
785 roadway within any marked or unmarked associated crosswalk. Pedestrians shall yield
786 the right-of-way to vehicles lawfully within the intersection or so close as to constitute
787 an immediate hazard at the time that the flashing yellow arrow signal indication is first
788 exhibited.

789 (e) Flashing red arrow signal indications⁷⁵

790 1. Vehicular traffic facing a flashing red arrow signal indication, exhibited alone or in
791 combination with another signal indication, if intending to turn in the direction indicated
792 by the arrow, shall stop before a clearly marked stop line; but if none, before entering the
793 crosswalk on the near side of the intersection; or if none, at the point nearest the
794 intersecting roadway where the driver has a view of approaching traffic on the
795 intersecting roadway before entering the intersection. After stopping the driver shall
796 proceed only in the direction indicated by the arrow indication and the right to proceed
797 shall be subject to the rules applicable after making a stop at a stop sign.

798 2. Unless otherwise directed by a pedestrian control signal as provided in §11—203,
799 pedestrians facing a flashing red arrow signal indication, may cautiously proceed across
800 the roadway within any marked or unmarked associated crosswalk. Such pedestrians
801 shall yield the right-of-way to vehicles lawfully within the intersection or so close as to
802 constitute an immediate hazard at the time that the flashing red arrow signal indication
803 is first exhibited.

804 ~~(d) In the event an official traffic control signal is erected and maintained at a place other~~
805 ~~than an intersection, the provisions of this section shall be applicable except as to those~~
806 ~~provisions which by their nature can have no application. Any stop required shall be~~
807 ~~made at a sign or marking on the pavement indicating where the stop shall be made, but~~
808 ~~in the absence of any such sign or marking the stop shall be made at the signal. [Edited~~
809 ~~and moved to the beginning of §11-202, Traffic-control signal legend.~~

⁷⁵ This section applies only to flashing indications that are a part of an otherwise steady indication
sequence. For locations where all exhibited indications flash see § 11- 204.

810 [All changes to §11-202 approved by Council January 2014, 14A-ROR-01 (item # on NCUTCD
811 website).]

812
813 **§ 11-203 Pedestrian-control signals**⁷⁶⁷⁵

814 Whenever ~~special~~ pedestrian-control signals exhibiting the “Walk” or “Don’t Walk” or
815 symbols of a “walking person” or “upraised palm” are in place, such signals shall indicate as
816 follows:

- 817 (a) ~~Flashing or Steady Walk or Walking Person~~ [Council approved deletion of flashing
818 walk June 2012, 12A-ROR-01 (item # on NCUTCD website) - Any pedestrian facing
819 ~~the this~~ signal indication may proceed across the roadway in a marked or unmarked
820 crosswalk in the direction of the pedestrian-control signal and every driver of a vehicle
821 shall yield the right of way to such pedestrian. Such pedestrians shall yield the right-of-
822 way to vehicles lawfully within the intersection or so close as to constitute an immediate
823 hazard at the time that this pedestrian signal indication is first exhibited.
- 824 (b) ~~Flashing or Steady Don’t Walk or Upraised Hand Palm~~ - No pedestrian shall start to
825 cross the roadway in the direction of ~~the this flashing or steady~~ signal indication, but any
826 pedestrian who has partially completed crossing on the walking person signal indication
827 shall proceed to a paved or unpaved sidewalk or ~~safety island~~ a pedestrian refuge area
828 while the ~~don’t walk or upraised hand palm~~ signal indication is exhibited~~showing~~.
- 829 (c) For the purposes of this section, a WALK indication may replace the Walking Person
830 indication and a DONT WALK indication may replace the Upraise Hand indication.

831 [Other than the deletion of the flashing walk term in (a), all changes to §11-203 approved by
832 Council January 2014, 14A-ROR-01 (item # on NCUTCD website).]

833
834 **§ 11-204 Flashing traffic signals**

- 835 (a) Application
- 836 ~~(b)~~ 1. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles
837 and of all other road users approaching railroad grade crossings shall be governed by
838 the rules as set forth in §11-701 of this code.
- 839 2. This section shall not apply to the flashing arrow indications of official traffic-control
840 signals as set forth in §11-202 of this code except when all illuminated signal
841 indications thereat are illuminated with rapid intermittent flashes.
- 842 3. In the event an official flashing traffic signal is operated at a place other than an
843 intersection, the provisions of this section shall be applicable except as to those
844 provisions which by their nature can have no application. Any stop required shall be
845 made before a clearly marked stop line, but if none, before entering the associated
846 crosswalk, or if none, at a location as designated by a traffic control device. In the
847 absence of both pavement markings and other traffic control devices, the required
848 stop shall be at a point prior to the point of conflict with pedestrian and/or vehicular
849 traffic.
- 850 ~~(b)~~ Whenever ~~an illuminated~~ a flashing red or yellow indication ~~light~~ is exhibited ~~used~~ in an

⁷⁶⁷⁵ In states where pedestrian-control signals using the word “Wait” legends are still in use, subsection
(c) ~~authorization for these~~ should be continued in the law until they are all replaced. [Footnote
number 75 and higher have been increased by one due to the addition of new footnote 75 in the
Council action in January 2014, 14A-ROR-01 (item # on NCUTCD website).]

851 official traffic signal, ~~or with a traffic sign~~ it shall require obedience by ~~vehicular traffic~~
852 drivers and pedestrians as follows:

- 853 1. Flashing red (stop signal) - When a circular red lens signal indication or a red
854 arrow indication is illuminated with rapid intermittent flashes, drivers of vehicles
855 facing said indications shall stop ~~at~~ before a clearly marked stop line, but if none,
856 before entering the crosswalk on the near side of the intersection, or if none, then at
857 the point nearest the intersecting roadway where the driver has a view of
858 approaching traffic on the intersecting roadway before entering ~~the intersection.~~
859 ~~and~~ The right to proceed shall be subject to the rules applicable after making a stop
860 at a stop sign. In addition, when stopped in a lane controlled by a red arrow
861 indication, drivers shall proceed only in the direction indicated by the red arrow.
- 862 2. Flashing yellow (caution signal) - When a circular yellow lens signal indication or a
863 yellow arrow indication is illuminated with rapid intermittent flashes, drivers of
864 vehicles facing said indications may ~~proceed through the intersection or past such~~
865 ~~signal only with caution~~ cautiously enter the intersection to proceed straight through
866 or turn right or left or make a U-turn except as such movements are modified or
867 prohibited by other traffic control devices. In addition, when in a lane controlled by
868 a yellow arrow indication, drivers shall proceed only in the direction indicated by
869 the yellow arrow.
870 At the time such signal indication is exhibited, vehicular traffic, including vehicles
871 turning right or left or making a U-turn movement, shall yield the right-of-way to:
- 872 a. Pedestrians lawfully within the intersection or an associated crosswalk, and
 - 873 b. Other vehicles lawfully within the intersection, or approaching so closely as to
874 constitute an immediate hazard, and
 - 875 c. Other vehicles approaching from the opposite direction so closely as to
876 constitute an immediate hazard during the time when such turning vehicle is
877 moving across or within the intersection.
- 878 3. Unless otherwise directed by a pedestrian control signal as provided in §11-203,
879 pedestrians facing a flashing signal indication, may proceed across the roadway
880 within any marked or unmarked associated crosswalk. Such pedestrians shall yield
881 the right-of-way to vehicles lawfully within the intersection or so close as to
882 constitute an immediate hazard.

883 ~~(b) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles~~
884 ~~approaching railroad grade crossings shall be governed by the rules as set forth in §11-~~
885 ~~701 of this code. [Item (b) edited and moved to item (a)1 at beginning of this section.]~~

886 [All changes to §11-204 approved by Council January 2014, 14A-ROR-01 (item # on NCUTCD
887 website).]

888
889

890 **§ 11-205-Lane use control signals**

891 When lane use control signals are placed over individual lanes, the signals shall indicate and
892 apply to drivers of vehicles as follows:

- 893 (a) *Green indication* - vehicular traffic may travel in any lane over which a green signal is
894 shown.
- 895 (b) *Steady yellow indication* - vehicular traffic is thereby warned that a lane control change
896 is being made.
- 897 (c) *Steady red indication* - vehicular traffic shall not enter or travel in any lane over which a
898 red signal is shown.
- 899 (d) *Flashing yellow indication* - vehicular traffic may use the lane only for the purpose of
900 approaching and making a left turn.

901

902 **§ 11-206 Display of unauthorized signs, signals, or markings**

- 903 (a) No person shall place, maintain or display upon or in view of any highway any
904 unauthorized sign, signal, marking, or device which purports to be or is an imitation of
905 or resembles an official traffic-control device or railroad sign or signal, or which
906 attempts to direct the movement of traffic, or which hides from view or interferes with
907 the effectiveness of an official traffic-control device or any railroad sign or signal.
- 908 (b) No person shall place or maintain nor shall any public authority permit upon any
909 highway commercial advertising on any official traffic control device except for
910 business signs included as a part of official motorist service panels or roadside area
911 information panels approved by the (State highway commission).
- 912 (c) This section shall not be deemed to prohibit the erection of signs upon private property
913 adjacent to highways giving useful directional information and of a type that cannot be
914 mistaken for official signs.
- 915 (d) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance
916 and the authority having jurisdiction over the highway is hereby empowered to remove
917 the same or cause it to be removed without notice.

918

919 **§ 11-207 Interference with official traffic control devices**

920 Without lawful authority, no person shall attempt to or in fact alter, twist, deface, injure,
921 knock down, remove or interfere with the effective operation of any official traffic-control
922 device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other
923 part thereof.

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925

926 **ARTICLE III - DRIVING ON RIGHT SIDE OF ROADWAY -**
927 **OVERTAKING AND PASSING – NO USE OF ROADWAY**

928
929 **§ 11-301 Drive on right side of roadway - exceptions**

- 930 (a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the
931 roadway, except as follows:
- 932 1. When overtaking and passing another vehicle proceeding in the same direction
933 under the rules governing such movement;
 - 934 2. When an obstruction exists making it necessary to drive to the left of the center of
935 the highway; provided any person driving to the left of the center of the highway
936 shall yield the right of way to all vehicles traveling in the proper direction upon the
937 unobstructed portion of the highway within such distance as to constitute an
938 immediate hazard;
 - 939 3. Upon a roadway divided into three marked lanes for traffic under the rules
940 applicable thereon; or
 - 941 4. Upon a roadway restricted to one-way traffic.
- 942 (b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the
943 time and place and under the conditions then existing shall be driven in the right-hand
944 lane then available for traffic, or as close as practicable to the right-hand curb or edge of
945 the roadway, except when overtaking and passing another vehicle proceeding in the
946 same direction or when preparing for a left turn at an intersection or into a private road,
947 alley, or driveway. The intent of this subsection is to facilitate the overtaking of slowly
948 moving vehicles by faster moving vehicles.
- 949 (c) Upon any roadway having four or more lanes for moving traffic and providing for two-
950 way movement of traffic, no vehicle shall be driven to the left of the center line of the
951 roadway, except when authorized by official traffic-control devices designating certain
952 lanes to the left side of the center of the roadway for use by traffic not otherwise
953 permitted to use such lanes, or except as permitted under subsection (a)2. This
954 subsection shall not be construed as prohibiting the crossing of the center line in making
955 a left turn into or from an alley, private road or driveway.

956
957 **§ 11-302 Passing vehicles proceeding in opposite directions**

958 Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and
959 upon roadways having width for not more than one line of traffic in each direction each driver
960 shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as
961 possible.

962
963 **§ 11-303 Overtaking a vehicle on the left**

964 The following rules shall govern the overtaking and passing of vehicles proceeding in the
965 same direction, subject to those limitations, exceptions and special rules hereinafter stated:

- 966 (a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall
967 pass at a safe distance to the left of the vehicle being overtaken and shall not again drive to
968 the right side of the roadway until safely clear of the overtaken vehicle.
- 969

- 970 (b) Except when overtaking and passing on the right is permitted, the driver of an overtaken
971 vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and
972 shall not increase the speed of the vehicle until completely passed by the overtaking vehicle.
973

974 **§ 11-304 When passing on the right is permitted**

- 975 (a) The driver of a vehicle may overtake and pass upon the right of another vehicle only
976 under one or more of the following conditions:
977 1. When the vehicle overtaken is making or about to make a left turn;
978 2. Upon a roadway with unobstructed pavement of sufficient width for two or more
979 lines of vehicles moving lawfully in the direction being traveled by the overtaking
980 vehicle.
981 (b) The driver of a vehicle may overtake and pass another vehicle upon the right only under
982 conditions permitting such movement in safety. Such movement shall not be made by
983 driving off the roadway.
984

985 **§ 11-305 Limitations on overtaking on the left**

986 No vehicle shall be driven to the left side of the center of the roadway in overtaking and
987 passing another vehicle proceeding in the same direction unless such left side is clearly visible
988 and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and
989 passing to be completely made without interfering with the operation of any vehicle approaching
990 from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must
991 return to an authorized lane of travel as soon as practicable, and in the event the passing
992 movement involves the use of a lane authorized for vehicles approaching from the opposite
993 direction, before coming within 200 feet of any approaching vehicle.
994

995 **§ 11-306 Further limitations on driving on left of center of roadway**

- 996 (a) No vehicle shall be driven on the left side of the roadway under the following
997 conditions:
998 1. When approaching or upon the crest of a grade or a curve in the highway where the
999 driver's view is obstructed within such distance as to create a hazard in the event
1000 another vehicle might approach from the opposite direction;
1001 2. When approaching within 100 feet of or traversing any intersection or railroad
1002 grade crossing unless otherwise indicated by official traffic control devices;
1003 3. When the view is obstructed upon approaching within 100 feet of any bridge,
1004 viaduct or tunnel,
1005 (b) The foregoing limitations shall not apply upon a one-way roadway, nor under the
1006 conditions described in § 11-301(a)2, nor to the driver of a vehicle turning left into or
1007 from an alley, private road, or driveway.
1008

1009 **§ 11-307 No-passing zones**

- 1010 (a) The (State highway commission) and local authorities are authorized to determine those
1011 portions of any highway under their respective jurisdictions where overtaking and
1012 passing or driving on the left side of the roadway would be especially hazardous and
1013 may by appropriate signs or markings on the roadway indicate the beginning and end of
1014

- 1015 such zones; and when such signs or markings are in place and clearly visible to an
1016 ordinarily observant person every driver of a vehicle shall obey the directions thereof.
1017 (b) Where signs or markings are in place to define a no-passing zone as set forth in
1018 paragraph (a) no driver shall at any time drive on the left side of the roadway within
1019 such no-passing zone or on the left side of any pavement striping designed to mark such
1020 no-passing zone.
1021 (c) This section does not apply under the conditions described in §11-301(a)2, nor to the
1022 driver of a vehicle turning left into or from an alley, private road or driveway.
1023

1024 **§ 11-308 One-way roadways and rotary traffic islands**

- 1025 (a) The (State highway commission) and local authorities with respect to highways under
1026 their respective jurisdictions may designate any highway, roadway, part of a roadway, or
1027 specific lanes upon which vehicular traffic shall proceed in one direction at all or such
1028 times as shall be indicated by official traffic-control devices.
1029 (b) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the
1030 direction designated at all or such times as shall be indicated by official traffic-control
1031 devices.
1032 (c) A vehicle passing around a rotary traffic island shall be driven only to the right of such
1033 island.
1034

1035 **§ 11-309 Driving on roadways laned for traffic**

1036 Whenever any roadway has been divided into two or more clearly marked lanes for traffic,
1037 the following rules, in addition to all others consistent herewith, shall apply.

- 1038 (a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall
1039 not be moved from such lane until the driver has first ascertained that such movement
1040 can be made with safety.
1041 (b) Upon a roadway which is divided into three lanes and provides for two-way movement
1042 of traffic, a vehicle shall not be driven in the center lane except when overtaking and
1043 passing another vehicle traveling in the same direction when such center lane is clear of
1044 traffic within a safe distance, or in preparation for making or completing a left turn; or
1045 where such center lane is at the time allocated exclusively to traffic moving in the same
1046 direction that the vehicle is proceeding and such allocation is designated by official
1047 traffic-control devices.
1048 (c) Official traffic-control devices may be erected directing specified traffic to use a
1049 designated lane or designating those lanes to be used by traffic moving in a particular
1050 direction regardless of the center of the roadway and drivers of vehicles shall obey the
1051 directions of every such device.
1052 (d) Official traffic-control devices may be installed prohibiting the changing of lanes on
1053 sections of roadway, and drivers of vehicles shall obey the directions of every such
1054 device.
1055

1056 **§ 11-310 Following too closely**

- 1057 (a) The driver of a vehicle shall not follow another vehicle more closely than is reasonable
1058 and prudent, having due regard for the speed of such vehicles and the traffic upon and
1059 the condition of the highway.
1060 (b) Whenever conditions permit, the driver of any truck or motor vehicle drawing another

1061 vehicle when traveling upon a roadway outside of a business or residence district and
1062 which is following another truck or motor vehicle drawing another vehicle, shall leave
1063 sufficient space so that an overtaking vehicle may enter and occupy such space without
1064 danger, except that this shall not prevent a truck or motor vehicle drawing another
1065 vehicle from overtaking and passing any vehicle or combination of vehicles.
1066 (c) Motor vehicles being driven upon any roadway outside of a business or residence
1067 district in a caravan or motorcade whether or not towing other vehicles shall be so
1068 operated as to allow sufficient space between each such vehicle or combination of
1069 vehicles so as to enable any other vehicle to enter and occupy such space without
1070 danger. This provision shall not apply to funeral processions.
1071

1072 **§ 11-311 Driving on divided highways**

- 1073 (a) Whenever any highway has been divided into two or more roadways by leaving an
1074 intervening space, a physical barrier, or a clearly indicated dividing section so
1075 constructed as to impede vehicular traffic, every vehicle shall be driven only upon the
1076 right-hand roadway unless directed or permitted to use another roadway by official
1077 traffic-control devices or police officers.
1078 (b) No vehicle shall be driven over, across or within any such dividing space, barrier or
1079 section; except a vehicle may be driven through an opening in such physical barrier or
1080 dividing section or space or at an established cross-over or intersection unless
1081 specifically prohibited by public authority.
1082 (c) The driver of a vehicle may turn left across a paved dividing space unless prohibited by
1083 an official traffic-control device.
1084

1085 **§ 11-312 Restricted access**

1086 No person shall drive a vehicle onto or from any controlled access highway except at such
1087 entrances and exits as are established by public authority.
1088

1089 **§ 11-313 Restrictions on use of controlled-access roadway**

- 1090 (a) The (State highway commission) by resolution or order entered in its minutes, and local
1091 authorities by ordinance, may regulate or prohibit the use of any controlled-access
1092 roadway (or highway) within their respective jurisdictions by any class or kind of traffic
1093 which is found to be incompatible with the normal and safe movement of traffic.
1094 (b) The (State highway commission) or the local authority adopting any such prohibition
1095 shall erect and maintain official traffic-control devices on the controlled-access highway
1096 on which such prohibitions are applicable and when in place no person shall disobey the
1097 restrictions stated on such devices.
1098
1099

ARTICLE IV - RIGHT OF WAY

§ 11-401 Vehicle approaching or entering intersection

- (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 right of way rule declared in paragraph (a) is modified at through highways and otherwise as stated in this chapter.

§ 11-402 Vehicle turning left

The driver of a vehicle intending to turn to the left shall yield the right of way to any vehicle approaching from the opposite direction which is so close as to constitute an immediate hazard.

§ 11-403 Stop signs and Yield signs

- (a) Preferential right of way may be indicated by stop signs or yield signs as authorized in § 15-109 of this code.
(b) Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at/before a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right of way to: any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways. Such driver shall yield the right of way to pedestrians within an adjacent crosswalk.
1. Pedestrians lawfully within the intersection or an associated crosswalk, and
2. Any vehicle moving within or across the intersection, and
3. Other vehicles approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of highways. [Approved by Council January 2014, 14A-ROR-01 (item # on NCUTCD website).]
(c) The driver of vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions, and if required for safety to stop, shall stop at/before a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After slowing or stopping, the driver shall yield the right of way to: any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Such driver shall yield the right of way to pedestrians within an adjacent crosswalk.
1. Pedestrians lawfully within the intersection or an associated crosswalk, and
2. Any vehicle moving within or across the intersection, and
3. Other vehicles approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of highways.

1146 If such a driver after driving past a yield sign is involved in a collision with a vehicle in
1147 the intersection or junction of roadways or with a pedestrian in an ~~adjacent~~ associated
1148 crosswalk, such collision shall be deemed prima facie evidence of the driver's failure to
1149 yield right of way.

1150 (d) Except when directed to proceed by a police officer, every driver of a vehicle
1151 approaching a stop sign located at a railroad crossing shall stop ~~before~~ before the clearly
1152 marked stop line, but if none, before entering the crosswalk on the near side of the
1153 crossing, or if none, then within 50 feet but not less than 15 feet from the nearest rail of
1154 such railroad and while so stopped shall listen and look in both directions along such
1155 track for signals indicating the approach of a train or other vehicle, and shall not proceed
1156 until it is safe to do so. After stopping as required herein and proceeding when it is safe
1157 to do so, the driver shall cross only in such gear of the vehicle that there will be no
1158 necessity for manually changing gears while traversing such crossing, and the driver
1159 shall not manually shift gears while crossing the track or tracks.

1160 (e) The driver of a vehicle approaching a yield sign located at a railroad crossing shall, in
1161 obedience to such sign, slow down to a speed reasonable for the existing conditions, and
1162 if required for safety to stop, shall stop at the clearly marked stop line, but if none,
1163 before entering the crosswalk on the near side of the crossing, or if none, then within 50
1164 feet but not less than 15 feet from the nearest rail of such railroad, and while so stopped
1165 shall listen and look in both directions along such track for any approaching train or
1166 other vehicle and for signals indicating the approach of a train or other vehicle, and shall
1167 not proceed until it is safe to do so.

1168 If a full stop for safety is not required, the driver shall yield the right of way to any
1169 train or other vehicle within the crossing or approaching so closely as to constitute an
1170 immediate hazard during the time such driver is moving across or within the crossing. If
1171 such driver is involved in a collision with a train or other vehicle in the crossing after
1172 driving past the yield sign, such collision shall be deemed prima facie evidence of the
1173 driver's failure to yield right of way.

1174 After stopping or slowing as required herein and proceeding when it is safe to do
1175 so, the driver of any vehicle shall cross only in such gear of the vehicle that there will be
1176 no necessity for manually changing gears while traversing such crossing, and driver
1177 shall not manually shift gears while crossing, the track or tracks.

1178 [Approved by Council January 2014, 14A-ROR-01 (item # on NCUTCD website).]
1179

1180 **§ 11-404 Vehicle entering roadway**

1181 The driver of a vehicle about to enter or cross a roadway from any place other than another
1182 roadway shall yield the right of way to all vehicles approaching on such roadway.
1183

1184 **§ 11-405 Operation of vehicles (and streetcars) on approach of authorized emergency**
1185 **vehicles**

1186 (a) Upon the immediate approach of an authorized emergency vehicle making use of an
1187 audible signal meeting the requirements of §12-401(d) and visual signals meeting the
1188 requirements of § 12-214 of this code, or of a police vehicle properly and lawfully
1189 making use of an audible signal only:

1190 1. The driver of every other vehicle shall yield the right of way and shall immediately
1191 drive to a position parallel to, and as close as possible to, the right-hand edge or

1192 curb of the roadway clear of any intersection, and shall stop and remain in such
1193 position until the authorized emergency vehicle has passed, except when otherwise
1194 directed by a police officer.

1195 2. Upon the approach of an authorized emergency vehicle, the operator of every
1196 streetcar shall immediately stop such car clear of any intersection and keep it in
1197 such position until the authorized emergency vehicle has passed, except when
1198 otherwise directed by a police officer. ¹¹⁷⁶

1199 (b) This section shall not operate to relieve the driver of an authorized emergency vehicle
1200 from the duty to drive with due regard for the safety of all persons using the highway.
1201

1202 **§ 11-406.-Highway construction and maintenance**

1203 (a) The driver of a vehicle shall yield the right of way to any authorized vehicle or
1204 pedestrian actually engaged in work upon a highway within any highway construction or
1205 maintenance area indicated by official traffic-control devices.

1206 b) The driver of a vehicle shall yield the right of way to any authorized vehicle obviously
1207 and actually engaged in work upon a highway whenever such vehicle displays flashing
1208 lights meeting the requirements of §12-223.
1209
1210

¹¹⁷⁶ Subparagraph (a)2 should be omitted in states where no streetcars are in operation.

1211 **ARTICLE V - PEDESTRIANS' RIGHTS AND DUTIES**

1212

1213 **§ 11-501 Pedestrian obedience to traffic-control devices and traffic regulations**

- 1214 (a) A pedestrian shall obey the instructions of any official traffic-control device specifically
1215 applicable to such pedestrian, unless otherwise directed by a police officer.
- 1216 (b) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in §5
1217 11-202 and 11-203.
- 1218 (c) At all other places, pedestrians shall be accorded the privileges and shall be subject to
1219 the restrictions stated in this chapter.
- 1220

1221 **§ 11-502 Pedestrians' right of way in crosswalks**

- 1222 (a) When traffic-control signals are not in place or not in operation, the driver of a vehicle
1223 shall yield the right of way, slowing down or stopping if need be to yield to a pedestrian
1224 crossing the roadway within a crosswalk when the pedestrian is upon the half of the
1225 roadway upon which the vehicle is traveling, or when the pedestrian is approaching so
1226 closely from the opposite half of the roadway as to be in danger.
- 1227 (b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into
1228 the path of a vehicle which is so close as to constitute an immediate hazard.
- 1229 (c) Paragraph (a) shall not apply under the conditions stated in §11-503(b).
- 1230 (d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at
1231 an intersection to permit a pedestrian to cross the roadway, the driver of any other
1232 vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
- 1233

1234 **§ 11-503 Crossing at other than crosswalks**

- 1235 (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk
1236 or within an unmarked crosswalk at an intersection shall yield the right of way to all
1237 vehicles upon the roadway.
- 1238 (b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead
1239 pedestrian crossing has been provided shall yield the right of way to all vehicles upon
1240 the roadway.
- 1241 (c) Between adjacent intersections at which traffic-control signals are in operation
1242 pedestrians shall not cross at any place except in a marked crosswalk.
- 1243 (d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official
1244 traffic-control devices; and when authorized to cross diagonally, pedestrians shall cross
1245 only in accordance with the official traffic-control devices pertaining to such crossing
1246 movements.
- 1247

1248 **§ 11-504 Drivers to exercise due care**

1249 Notwithstanding other provisions of this chapter or the provisions of any local ordinance,
1250 every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any
1251 person propelling a human powered vehicle and shall give an audible signal when necessary, and
1252 shall exercise proper precaution upon observing any child or any obviously confused,
1253 incapacitated or intoxicated person.

1254

1255

- 1256 § 11-505 **Pedestrians to use right half of crosswalks**
 1257 Whenever practicable, pedestrians shall move upon the right half of crosswalks.
 1258
- 1259 § 11-506 **Pedestrians on highways**
 1260 (a) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any
 1261 pedestrian to walk along and upon an adjacent roadway.
 1262 (b) Where a sidewalk is not available, any pedestrian walking along and upon a highway
 1263 shall walk only on the shoulder, as far as practicable from the edge of the roadway.
 1264 (c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and
 1265 upon a highway shall walk as near as practicable to an outside edge of the roadway, and
 1266 if on a two-way roadway, shall walk only on the left side of the roadway.
 1267 (d) Except as otherwise provided in this chapter, any pedestrian upon a roadway shall yield
 1268 the right of way to all vehicles upon the roadway.
 1269
- 1270 § 11-507 **Pedestrians soliciting rides or business**
 1271 (a) No person shall stand in a roadway for the purpose of soliciting a ride.
 1272 (b) No person shall stand on a highway for the purpose of soliciting employment, business,
 1273 or contributions from the occupant of any vehicle.
 1274 (c) No person shall stand on or in proximity to a street or highway for the purpose of
 1275 soliciting the watching or guarding of any parked vehicle or any vehicle about to be
 1276 parked on a street or highway.
 1277
- 1278 § 11-508 **Driving through safety zone prohibited**
 1279 No vehicle shall at any time be driven through or within a safety zone.
 1280
- 1281 § 11-509 **Pedestrians' right of way on sidewalks**
 1282 The driver of a vehicle crossing a sidewalk shall yield the right of way to any pedestrian and
 1283 all other traffic on the sidewalk.
 1284
- 1285 § 11-510 **Pedestrians yield to authorized emergency vehicles**
 1286 (a) Upon the immediate approach of an authorized emergency vehicle making use of an
 1287 audible signal meeting the requirements of § 12-401(d) and visual signals meeting the
 1288 requirements of § 12-214 of this code, or of a police vehicle properly and lawfully
 1289 making use of an audible signal only, every pedestrian shall yield the right of way to the
 1290 authorized emergency vehicle.
 1291 (b) This section shall not relieve the driver of an authorized emergency vehicle from the
 1292 duty to drive with due regard for the safety of all persons using the highway nor from
 1293 the duty to exercise due care to avoid colliding with any pedestrian.
 1294
- 1295 § 11-511 **Blind pedestrian right of way**
 1296 The driver of a vehicle shall yield the right of way to any blind pedestrian carrying a visible
 1297 white cane or accompanied by a guide dog.
 1298
 1299

1300 **§ 11-512 Pedestrians under influence of alcohol or drugs**

1301 A pedestrian who is under the influence of alcohol or any drug to a degree which renders
1302 such pedestrian a hazard shall not walk or be upon a highway except on a sidewalk.

1303

1304 **§ 11-513 Bridge and railroad signals**

1305 (a) After a bridge operation signal has been given, no pedestrian shall enter or remain upon
1306 the bridge or approach thereto beyond the bridge signal, gate or barrier.

1307 (b) No pedestrian shall pass through, around, over or under any crossing gate or barrier at a
1308 railroad grade crossing or bridge while such gate or barrier is closed or is being opened
1309 or closed.

1310

**ARTICLE VI - TURNING AND STARTING
AND
SIGNALS ON STOPPING AND TURNING**

§ 11-601 Required position and method of turning

The driver of a vehicle intending to turn shall do so as follows:

- (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 shall approach the turn in the extreme left lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable, the left turn shall be made to the left of the center of the intersection so as to leave the intersection or other location in the extreme left lane lawfully available to traffic.
- (c) The state highway commission and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles, and when such devices are so placed no driver shall turn a vehicle other than as directed and required by such devices.
- (d) *Two-way left turn lanes* - Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic-control devices:
 - 1. A left turn shall not be made from any other lane,
 - 2. A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U turn when otherwise permitted by law.

§ 11-602 Limitations on U-turns

- (a) The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic.
- (b) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.

§ 11-603 Starting a parked vehicle

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

§ 11-604 Turning movements and required signals

- (a) No person shall turn a vehicle or move right or left upon a roadway unless and until such movement can be made with reasonable safety nor without giving an appropriate signal.
- (b) For vehicles equipped with mechanical or electrical turn signals, a signal of intention to turn or move right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

- 1355 (c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an
1356 appropriate signal to the driver of any vehicle immediately to the rear when there is
1357 opportunity to give such signal.
- 1358 (d) The signals required on vehicles by §11-605(b) shall not be flashed on one side only of a
1359 disabled vehicle, flashed as a courtesy or “do pass” signal to operators of other vehicles
1360 approaching from the rear, nor be flashed on one side only of a parked vehicle except as
1361 may be necessary for compliance with this section.

1362
1363 **§ 11-605 Signals by hand and arm or signal lamps**

- 1364 (a) Any stop or turn signal when required shall be given either by means of the hand and
1365 arm or by signal lamps, except as otherwise provided in paragraph (b).
- 1366 (b) Any motor vehicle in use on a highway shall be equipped with, and required signal shall
1367 be given by, signal lamps when the distance from the center of the top of the steering
1368 post to the left outside limit of the body, cab or load of such motor vehicle exceeds 24
1369 inches, or when the distance from the center of the top of the steering post to the rear
1370 limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to
1371 any single vehicle and to any combination of vehicles.
- 1372 (c) The signals required on vehicles by subsection (b) shall not be flashed on one side only
1373 on a disabled vehicle, flashed as a courtesy or “do pass” signal to operators of other
1374 vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle
1375 except as may be necessary for compliance with this section.

1376
1377 **§ 11-606 Method of giving hand-and-arm signals**

1378 All hand-and-arm signals shall be given from the left side of the vehicle in the following
1379 manner and such signals shall indicate as follows:

- 1380 1. *Left turn* - Hand and arm extended horizontally.
- 1381 2. *Right turn* - Hand and arm extended upward.
- 1382 3. *Stop or decrease speed* - Hand and arm extended downward.

1383 Notwithstanding the foregoing provisions, a person operating a bicycle may give a right turn
1384 signal by extending the right hand and arm horizontally and to the right side of the bicycle.

1385
1386

1387 **ARTICLE VII - SPECIAL STOPS REQUIRED**

1388
1389 **§ 11-701 Obedience to signal indicating approach of train**

- 1390 (a) Whenever any person driving a vehicle approaches a railroad grade crossing under any
1391 of the circumstances stated in this section, the driver of such vehicle shall stop within 50
1392 feet but not less than 15 feet from the nearest rail of such railroad, and shall not proceed
1393 until it is safe to do so. The foregoing requirements shall apply when:
- 1394 1. A clearly visible electric or mechanical signal device gives warning of the
1395 immediate approach of a railroad train;
 - 1396 2. A crossing gate is lowered or when a human flagger gives or continues to give a
1397 signal of the approach or passage of a railroad train;
 - 1398 3. A railroad train approaching within approximately 1,500 feet of the highway
1399 crossing emits a signal audible from such distance, or such railroad train by reason
1400 of its speed or nearness to such crossing is an immediate hazard;
 - 1401 4. An approaching railroad train is plainly visible and is in hazardous proximity to
1402 such crossing.
- 1403 (b) No person shall drive any vehicle through, around or under any crossing gate or barrier
1404 at a railroad crossing while such gate or barrier is closed or is being opened or closed.
1405

1406 **§ 11-702 Certain vehicles must stop at all railroad grade crossings**

- 1407 (a) Except as provided in subsection (b), the driver of any vehicle described in regulations
1408 issued pursuant to subsection (c), before crossing at grade any track or tracks of a
1409 railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest
1410 rail of such railroad and, while so stopped shall listen and look in both directions along
1411 such track for any approaching train and for signals indicating the approach of a train
1412 and shall not proceed until it is safe to do so. After stopping as required, upon
1413 proceeding when it is safe to do so, the driver of the vehicle shall cross only in a gear of
1414 the vehicle that will not require manually changing gears while traversing such crossing,
1415 and the driver shall not manually shift gears while crossing the track or tracks.
- 1416 (b) This section shall not apply at:
- 1417 1. Any railroad grade crossing at which traffic is controlled by a police officer or
1418 human flagger;
 - 1419 2. Any railroad grade crossing at which traffic is regulated by a traffic-control signal;
 - 1420 3. Any railroad grade crossing protected by crossing gates or an alternately flashing
1421 light signal intended to give warning of the approach of a railroad train;
 - 1422 4. Any railroad grade crossing at which an official traffic control device gives notice
1423 that the stopping requirement imposed by this section does not apply.
- 1424 (c) The (commissioner or other appropriate State official or agency) shall adopt such
1425 regulations as may be necessary describing the vehicles which must comply with the
1426 stopping requirements of this section. In formulating such regulations the (commissioner
1427 or other appropriate State official or agency) shall give consideration to the number of
1428 passengers carried by the vehicle and the hazardous nature of any substance carried by
1429 the vehicle in determining whether such vehicle shall be required to stop. Such
1430

1431 regulations shall correlate with and so far as possible conform to the most recent
1432 regulation of the United States Department of Transportation. ~~7877~~

1433

1434 **§ 11-703 Moving heavy equipment at railroad grade crossings**

- 1435 (a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller,
1436 or any equipment or structure having a normal operating speed of 10 or less miles per
1437 hour or a vertical body or load clearance of less than one-half inch per foot of the
1438 distance between any two adjacent axles or in any event of less than nine inches,
1439 measured above the level surface of a roadway, upon or across any tracks at a railroad
1440 grade crossing without first complying with this section.
- 1441 (b) Notice of any such intended crossing shall be given to a station agent of such railroad
1442 and a reasonable time be given to such railroad to provide proper protection at such
1443 crossing.
- 1444 (c) Before making any such crossing the person operating or moving any such vehicle or
1445 equipment shall first stop not less than 15 feet nor more than 50 feet from the nearest rail
1446 of the railroad tracks, and while so stopped shall listen and look in both directions along
1447 such track for any approaching train and for signals indicating the approach of a train,
1448 and shall not proceed until the crossing can be made safely.
- 1449 (d) No such crossing shall be made when warning is given by automatic signal or crossing
1450 gates or a flagger or otherwise of the immediate approach of a railroad train or car. If a
1451 flagger is provided by the railroad, movement over the crossing shall be under the
1452 flagger's direction.

1453

1454 **§ 11-704 Emerging from alley, driveway or building**

1455 The driver of a vehicle emerging from an alley, building, private road, or driveway within a
1456 business or residence district shall stop such vehicle immediately prior to driving onto a sidewalk
1457 or onto the sidewalk area extending across such alley, building entrance, private road, or
1458 driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be
1459 entered where the driver has a view of approaching traffic thereon.

1460

1461 **§ 11-705 Overtaking and passing school bus**

- 1462 (a) The driver of a vehicle meeting or overtaking from either direction any school bus
1463 meeting the color and identification requirements of §12-222(a), (b) and (c) of this code
1464 stopped on the highway shall stop before reaching such school bus when there is in
1465 operation on that school bus the flashing red lights specified in §12-222(a). The driver
1466 shall not proceed until such school bus resumes motion or the flashing red lights are no
1467 longer actuated.
- 1468 (b) The red visual signals meeting the requirements of § 12-222(a) of this code shall be
1469 actuated by the driver of the school bus only whenever such vehicle is stopped on the
1470 highway for the purpose of receiving or discharging school children. A school bus
1471 driver shall not actuate said special visual signals:
- 1472 1. In business districts and on urban arterial streets designed by the (State highway
1473 commission) or local authorities:

1474

~~7877~~ This regulation can be found in 49 Code of Federal Regulations 392.10.

- 1475 2. At intersections or other places where traffic is controlled by traffic-control signals
1476 or police officers; or
1477 3. In designated school bus loading areas where the bus is entirely off the roadway.
1478 (c) The driver of a vehicle upon a highway with separate roadways need not stop upon
1479 meeting or passing a school bus which is on a different roadway, or when the school bus
1480 is stopped upon a controlled- access highway in a loading zone which is a part of or
1481 adjacent to such highway and where pedestrians are not permitted to cross the roadway.
1482

1483 **ARTICLE VIII - SPEED RESTRICTIONS**

1484
1485 **§ 11-801 Basic rule**

1486 No person shall drive a vehicle at a speed greater than is reasonable and prudent under the
1487 conditions, including actual and potential hazards then existing. Consistent with the foregoing,
1488 every person shall drive at a safe and appropriate speed when approaching and crossing an
1489 intersection or railroad grade crossing, when approaching and going around a curve, when
1490 approaching the crest of a hill, when traveling upon any narrow or winding roadway, and when
1491 special hazards exist with respect to pedestrians or other traffic or by reason of weather or
1492 highway conditions.

1493
1494 **§ 11-802 Maximum limits**

1495 Except when a special hazard exists that requires lower speed for compliance with §11-801,
1496 the limits hereinafter specified shall be maximum lawful speeds, and no person shall drive a
1497 vehicle at a speed in excess of such maximum limits.

- 1498 1. Thirty miles per hour in any urban district;
1499 2. Fifty-five miles per hour in other locations.

1500 The maximum speed limits set forth in this section may be altered as authorized in §11-803
1501 and §11-804.

1502
1503 **§ 11-803 Establishment of State speed zones**

1504 Whenever the (State highway commission) shall determine upon the basis of an engineering
1505 and traffic investigation that any maximum speed specified in §11-802 is greater or less than is
1506 reasonable or safe under the conditions found to exist at any intersection or other place or upon
1507 any part of the State highway system, the (commission) may specify a reasonable and safe
1508 maximum limit, which shall be effective when appropriate signs giving notice thereof are
1509 erected. Such a maximum speed limit may be effective at all times or at such times as are
1510 indicated by appropriate signs; and differing limits may be established for different times of day,
1511 different types of vehicles, varying weather conditions, and other factors bearing on safe speeds,
1512 which shall be effective when posted upon appropriate fixed or variable signs.

1513
1514 **§ 11-804 When local authorities may and shall alter maximum limits**

- 1515 (a) Whenever local authorities in their respective jurisdictions determine on the basis of an
1516 engineering and traffic investigation that the maximum speed permitted under this
1517 article is greater or less than is reasonable and safe under the conditions found to exist
1518 upon a highway or part of a highway, the local authority may determine and declare a
1519 reasonable and safe maximum limit thereon which:

- 1520 1. Decreases the limit at intersections; or
1521 2. Increases the limit within an urban district but not to more than 55 miles per hour;
1522 or
1523 3. Decreases the limit outside an urban district, but not to less than 35 miles per hour.

- 1524 (b) Local authorities in their respective jurisdictions shall determine by an engineering and
1525 traffic investigation the proper maximum speed for all arterial streets and shall declare a
1526 reasonable and safe maximum limit thereon which may be greater or less than the
1527 maximum speed permitted under this code for an urban district.

- 1529 (c) Any altered limit shall be effective at all times, or during hours of darkness or at other
- 1530 times as may be determined when appropriate signs giving notice thereof are erected
- 1531 upon such street or highway.
- 1532 (d) Any alteration of maximum limits on State highways or extensions thereof in a
- 1533 municipality by local authorities shall not be effective until such alteration has been
- 1534 approved by the (State highway commission).
- 1535 (e) Not more than six such alterations as hereinabove authorized shall be made per mile
- 1536 along a street or highway, except in the case of reduced limits at intersections, and the
- 1537 difference between adjacent limits shall not be more than 10 miles per hour.
- 1538

1539 **§ 11-805 Minimum speed regulation**

- 1540 (a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and
- 1541 reasonable movement of traffic except when reduced speed is necessary for safe
- 1542 operation or in compliance with law.
- 1543 (b) Whenever the (State highway commission) or local authorities within their respective
- 1544 jurisdictions determine on the basis of an engineering and traffic investigation that slow
- 1545 speeds on any highway or part of a highway impede the normal and reasonable
- 1546 movement of traffic, the (commission) or such local authority may establish a minimum
- 1547 speed limit below which no person shall drive a vehicle except when necessary for safe
- 1548 operation or in compliance with law, and that limit shall be effective when posted upon
- 1549 appropriate fixed or variable signs.
- 1550

1551 **§ 11-806 Special speed limitation on motor-driven cycles**

1552 No person shall operate any motor-driven cycle at any time mentioned in §12-201 at a speed
 1553 greater than 35 miles per hour unless such motor-driven cycle is equipped with a head lamp or
 1554 lamps which are adequate to reveal a person or vehicle at a distance of 300 feet ahead.

1556 **§ 11-807 Special speed limitations**

- 1557 (a) No person shall drive a vehicle which is towing a house trailer at a speed greater than a
- 1558 maximum of 45 miles per hour.
- 1559 (b) No person shall drive a vehicle over any bridge or other elevated structure constituting a
- 1560 part of a highway at a speed which is greater than the maximum speed which can be
- 1561 maintained with safety to such bridge or structure, when such structure is signposted as
- 1562 provided in this section.
- 1563 (c) The (State highway commission) and local authorities on highways under their
- 1564 respective jurisdictions may conduct an investigation of any bridge or other elevated
- 1565 structure constituting a part of a highway, and if it shall thereupon find that such
- 1566 structure cannot with safety to itself withstand vehicles traveling at the speed otherwise
- 1567 permissible under this chapter, the (commission) or local authority shall establish the
- 1568 maximum speed of vehicles which such structure can safely withstand, and shall cause
- 1569 or permit suitable signs stating such maximum speed to be erected and maintained
- 1570 before each end of such structure.
- 1571

1572 (d) Upon the trial of any person charged with a violation of this section, proof of the
1573 determination of the maximum speed by the (commission) and the existence of the signs
1574 shall constitute conclusive evidence of the maximum speed which can be maintained
1575 with safety to such bridge or structure.
1576

1577 **§ 11-808 Charging violations and rule in civil actions**

1578 (a) In every charge of violation of any speed regulation in this article, the complaint and the
1579 summons or notice to appear, shall specify the speed at which the defendant is alleged to
1580 have driven and the maximum speed applicable within the district or at the location.

1581 (b) The provision of this article declaring maximum speed limitations shall not be construed
1582 to relieve the plaintiff in any civil action from the burden of proving negligence on the
1583 part of the defendant as the proximate cause of an accident.
1584

1585 **§ 11-809 Racing on highways**

1586 (a) No person shall drive any vehicle in any race, speed competition, drag race or
1587 acceleration contest, test of physical endurance, exhibition of speed or acceleration, or
1588 for the purpose of making a speed record; and no person shall in any manner participate
1589 in any such race, competition, contest, test or exhibition.

1590 (b) Drag race is defined as the operation of two or more vehicles from a point side by side at
1591 accelerating speeds in a competitive attempt to outdistance each other, or the operation
1592 of one or more vehicles over a common selected course, from the same point to the same
1593 point, for the purpose of comparing the relative speeds or power of acceleration of such
1594 vehicle or vehicles within a certain distance or time limit.

1595 (c) Racing is defined as the use of one or more vehicles in an attempt to: outgain,
1596 outdistance, or prevent another vehicle from passing; to arrive at a given destination
1597 ahead of another vehicle or vehicles; or to test the physical stamina or endurance of
1598 drivers over long distance driving routes.

1599 (d) Any person convicted of violating this section shall be punished as provided in §17-
1600 101(b).

1601 (e) This section does not apply to persons riding bicycles.
1602

1603 **ARTICLE IX - DUI AND OTHER SERIOUS TRAFFIC OFFENSES** ⁷⁹⁷⁸
1604

1605 **§ 11-901 Unlawful to consume alcoholic beverages while driving a motor vehicle or to**
1606 **possess an open container of alcoholic beverage within the passenger area of a**
1607 **motor vehicle while on a highway**

- 1608 (a) It is unlawful for a person to consume an alcoholic beverage while driving a vehicle on a
1609 public highway.
1610 (b) Except as otherwise provided in this subsection, it is unlawful for a person to possess an
1611 open container of an alcoholic beverage within the passenger area of a motor vehicle
1612 while the motor vehicle is on a public highway. This prohibition does not apply to a
1613 motor vehicle being used primarily for the transportation of persons for compensation or
1614 to the living quarters of a house coach, house trailer, or recreational vehicle nor does it
1615 apply to a vehicle operated by a chauffeur in his or her for-hire capacity.
1616 (c) Violations of this section are punishable by a fine of not more than (\$500), or
1617 imprisonment for not more than (30) days, or both such fine and imprisonment.
1618

1619 **§ 11-902 Driving under the influence of alcohol or drugs; under the extreme influence of**
1620 **alcohol; alcohol and drug abuse evaluation and treatment**

- 1621 (a) A person shall not drive any vehicle while:
1622 1. the alcohol concentration in such person's blood or breath is 0.08 or more;
1623 2. the alcohol concentration in such persons blood or breath as measured within (two)
1624 hours of the time of driving is 0.08 or more;
1625 3. under the influence of alcohol;
1626 4. under the influence of any drug or combination of drugs to a degree which renders
1627 such person incapable of safely driving; or,
1628 5. under the combined influence of alcohol and any drug or drugs to a degree that
1629 renders such person incapable of safely driving.
1630 (b) Under the extreme influence of alcohol: a person shall not drive any vehicle while:
1631 1. the alcohol concentration in such person's blood or breath is (0.16)⁸⁰⁷⁹ or more; or,
1632 2. the alcohol concentration in such person's blood or breath as measured within (two)
1633 hours of the time of driving is (0.16) or more.
1634 (c) A person convicted of violating subsection (a) shall be punished as follows:
1635 1. For a first offense, a person shall be sentenced to imprisonment for not less than
1636 (ten) days or more than (one) year or to pay a fine of not less than (\$250) nor more
1637 than (\$1,000) or to both such imprisonment and fine. The department shall suspend
1638 the person's license for (180) days.
1639 2. For a second or subsequent conviction within (five) years, a person shall be
1640 sentenced to imprisonment for not less than (90) days nor more than (one year) and
1641

⁷⁹⁷⁸ This article covers serious traffic offenses: sections 11-901 through 11-908 are related to driving under the influence; sections 11-909 through 11-911 relate to reckless driving, homicide by vehicle, and fleeing or attempting to elude a police officer.

⁸⁰⁷⁹ States may wish to change this number; the National Committee recommends that the minimum BAC for extreme influence be twice the minimum BAC for driving under the influence.

- 1642 shall pay a fine of not less than (\$500) nor more than (\$1,000). The department
 1643 shall revoke the person's license for (one year).⁸¹⁸⁰
- 1644 (d) A person convicted of violating subsection (b) shall be punished as follows:
- 1645 1. For a first offense a person shall be sentenced to imprisonment for not less than (30)
 1646 days and not more than (one year) with at least (30) consecutive days in jail without
 1647 the benefit of probation or suspension of the sentence and shall pay a fine of not
 1648 less than (\$500) nor more than (\$1000). The department shall revoke the person's
 1649 license for (one year).⁸²⁸⁴
- 1650 2. For a second or subsequent offense within (five) years, a person shall be sentenced
 1651 to imprisonment for not less than (120) days and not more than (one) year with at
 1652 least (60) days to be served consecutively without the benefit of probation or
 1653 suspension and shall pay a fine of not less than (\$1,000) nor more than (\$2,000).
 1654 The department shall revoke the person's license for (two)⁸³⁸² years.
- 1655 (e)
- 1656 1. Before sentencing any person convicted of violating either subsections (a) or (b),
 1657 the court shall conduct or order an appropriate examination or examinations to
 1658 determine whether the person needs or would benefit from treatment for alcohol or
 1659 other drug abuse.
- 1660 2. In addition to the penalties imposed under subsections (c) and (d) and after
 1661 receiving the results of the examination in subparagraph (1) under this subsection,
 1662 or upon a hearing and determination that the person is an habitual user of alcohol or
 1663 other drugs, the court may order supervised treatment on an outpatient basis, or
 1664 upon additional determinations that the person constitutes a danger to self or others
 1665 and that adequate treatment facilities are available, the court may order such person
 1666 committed for treatment at a facility or institution approved by the (state department
 1667 of health).
- 1668 3. Any person subject to this subsection may be examined by a physician of such
 1669 person's own choosing. The court shall consider the results of any such
 1670 examination.
- 1671 4. Upon application for a driver's license by any person under an order of commitment
 1672 or supervised treatment pursuant to subparagraph (2) under this subsection, the
 1673 results of the examination referred to in subparagraph (1) of this subsection and a

⁸¹⁸⁰ States concerned about the hardship that might result from a one-year license revocation could enact the following (or another hardship) provision: Notwithstanding any other provision of law, after 30 days following a license suspension or revocation the department may issue a limited license to the driver if no prior limited license has been issued within the preceding 12 months and there has been no prior license suspension or revocation. In issuing a limited license, the department may impose the conditions and limitations that in its judgment are necessary to the interests of the public safety and welfare. The license may be limited to the operation of a particular vehicle (or vehicles) or to a particular class (or classes) of vehicle, and to time of operation. The limited license issued by the department shall indicate the limitations imposed, and the driver operating under a limited license shall have the license in his or her possession at all times when driving a motor vehicle.

⁸²⁸⁴ See footnote ~~8081~~.

⁸³⁸² This is an exception from the general UVC practice authorizing revocation of the license for one year. States concerned about the hardship that might result from a two-year license revocation could enact the hardship provision enumerated in footnote 10.

- 1674 report of the progress of the treatment ordered shall be forwarded by the applicant
1675 to the department for consideration by the health advisory board.
- 1676 5. The department may after receiving the advice of the health advisory board issue a
1677 license to such person with conditions and restrictions that are consistent with the
1678 progress of the person's rehabilitation and the protection of the public.
- 1679 (f) A court may order a person convicted of a violation of either subsections (a) or (b), who
1680 has had his or her license restored, to only operate motor vehicles that are equipped with
1681 a certified ignition interlock device.
- 1682 (g) The fact that any person charged with violating either subsections (a) or (b) is or has
1683 been legally entitled to use alcohol or any drug shall not constitute a defense against any
1684 charge of violating this section.
- 1685 (h) A sentencing judge may permit any jail sentence or any portion of a jail sentence
1686 imposed for violating either subsections (a) or (b) and punished under either subsections
1687 (c) or (d) to be served under a home detention program.
- 1688 (i) A person convicted of violating either subsections (a) or (b) may be ordered by the court
1689 to perform community service, to pay restitution to any victims, and to pay the costs
1690 associated with an incarceration, a home detention program, an alcohol-drug abuse
1691 evaluation or a treatment program.

1692
1693 **§ 11-903 Chemical and other tests**

- 1694 (a) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to
1695 have been committed by any person driving under the influence of alcohol or drugs,
1696 evidence of the concentration of alcohol or drugs in a person at the time alleged, as
1697 determined by analysis of the person's blood, urine, breath or other bodily substance,
1698 shall be admissible by any party to such action or proceeding. Where such a test is made
1699 the following provisions shall apply:
- 1700 1. Chemical analyses of the person's blood, urine, breath, or other bodily substance to
1701 be considered valid under the provisions of this section shall have been performed
1702 according to methods approved by the (state department of health) and by an
1703 individual possessing a valid permit issued by the (state department of health) for
1704 this purpose. The (state department of health) is authorized to approve satisfactory
1705 techniques or methods, to ascertain the qualifications and competence of individuals
1706 to conduct such analyses, and to issue permits that shall be subject to termination or
1707 revocation at the discretion of the (state department of health).
- 1708 2. When a person submits to a blood test at the request of a law enforcement officer,
1709 only a qualified person⁸⁴⁸³ may withdraw blood for the purpose of determining the
1710 alcoholic or drug content therein. This limitation shall not apply to the taking of
1711 breath specimens.
- 1712 3. Upon the request of the person who submitted to a chemical test or tests at the
1713 request of a law enforcement officer, the results of such test or tests shall be made
1714 available to the person or such person's attorney.
- 1715 (b) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to
1716 have been committed by a person driving under the influence of alcohol, if the

⁸⁴⁸³ The state shall determine the definition of qualified person.

1717 concentration of alcohol in the person's blood or breath at the time alleged as shown by
1718 analysis of the person's blood or breath was less than 0.08, such fact shall not give rise
1719 to any presumption that the person was not under the influence of alcohol, but may be
1720 considered with other competent evidence in determining that issue. This provision shall
1721 not be construed as limiting the introduction of any other competent evidence bearing
1722 upon the question whether the person was under the influence of drugs.
1723 (c) If a person under arrest refuses to submit to a chemical test under the provisions of this
1724 section, evidence of such refusal shall be admissible by any party in any civil or criminal
1725 action or proceeding arising out of acts alleged to have been committed while the person
1726 was driving under the influence of alcohol or drugs.
1727

1728 **§ 11-904 Implied Consent and Administrative License Suspension, including duties of**
1729 **the officer and opportunity for a hearing**

- 1730 (a) Any person who operates a vehicle upon the highways of this State shall be deemed to
1731 have given consent to a test or tests of such operator's blood or breath, for the purpose of
1732 determining the operator's alcohol concentration, and to a test or tests of such operator's
1733 blood, urine, or other bodily substances for purpose of detecting the presence of drugs.
1734 The test or tests shall be administered at the direction of a law enforcement officer who
1735 has arrested that person for, or has probable cause to believe, that the person has
1736 operated a vehicle under the influence of alcohol and/or drugs or other controlled
1737 substances, or in the case of a person under the age of 21 years, that such person has
1738 operated a vehicle while having any measurable amount of alcohol in his or her system.
1739 (b) Any person who is dead, unconscious or who is otherwise in a condition rendering one
1740 incapable of refusal, shall be deemed not to have withdrawn the consent provided by
1741 paragraph (a) of this section and the test or tests may be administered, subject to the
1742 provisions of section 11-903.
1743 (c) A person requested to submit to a test as provided above shall be warned by the law
1744 enforcement officer requesting the test that a refusal to submit to or the failure to
1745 complete the test will result in the immediate suspension of such person's license to
1746 operate a motor vehicle for (one year).
1747 (d) If the person refuses testing or fails to complete it, or submits to a test required under
1748 subsection (a) which discloses an alcohol concentration of 0.08 or more, or if the officer
1749 otherwise makes the determination based on probable cause that the person operated a
1750 vehicle under the influence of alcohol and/or drugs or other controlled substances, on
1751 behalf of the Department of Motor vehicles the officer directing administration of the
1752 test or making such determination shall serve on the person immediate notice of the
1753 Department's intention to suspend the person's license to operate a motor vehicle. Such
1754 officer also shall submit a sworn report to the Department certifying one of the
1755 following:
1756 1. the test was requested pursuant to subsection (a) and the person refused to submit to
1757 testing or failed to complete it;
1758 2. the person submitted to a test that disclosed an alcohol concentration of 0.08 or
1759 more;
1760 3. the officer made an arrest based on probable cause that the person operated a
1761 vehicle under the influence of alcohol or drugs or other controlled substances.
1762 (e) Upon receipt of the sworn report of a law enforcement officer submitted under

1763 subsection (d), the department shall suspend the driver's license of the person for a
1764 period of:
1765 1. (one year) for refusal to take the requested test or the failure to complete it;
1766 2. (180 days) if the person submitted to testing required under subsection (a) which
1767 disclosed an alcohol concentration of 0.08 or more;
1768 3. (180 days) if the officer made the arrest based on probable cause that the person
1769 operated a vehicle under the influence of alcohol and/or drugs or other controlled
1770 substances.

1771 (f) On behalf of the department, the law enforcement officer submitting the sworn report
1772 under subsection (d) shall serve immediate notice of the suspension on the person, and
1773 the suspension shall be effective (30) days after the date of service. If the person has a
1774 valid license, the officer shall take the driver's license of the person and issue a
1775 temporary license valid for the notice period. The officer shall send the license to the
1776 department along with the sworn report under subsection (d). If approved by the
1777 Department of Motor Vehicles, a citation or notice of suspension issued by the officer
1778 also may serve as the temporary license certificate.

1779 In cases where the law enforcement officer has not served notice, the department
1780 shall give reasonable notice as provided in section (*insert reference to appropriate state*
1781 *notice provision*) and the suspension shall be effective (30) days after the date of service.
1782 If the address shown in the law enforcement officer's report differs from that shown on
1783 the department records, the notice shall be mailed to both addresses.

1784 (g) A license suspension under this section shall become effective (30) days after the date of
1785 service of the notice of suspension. Any person whose license is suspended under this
1786 section may make a written request for a hearing. The request shall state the grounds
1787 upon which the person seeks to have the suspension rescinded. The filing of the request
1788 shall not stay the suspension. The hearing shall be held within (20) days after filing of
1789 the request in the county in which the alleged offense occurred, unless the person and
1790 the department agree to a different location. The hearing shall be recorded and be
1791 conducted by the department's designated agent.⁸⁵⁸⁴ The hearing may be conducted
1792 upon a review of the law enforcement officer's own reports, provided however that the
1793 person may subpoena the officer. The department may issue subpoenas to compel the
1794 attendance of witnesses. The scope of the hearing shall be limited to the issues of:
1795 1. whether the law enforcement officer requested the test;
1796 2. whether the person was warned as required by subsection (c);
1797 3. whether the person was driving a vehicle;
1798 4. whether the person refused to submit to the testing or failed to complete it; and
1799 5. whether a properly administered test or tests disclosed an alcohol concentration of
1800 0.08 or more.

1801
1802 **§ 11-905 Zero tolerance - Applicable to persons under age 21: implied consent to**
1803 **testing; administrative license revocation for refusal to submit to chemical test**
1804 **or having BAC of .02 or more; notice to persons under the age of 21 years**
1805 **prior to licensure; duties of officer if test refused or failed.**

⁸⁵⁸⁴ Alternatively, states may wish to have the hearing conducted by a judge using an administrative standard, at the defendants initial hearing on the criminal charge

- 1806 (a) Notwithstanding any other provision of law, it is unlawful for a person under the age of
1807 21 years who has an alcohol concentration of 0.02 or more, as measured by a
1808 preliminary alcohol screening test or a test authorized by section 11-903, to drive a
1809 vehicle. The penalty for a person under the age of 21 years driving with an alcohol
1810 concentration of 0.02 or more is suspension of the driving privilege for (180 days).
- 1811 (b) If a law enforcement officer detains a person under 21 years of age who is driving a
1812 vehicle, and the officer has reasonable cause to believe that the person has any
1813 measurable amount of alcohol in his or her system and a preliminary alcohol screening
1814 device is immediately available, the officer shall request that the person take a
1815 preliminary alcohol screening test to determine the possible presence and amount of
1816 alcohol in the person. If a preliminary alcohol screening is not immediately available,
1817 the officer may request that the person submit to chemical testing of his or her blood or
1818 breath pursuant to the requirements of sections 11-903.
- 1819 (c) Any person under the age of 21 years who drives a vehicle, or his or her parent or
1820 guardian on behalf of such person under age 21, is deemed to have given consent to a
1821 preliminary alcohol screening test or any test authorized by section 11-903 or 11-904 for
1822 the purpose of determining the presence of alcohol in the person, if such person was
1823 lawfully detained for an alleged violation of subsection (a). Any person under age 21
1824 who is dead, unconscious or who is otherwise in a condition rendering such person
1825 incapable of refusal, shall be deemed to have provided the consent authorized by this
1826 subsection and the test or tests may be administered.
- 1827 (d) A person under the age of 21 years requested to submit to a test as provided by this
1828 section shall be told by the law enforcement officer requesting the test that a refusal to
1829 submit to or the failure to complete a preliminary alcohol screening test or a test
1830 authorized by section 11-903 or 11-904, as requested by the officer, will result in the
1831 suspension of such person's license to operate a motor vehicle for (one year).
- 1832 (e) If the person refuses to take or fails to complete the preliminary alcohol screening test,
1833 or refuses to take or fails to complete a chemical test if a preliminary alcohol screening
1834 device is not immediately available, or if the person takes the preliminary alcohol
1835 screening test and that test reveals a blood alcohol concentration of 0.02 percent or
1836 more, or if the person takes a chemical test pursuant to the provisions of section 11-903
1837

1838 revealing a blood alcohol concentration of 0.02 or more, the officer shall proceed as
 1839 follows:⁸⁶⁸⁵

- 1840 1. Acting on behalf of the Department, the officer shall serve the person with a notice
 1841 of an order of suspension of the person's driving privilege.
- 1842 2. The officer shall take possession of any driver's license issued by this State which
 1843 is held by the person. On behalf of the Department, when the officer takes
 1844 possession of a valid driver's license, the officer shall issue a temporary driver's
 1845 license. The temporary driver's license may be an endorsement on the notice of the
 1846 order of suspension and shall be valid for 30 days from the date of issuance.
- 1847 3. Within 5 business days after the day the notice of suspension is served, the officer
 1848 shall forward to the Department a copy of the completed notice of order of
 1849 suspension, the driver's license if taken into possession pursuant to paragraph (2),
 1850 and any other reports which may be required by law or regulation.

1851 (f) Before issuing a driver's license or permit to any person under 21 years of age, the
 1852 Department of Motor Vehicles shall inform the applicant of, and the applicant shall sign
 1853 a statement acknowledging notification of, the following information:

- 1854 1. It is unlawful for anyone under the age of 21 to drive with an alcohol concentration
 1855 of 0.02 or greater, as measured by a preliminary alcohol-screening test or other
 1856 chemical test,
- 1857 2. The penalty for driving with an alcohol concentration of 0.02 or greater is a
 1858 suspension of the driving privilege for (180 days).
- 1859 3. For a person under the age of 21, a refusal to take or a failure to complete a
 1860 preliminary alcohol screening test or other chemical test for the purpose of
 1861 determining the person's level of alcohol concentration shall result in a (one year)
 1862 suspension of the driving privilege.

1863 (g) A license suspension under this section shall become effective (30) days after the date of
 1864 service of the notice of suspension. Any person whose license is suspended under this
 1865 section may make a written request for a hearing. The request shall state the grounds
 1866 upon which the person seeks to have the suspension rescinded. The filing of the request
 1867 shall not stay the suspension. The hearing shall be held within 20 days after filing of the
 1868 request in the county in which the alleged offense occurred, unless the person and the
 1869 department agree to a different location. The hearing shall be recorded, and be
 1870 conducted by the department's designated agent. The hearing may be conducted upon a
 1871 review of the law enforcement officer's own reports; provided, however, that the person
 1872 may subpoena the officer. The department may issue subpoenas to compel the

⁸⁶⁸⁵ The intention of the drafters is to provide the law enforcement officer with an expedited procedure for suspending and seizing the license of persons under the age of 21 who have been drinking. On behalf of the department of motor vehicles, section 11-905 authorizes the officer to serve a person under age 21 with a notice of suspension and to take possession of that person's license after such person either refuses to take or to complete the preliminary alcohol screening test, or takes the preliminary alcohol screening test and that test reveals a blood alcohol concentration of 0.02 or more. The drafters believe that whenever a person under the age of 21 takes a preliminary alcohol test and that test reveals a blood alcohol level of 0.02 or more, that section 11-905 (rather than section 11-904) should be utilized to immediately seize and suspend that person's license, even when that person's BAC registers 0.08 and above. The drafters believe that establishing this procedure as the typical approach to underage drinking will make zero tolerance enforcement easier and therefore more prevalent; and pursuing this administrative approach would not preclude pursuing additional criminal actions under the provisions of section 11-902.

1873 attendance of witnesses, The scope of the hearing shall be limited to the issues of:
1874 1. whether the law enforcement officer requested the test;
1875 2. whether the person was warned as required by subsection (d);
1876 3. whether the person was driving a vehicle;
1877 4. whether the person refused to submit to the testing or failed to complete it;
1878 5. whether a properly administered test or tests disclosed an alcohol concentration of
1879 0.02 or more.

1880 (h) Notwithstanding any other provision of law, the Department of Motor Vehicles of this
1881 state may require anyone under the age of 21 years who has had his or her license
1882 suspended pursuant to this section, as one requirement to have the license reissued, to
1883 attend a course or participate in counseling designed to discourage those under the age
1884 of 21 years from drinking alcohol.

1885
1886 **§ 11-906 Preliminary Alcohol Screening Test**

1887 When a law enforcement officer has articulable grounds to suspect that a person may have
1888 been violating section 11-902, or that a person under age 21 may have been driving with a
1889 measurable alcohol concentration, the officer may request that the suspect submit to a
1890 preliminary alcohol screening test of the suspect's breath to determine such person's alcohol
1891 concentration using a device approved for that purpose by the (State Department of Health).
1892 Nothing in this section precludes the officer from further requesting or requiring additional
1893 testing pursuant to any section of this Act or any other provision of law.

1894
1895 **§ 11-907 Chemical test of drivers in serious personal injury or fatal crashes**

1896 Notwithstanding the provisions of any other law, when the driver of a vehicle is involved in a
1897 crash resulting in death or serious personal injury of another person, and there is reason to
1898 believe that the driver was driving under the influence of alcohol or drugs, the driver may be
1899 compelled by a police officer to submit to a test or tests of his or her blood, breath or urine to
1900 determine the person's alcohol concentration or the presence of other drugs.

1901
1902 **§ 11-908 Limits on Plea Bargaining**

1903 When the prosecution agrees to a plea of guilty or nolo contendere to a charge of a violation
1904 other than §11-902(a), in satisfaction of or as a substitute for an original charge or a violation of 11-
1905 902(a), the prosecution shall state for the record a factual basis for the satisfaction or substitution,
1906 including whether or not there had been consumption of any alcoholic beverage or ingestion or
1907 administration of any other drug, or both, by the defendant in connection with the offense.

1908
1909 **§ 11-909 Reckless driving**

1910 (a) Any person who drives any vehicle in willful or wanton disregard for the safety of
1911 persons or property is guilty of reckless driving.
1912 (b) Every person convicted of reckless driving shall be punished upon a first conviction by
1913 imprisonment for a period of not less than five days nor more than 90 days, or by a fine
1914 of not less than \$25 nor more than (\$500), or by both such fine and imprisonment, and
1915

1916 on a second or subsequent conviction shall be punished by imprisonment for not less
1917 than 10 days nor more than six months, or by a fine of not less than \$50 nor more than
1918 (\$500), or by both such fine and imprisonment.
1919

1920 **§ 11-910 Homicide by vehicle**

1921 (a) Whoever shall unlawfully and unintentionally cause the death of another person, while
1922 engaged in a violation of any state law or municipal ordinance applying to the operation
1923 or use of a vehicle or to the regulation of traffic, shall be guilty of homicide by vehicle
1924 when such violation is the proximate cause of that death.

1925 (b) Any person convicted of homicide by vehicle shall be fined not less than \$500 nor more
1926 than \$2,000, or shall be imprisoned in the county jail not less than three months nor
1927 more than one year, or may be so fined and so imprisoned, or shall be imprisoned in the
1928 penitentiary for a term not less than one year nor more than five years.
1929

1930 **§ 11-911 Fleeing or attempting to elude a police officer**

1931 (a) Any driver of a motor vehicle who willfully fails or refuses to bring his or her vehicle to
1932 a stop, or who otherwise flees or attempts to elude a pursuing police vehicle when given
1933 a visual or audible signal to bring the, vehicle to a stop, shall be guilty of a
1934 misdemeanor. The signal given by the police officer may be by hand, voice, emergency
1935 light or siren. The officer giving such signal shall be in uniform, prominently displaying
1936 the officer's badge of office, and the officer's vehicle shall be appropriately marked,
1937 showing it to be an official police vehicle.

1938 (b) Every person convicted of fleeing or attempting to elude a police officer shall be
1939 punished by imprisonment for not less than 30 days nor more than six months, or by a
1940 fine of not less than \$100 nor more than \$500, or by both such fine and imprisonment.
1941
1942

1943
1944
ARTICLE X - STOPPING, STANDING AND PARKING

1945 **§ 11-1001 Stopping, standing or parking outside business or residence districts**

- 1946 (a) Outside a business or residence district no person shall stop, park or leave standing any
1947 vehicle, whether attended or unattended, upon the roadway when it is practicable to stop,
1948 park or so leave such vehicle off the roadway, but in every event an unobstructed width
1949 of the highway opposite a standing vehicle shall be left for the free passage of other
1950 vehicles and a clear view of such stopped vehicle shall be available from a distance of
1951 200 feet in each direction upon such highway.
- 1952 (b) This section, § 11-1003 and § 11-1004 shall not apply to the driver of any vehicle which
1953 is disabled in such manner and to such extent that it is impossible to avoid stopping and
1954 temporarily leaving the vehicle in such position.
1955

1956 **§ 11-1002 Officers authorized to remove vehicles**

- 1957 (a) Whenever any police officer finds a vehicle in violation of any of the provisions of §11-
1958 1001 the officer is hereby authorized to move such vehicle, or require the driver or other
1959 person in charge of the vehicle to move it off the roadway.
- 1960 (b) Any police officer is hereby authorized to remove or cause to be removed to a place of
1961 safety any unattended vehicle illegally left standing upon any highway, bridge,
1962 causeway, or in any tunnel, in such position or under such circumstances as to obstruct
1963 the normal movement of traffic.
- 1964 (c) Any police officer is hereby authorized to remove or cause to be removed to the nearest
1965 garage or other place of safety any vehicle found upon a highway when:
- 1966 1. Report has been made that such vehicle has been stolen or taken without the
1967 consent of its owner, or
 - 1968 2. The person or persons in charge of such vehicle are unable to provide for its
1969 custody or removal, or
 - 1970 3. When the person driving or in control of such vehicle is arrested for an alleged
1971 offense for which the officer is required by law to take the person arrested before a
1972 proper magistrate without unnecessary delay.
1973

1974 **§ 11-1003 Stopping, standing, or parking prohibited in specified places**

- 1975 (a) Except when necessary to avoid conflict with other traffic, or in compliance with law or
1976 the directions of a police officer or official traffic-control device, no person shall:
- 1977 1. Stop, stand, or park a vehicle:
 - 1978 A. On the roadway side of any vehicle stopped or parked at the edge or curb of a
1979 street;
 - 1980 B. On a sidewalk;
 - 1981 C. Within an intersection;
 - 1982 D. On a crosswalk;
 - 1983 E. Between a safety zone and the adjacent curb or within 30 feet of points on the
1984 curb immediately opposite the ends of a safety zone, unless a different length
1985 is indicated by signs or markings;
 - 1986 F. Alongside or opposite any street excavation or obstruction when stopping,
1987 standing, or parking would obstruct traffic;
1988

- 1989 G. Upon any bridge or other elevated structure upon a highway or within a
- 1990 highway tunnel;
- 1991 H. On any railroad tracks;
- 1992 I. On any controlled-access highway;
- 1993 J. In the area between roadways of a divided highway, including crossovers;
- 1994 K. On highways and elsewhere throughout the state in any parking space
- 1995 designated by the International Access Symbol without displaying an
- 1996 authorized disabled parking registration plate, removable windshield placard,
- 1997 or temporary removable windshield placard as defined in § 3-901.
- 1998 L. At any place where official traffic-control devices prohibit stopping.
- 1999 2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or
- 2000 discharge a passenger or passengers:
- 2001 A. In front of a public or private driveway;
- 2002 B. Within 15 feet of a fire hydrant;
- 2003 C. Within 20 feet of a crosswalk at an intersection;
- 2004 D. Within 30 feet of any flashing signal, stop sign, yield sign or traffic-control
- 2005 signal located at the side of a roadway;
- 2006 E. Within 20 feet of the driveway entrance to any fire station and on the side of a
- 2007 street opposite the entrance to any fire station within 75 feet of the entrance
- 2008 (when properly signposted);
- 2009 F. At any place where official traffic control devices prohibit standing.
- 2010 3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and
- 2011 while actually engaged in loading or unloading property or passengers:
- 2012 A. Within 50 feet of the nearest rail of a railroad crossing;
- 2013 B. At any place where official traffic control devices prohibit parking.
- 2014 (b) No person shall move a vehicle not lawfully under such person's control into any such
- 2015 prohibited area or away from a curb such a distance as is unlawful.
- 2016

§ 11-1004 Additional parking regulations

- 2018 (a) Except as otherwise provided in this section, every vehicle stopped or parked upon a
- 2019 two-way roadway shall be so stopped or parked with the right-hand wheels parallel to
- 2020 and within 12 inches of the right-hand curb or as close as practicable to the right edge of
- 2021 the right-hand shoulder.
- 2022 (b) Except when otherwise provided by local ordinance, every vehicle stopped or parked
- 2023 upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the
- 2024 roadway, in the direction of authorized traffic movement, with its right-hand wheels
- 2025 within 12 inches of the right-hand curb or as close as practicable to the right edge of the
- 2026 right-hand shoulder, or with its left-hand wheels within 12 inches of the left-hand curb
- 2027 or as close as practicable to the left edge of the left-hand shoulder.
- 2028 (c) Local authorities may permit angle parking on any roadway, except that angle parking
- 2029 shall not be permitted on any Federal-aid or State highway unless the (State highway
- 2030 commission or State highway engineer) has determined that the roadway is of sufficient
- 2031 width to permit angle parking without interfering with the free movement of traffic.
- 2032 (d) The (State highway commission) with respect to highways under its jurisdiction may
- 2033 place official traffic control devices prohibiting, limiting, or restricting the stopping,
- 2034 standing or parking of vehicles on any highway where in its opinion such stopping,

2035 standing or parking is dangerous to those using the highway or where the stopping,
2036 standing or parking of vehicles would unduly interfere with the free movement of traffic
2037 thereon. No person shall stop, stand or park any vehicle in violation of the restrictions
2038 indicated by such devices.
2039

2040 **§ 11-1005 Disabled Parking with International Symbol of Access**

- 2041 (a) Disabled parking registration plates, removable windshield placards, or temporary
2042 removable windshield placards, in accordance with Section 3-901, et seq. displaying the
2043 International Symbol of Access, shall be the only recognized means of identifying
2044 vehicles permitted to utilize parking spaces reserved for persons with disabilities.
2045 (b) Removable windshield placards and temporary removable windshield placards shall be
2046 displayed in such a manner that they may be viewed from the front and rear of the
2047 vehicle by hanging from the front windshield rearview mirror of a vehicle utilizing a
2048 parking space reserved for persons with disabilities. When there is no rearview mirror,
2049 the placard shall be displayed on the dashboard.
2050 (c) Disabled parking registration plates, removable windshield placards, and temporary
2051 removable windshield placards, issued by the authority of other states and countries for
2052 the purpose of identifying vehicles permitted to utilize parking spaces reserved for
2053 persons with disabilities shall be recognized and accorded all rights and privileges as
2054 such identification devices issued under the authority of this state.
2055
2056

2057 **ARTICLE XI - MISCELLANEOUS RULES**

2058
2059 **§ 11-1101-Unattended motor vehicle**

2060 No person driving or in charge of a motor vehicle shall permit it to stand unattended without
2061 first stopping the engine, locking the ignition, removing the key from the ignition, effectively
2062 setting the brake thereon, and when standing upon any grade, turning the front wheels to the curb
2063 or side of the highway.

2064
2065 **§ 11-1102 Limitations on backing**

- 2066 (a) The driver of a vehicle shall not back the vehicle unless such movement can be made
2067 with safety and without interfering with other traffic.
2068 (b) The driver of a vehicle shall not back the vehicle upon any shoulder or roadway of any
2069 controlled-access highway.

2070
2071 **§ 11-1103 Driving upon sidewalk**

2072 No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent
2073 or duly authorized temporary driveway. This section shall not apply to any vehicle moved
2074 exclusively by human power nor to any motorized wheelchair.

2075
2076 **§ 11-1104 Obstruction to driver's view or driving mechanism**

- 2077 (a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat
2078 such a number of persons, as to obstruct the view of the driver to the front or sides of the
2079 vehicle or as to interfere with the driver's control over the driving mechanism of the
2080 vehicle.
2081 (b) No passenger in a vehicle (or streetcar) shall ride in such position as to interfere with the
2082 driver's (or streetcar operator's) view ahead or to the sides, or to interfere with such
2083 person's control over the driving mechanism of the vehicle (or streetcar.)
2084 (c) No person shall drive a vehicle while a child or any other person or an animal is so
2085 positioned as to be between the body of the driver and the steering wheel.

2086
2087 **§ 11-1105 Opening and closing vehicle doors**

2088 No person shall open any door on a motor vehicle unless and until it is reasonably safe to do
2089 so and can be done without interfering with the movement of other traffic, nor shall any person
2090 leave a door open on a side of a vehicle adjacent to moving traffic for a period of time longer
2091 than necessary to load or unload passengers.

2092
2093 **§ 11-1106 Riding in house trailers**

2094 No person or persons shall occupy a house trailer while it is being moved upon a highway.

2095
2096 **§ 11-1107 Driving on mountain highways**

2097 The driver of a motor vehicle traveling through defiles or canyons or on mountain highways
2098 shall hold such motor vehicle under control and as near the right-hand edge of the roadway as
2099 reasonably possible and, except when driving entirely to the right of the center of the roadway,
2100 shall give audible warning with the horn of such motor vehicle upon approaching any curve
2101 where the view is obstructed within a distance of 200 feet along the highway.

- 2103 **§ 11-1108 Coasting prohibited**
2104 (a) The driver of any motor vehicle when traveling upon a down grade shall not coast with
2105 the gears or transmission of such vehicle in neutral.
2106 (b) The driver of a truck or bus when traveling upon a down grade shall not coast with the
2107 clutch disengaged.
2108

2109 **§ 11-1109 Following fire apparatus prohibited**
2110 The driver of any vehicle other than one on official business shall not follow any fire
2111 apparatus traveling in response to a fire alarm closer than 500 feet or stop within 500 feet of any
2112 fire apparatus stopped in answer to a fire alarm.
2113

2114 **§ 11-1110 Crossing fire hose**
2115 No vehicle shall be driven over any unprotected hose of a fire department when laid down on
2116 any street, private road or driveway to be used at any fire or alarm of fire, without the consent of
2117 the fire department official in command.
2118

- 2119 **§ 11-1111 Putting glass, etc., on highway prohibited**
2120 (a) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks,
2121 wire, cans or any other substance likely to injure any person, animal or vehicle.
2122 (b) Any person who drops, or permits to be dropped or thrown, upon any highway any
2123 destructive or injurious material shall immediately remove the same or cause it to be
2124 removed.
2125 (c) Any person removing a wrecked or damaged vehicle from a highway shall remove any
2126 glass or other injurious substance dropped upon the highway from such vehicle.
2127

2128 **§ 11-1112 Stop when traffic obstructed**
2129 No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade
2130 crossing unless there is sufficient space on the other side of the intersection, crosswalk or
2131 railroad grade crossing to accommodate the vehicle such driver is operating without obstructing
2132 the passage of other vehicles, pedestrians or railroad trains, notwithstanding any traffic-control
2133 signal indication to proceed.
2134

- 2135 **§ 11-1113 Snowmobile operation limited**
2136 (a) No person shall operate a snowmobile on any controlled-access highway.
2137 (b) No person shall operate a snowmobile on any other highway except when crossing the
2138 highway at a right angle, when use of the highway by other motor vehicles is impossible
2139 because of snow, or when such operation is authorized by the authority having
2140 jurisdiction over the highway.
2141

2142 **§ 11-1114 Railroad trains not to block crossings**
2143 No person or government agency shall operate any train in such a manner as to prevent
2144 vehicular use of any roadway for a period of time in excess of five consecutive minutes except:
2145 1. When necessary to comply with signals affecting the safety of the movement of trains;
2146 2. When necessary to avoid striking any object or person on the track;
2147 3. When the train is disabled;
2148 4. When the train is in motion and engaged in switching operations;

- 2149 5. When there is no vehicular traffic waiting to use the crossing; or
2150 6. When necessary to comply with a governmental safety regulation.

2151

2152 **§ 11-1115 Eye protection devices**

2153 Every person operating a motor vehicle that is not equipped with a windshield in position to
2154 deflect objects which would hit such person's face shall wear an eye-protection device of a type
2155 approved by the commissioner. This section shall not apply to a person operating a motorcycle.

2156

2157 **§ 11-1116 Rights and duties - motorized wheelchairs**

2158 Every person operating a motorized wheelchair shall have all of the rights and all of the
2159 duties applicable to a pedestrian contained in Chapter 11 except to those provisions which by
2160 their nature can have no application.

2161

2162 **§ 11-1117 Funeral and other processions**

- 2163 (a) No driver of a vehicle (or operator of a streetcar) shall drive between the vehicles
2164 comprising a funeral or other authorized procession while they are in motion and when
2165 such vehicles are conspicuously designated as required in this section. This provision
2166 shall not apply at intersections where traffic is controlled by traffic-control signals or
2167 police officers.
- 2168 (b) Each driver in a funeral or other procession shall drive as near to the right-hand edge of
2169 the roadway as practicable and shall follow the vehicle ahead as close as is practicable
2170 and safe.
- 2171 (c) A funeral composed of a procession of vehicles shall be identified as such by the
2172 display, visible through the windshield or upon the outside of each vehicle, of a pennant,
2173 placard, or other identifying marking, and by turning on the headlights of each vehicle in
2174 the procession.

2175

2176 **§ 11-1118 Carrying passengers unsecured in rear**

- 2177 (a) No person, driving a truck with a gross weight of (10,000) pounds or less, commonly
2178 known as a pickup truck, or driving a flatbed motortruck of any weight, shall transport
2179 any minor under the age of (18) in the back of the truck; and no minor under the age of
2180 (18) years shall ride in the back of the truck.
- 2181 (b) Subdivision (a) does not apply if any of the following conditions are met:
- 2182 1. The space in the back of the truck is enclosed to a height of 46 inches extending
2183 vertically from the floor.
 - 2184 2. The vehicle has installed any means of preventing the minor from being discharged
2185 from the back.
 - 2186 3. The minor in the back of the truck is secured to the vehicle in a manner that will
2187 prevent the minor from being thrown, falling, or jumping from the vehicle.
- 2188 (c) This section does not apply to the transportation of employees, as that term is defined in
2189 the pertinent labor code of the state; and nothing in this section permits transportation of
2190 employees in a manner inconsistent with state or federal laws or regulations.

2191

2192 **ARTICLE XII - OPERATION OF BICYCLES, OTHER HUMAN-POWERED**
2193 **VEHICLES, AND MOPEDS**

2194
2195 **§ 11-1201 Effect of regulations**

- 2196 (a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act
2197 required in this article.
2198 (b) The parent of any child and the guardian of any ward shall not authorize or knowingly
2199 permit any such child or ward to violate any of the provisions of this article.
2200

2201 **§ 11-1202 Traffic laws apply to persons on bicycles and other human powered vehicles**

2202 Every person propelling a vehicle by human power or riding a bicycle shall have all of the
2203 rights and all of the duties applicable to the driver of any other vehicle under chapters 10 and 11,
2204 except as to special regulations in this article and except as to those provisions which by their
2205 nature can have no application.
2206

2207 **§ 11-1203 Riding on bicycles**

2208 No bicycle shall be used to carry more persons at one time than the number for which it is
2209 designed or equipped, except that an adult rider may carry a child securely attached to adult rider
2210 in a backpack or sling.
2211

2212 **§ 11-1204 Clinging to vehicles**

- 2213 (a) No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach
2214 the same or himself or herself to any (streetcar or) vehicle upon a roadway.
2215 (b) This section shall not prohibit attaching a bicycle trailer or bicycle semitrailer to a
2216 bicycle if that trailer or semitrailer has been designed for such attachment.
2217

2218 **§ 11-1205 Position on roadway**

- 2219 (a) Any person operating a bicycle or a moped upon a roadway at less than the normal
2220 speed of traffic at the time and place and under the conditions then existing shall ride as
2221 close as practicable to the right-hand curb or edge of the roadway except under any of
2222 the following situations:
2223 1. When overtaking and passing another bicycle or vehicle proceeding in the same
2224 direction.
2225 2. When preparing for a left turn at an intersection or into a private road or driveway.
2226 3. When reasonably necessary to avoid conditions including but not limited to: fixed
2227 or moving objects; parked or moving vehicles; bicycles; pedestrians; animals;
2228 surface hazards; or substandard width lanes that make it unsafe to continue along
2229 the right-hand curb or edge. For purposes of this section, a "substandard width
2230 lane" is a lane that is too narrow for a bicycle and a motor vehicle to travel safely
2231 side by side within the lane.
2232 4. When riding in the right-turn-only lane.
2233 (b) Any person operating a bicycle or a moped upon a one-way highway with two or more
2234 marked traffic lanes may ride as near the left-hand curb or edge of such roadway as
2235 practicable.
2236
2237

2238 **§ 11-1206 Riding two abreast**

2239 Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths
2240 or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast shall
2241 not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride
2242 within a single lane.

2243
2244 **§ 11-1207 Carrying articles**

2245 No person operating a bicycle shall carry any package, bundle or article which prevents the
2246 use of both hands in the control and operation of the bicycle. A person operating a bicycle shall
2247 keep at least one hand on the handlebars at all times.

2248
2249 **§ 11-1208 Left turns**

- 2250 (a) A person riding a bicycle or a moped intending to turn left shall follow a course
2251 described in §11-601 or in subsection (b).
- 2252 (b) A person riding a bicycle or a moped intending to turn left shall approach the turn as
2253 close as practicable to the right curb or edge of the roadway. After proceeding across the
2254 intersecting roadway to the far corner of the curb or intersection of the roadway edges,
2255 the bicyclist or moped driver shall stop, as much as practicable out of the way of traffic.
2256 After stopping the bicyclist or moped driver shall yield to any traffic proceeding in
2257 either direction along the roadway the bicyclist had been using. After yielding, and
2258 complying with any official traffic control device or police officer regulating traffic on
2259 the highway along which he or she intends to proceed, the bicyclist or moped driver may
2260 proceed in the new direction.
- 2261 (c) Notwithstanding the foregoing provisions, the state highway commission and local
2262 authorities in their respective jurisdictions may cause official traffic-control devices to
2263 be placed and thereby require and direct that a specific course be traveled by turning
2264 bicycles or mopeds, and when such devices are so placed, no person shall turn a bicycle
2265 or a moped other than as directed and required by such devices.

2266
2267 **§ 11-1209 Bicycles and human powered vehicles on sidewalks**

- 2268 (a) A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and
2269 along a crosswalk, shall yield the right of way to any pedestrian and shall give audible
2270 signal before overtaking and passing such pedestrian.
- 2271 (b) A person shall not ride a bicycle upon and along a sidewalk, or across a roadway upon
2272 and along a crosswalk, where such use of bicycles is prohibited by official traffic-control
2273 devices.
- 2274 (c) A person propelling a vehicle by human power upon and along a sidewalk, or across a
2275 roadway upon and along a crosswalk, shall have all the rights and duties applicable to a
2276 pedestrian under the same circumstances.

2277
2278 **§ 11-1210 Bicycle parking**

- 2279 (a) A person may park a bicycle on a sidewalk unless prohibited or restricted by an official
2280 traffic control device.
- 2281 (b) A bicycle parked on a sidewalk shall not impede the normal and reasonable movement
2282 of pedestrian or other traffic.

2283

- 2284 (c) A bicycle may be parked on the roadway at any angle to the curb or edge of the roadway
2285 at any location where parking is allowed.
2286 (d) A bicycle may be parked on the roadway abreast of another bicycle or bicycles near the
2287 side of the roadway at any location where parking is allowed.
2288 (e) A person shall not park a bicycle on a roadway in such a manner as to obstruct the
2289 movement of a legally parked motor vehicle.
2290 (f) In all other respects, bicycles parked anywhere on a highway shall conform with the
2291 provisions of article X regulating the parking of vehicles.
2292

2293 **§ 11-1211 Bicycle racing**

- 2294 (a) By agreement with the approving authority, participants in an approved bicycle highway
2295 racing event may be exempted from compliance with any traffic laws otherwise
2296 applicable thereto, provided that traffic control is adequate to assure the safety of all
2297 highway users.
2298 (b) Bicycle racing on a highway shall not be unlawful when a racing event has been
2299 approved by state or local authorities on any highway under their respective
2300 jurisdictions. Approval of bicycle highway racing events shall be granted only under
2301 conditions which assure reasonable safety for all race participants, spectators and other
2302 highway users, and which prevent unreasonable interference with traffic flow which
2303 would seriously inconvenience other highway users.
2304

2305 **§ 11-1212 Mopeds in bicycle lanes**

2306 Upon any roadway where motor vehicles are permitted, a person may drive a moped in any
2307 lane designated for the use of bicycles.
2308

2309 **ARTICLE XIII - SPECIAL RULES FOR MOTORCYCLES**

2310
2311 **§ 11-1301 Traffic laws apply to persons operating motorcycles**

2312 Every person operating a motorcycle shall be granted all of the rights and shall be subject to
2313 all of the duties applicable to the driver of any other vehicle under this code, except as to special
2314 regulations in this article and except as to those provisions of this code which by their nature can
2315 have no application.

2316
2317 **§ 11-1302 Riding on motorcycles**

- 2318 (a) A person operating a motorcycle shall ride only upon the permanent and regular seat
2319 attached thereto, and such operator shall not carry any other person nor shall any other
2320 person ride on a motorcycle unless such motorcycle is designed to carry more than one
2321 person, in which event a passenger may ride upon the permanent and regular seat if
2322 designed for two persons, or upon another seat firmly attached to the motorcycle at the
2323 rear or side of the operator.
- 2324 (b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward,
2325 with one leg on each side of the motorcycle.
- 2326 (c) No person shall operate a motorcycle while carrying any package, bundle, or other
2327 article which prevents such person from keeping both hands on the handlebars.
- 2328 (d) No operator shall carry any person, nor shall any person ride, in a position that will
2329 interfere with the operation or control of the motorcycle or the view of the operator.

2330
2331 **§ 11-1303 Operating motorcycles on roadways laned for traffic**

- 2332 (a) All motorcycles, other than mopeds, are entitled to full use of a lane and no motor
2333 vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a
2334 lane. This subsection shall not apply to motorcycles operated two abreast in a single
2335 lane.
- 2336 (b) The operator of a motorcycle shall not overtake and pass in the same lane occupied by
2337 the vehicle being overtaken. This subsection shall not apply to a motorcyclist passing a
2338 bicycle, to the driver of a moped, nor to a police officer in the performance of the
2339 officer's duties.
- 2340 (c) No person shall operate a motorcycle between lanes of traffic or between adjacent lines
2341 or rows of vehicles. This subsection shall not apply to police officers in the performance
2342 of their duties.
- 2343 (d) Motorcycles shall not be operated more than two abreast in a single lane.

2344
2345 **§ 11-1304 Clinging to other vehicles**

2346 No person riding upon a motorcycle shall attach himself or herself, or the motorcycle to any
2347 other vehicle (or streetcar) on a roadway.

2348
2349 **§ 11-1305 Footrests and handlebars**

- 2350 (a) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be
2351 equipped with footrests for such passenger.
- 2352 (b) No person shall operate any motorcycle with handlebars more than 15 inches in height
2353 above that portion of the seat occupied by the operator.
- 2354

- 2355 § 11-1306 **Equipment for motorcycle riders**
2356 (a) No person shall operate or ride upon a motorcycle unless such person is wearing
2357 protective headgear which complies with standards established by the commissioner.
2358 (b) No person shall operate a motorcycle unless such person is wearing an eye-protective
2359 device of a type approved by the commissioner, except when the motorcycle is equipped
2360 with a windscreen.
2361 (c) This section shall not apply to persons riding within an enclosed cab or on a golf cart.
2362 (d) The commissioner is hereby authorized to approve or disapprove protective headgear
2363 and eye-protective devices, and to issue and enforce regulations establishing standards
2364 and specifications for the approval thereof. The commissioner shall publish lists of all
2365 protective headgear and eye-protective devices by name and type which have been so
2366 approved.
2367

- 2368 § 11-1307 **Headlamps on motorcycles during operation**
2369 (a) No person shall operate a motorcycle unless the headlamps are lighted at all times
2370 during operation. Motorcycles may be driven to the nearest repair facility for headlamp
2371 repair except during hours of darkness.
2372 (b) Except at times when headlamps are required to be lighted as provided by §12-201, the
2373 headlamps of motorcycles may be modulated whenever the motorcycle is in operation
2374 during daylight hours.
2375 (c) Subsection (a) shall not apply to motorcycles manufactured prior to _____ (date).
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2377

ARTICLE XIV – STREETCARS ⁸⁷⁸⁶

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§ 11-1401 Traffic laws apply to operators of streetcars

Every operator of a streetcar upon any roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter and chapter 10, except regulations and provisions which by their nature can have no application.

§ 11-1402 Passing streetcar on left

- (a) The driver of a vehicle shall not overtake and pass upon the left nor drive upon the left side of any streetcar proceeding in the same direction, whether such streetcar is actually in motion or temporarily at rest, except:
 1. When so directed by a police officer;
 2. When upon a one-way street; or
 3. When upon a street where the tracks are so located as to prevent compliance with this section.
- (b) The driver of any vehicle when permitted to overtake and pass upon the left of a streetcar which has stopped for the purpose of receiving or discharging any passenger shall reduce speed and may proceed only upon exercising due caution for pedestrians and shall accord pedestrians the right of way when required by other sections of this chapter.

§ 11-1403 Passing streetcar on right

The driver of a vehicle overtaking upon the right any streetcar stopped or about to stop for the purpose of receiving or discharging any passenger shall stop such vehicle at least five feet to the rear of the nearest running board or door of such streetcar and thereupon remain standing until all passengers have boarded such car or upon alighting have reached a place of safety, except that where a safety zone has been established, a vehicle need not be brought to a stop before passing any such streetcar but may proceed past such car at a speed not greater than is reasonable and proper and with due caution for the safety of pedestrians.

§ 11-1404 Driving on streetcar tracks

- (a) The driver of any vehicle proceeding upon any streetcar track in front of a streetcar upon a street shall remove such vehicle from the track as soon as practical after signal from the operator of the streetcar.
- (b) When a streetcar has lawfully entered and is crossing an intersection, no driver of a vehicle shall drive upon or across the car tracks within the intersection in front of the streetcar when there is a possibility of a collision.
- (c) Upon overtaking and passing a streetcar, the driver of a vehicle shall not turn in front of such streetcar so as to interfere with or impede its movement.

⁸⁷⁸⁶ This article should be omitted in states where no streetcars are in operation.

2419 **ARTICLE XV - VICTIMS OF A TRAFFIC-RELATED OFFENSES**⁸⁸⁸⁷
2420

2421 **§ 11-1501 Definitions**

- 2422 (a) "Catastrophic injury" means an injury to any person which consists of a physical
2423 condition that creates a substantial risk of death, serious personal disfigurement, or
2424 protracted loss or impairment of the function of any bodily member or organ.
2425 (b) "Victim" means a person who has been catastrophically injured as a result of a traffic-
2426 related offense committed by another person, or the spouse, parent, child, sibling or
2427 representative of a person killed or catastrophically injured as a result of a traffic-related
2428 offense committed by another person.
2429

2430 **§ 11-1502 Rights of victims**

2431 Victims shall have the following rights:

- 2432 (a) To speedy prosecution of the offense. In any criminal justice proceeding, the police, the
2433 prosecutor, and the court shall take appropriate action to ensure speedy prosecution of
2434 the defendant. Victims shall be informed by the prosecuting attorney of any motions
2435 which would result in delay of the prosecution and be allowed to object in writing.
2436 (b) Upon request by the victim, to be informed by the police investigating the case of the
2437 status of the investigation, and by the prosecuting attorney prior to any critical decisions
2438 concerning the case including the charging decision, diversion, dismissal, or other
2439 disposition.
2440 (c) To be present at any time the defendant has the right to be present during all criminal
2441 justice proceedings related to an offense unless the court determines that exclusion is
2442 necessary to protect the confidentiality of juvenile or similar proceedings. If a victim is
2443 unable to attend the court proceedings, the court may designate a representative of the
2444 victim who has the same right to be present as the victim would have had.
2445 (d) To make victim impact statements to the court including information about the financial,
2446 emotional, psychological, and physical effects of the crime on the victim, the
2447 circumstances surrounding the crime, the manner in which it was perpetrated, and the
2448 victim's opinion of any recommended sentence of the convicted offender. A victim may
2449 present an impact statement to the court either orally or in writing.
2450 (e) To an order of restitution if the order is authorized by the laws of this state.
2451

2452 **§ 11-1503 Law Enforcement Agency**

- 2453 (a) At the time of the initial contact between any law enforcement agency and the victim,
2454 the law enforcement agency investigating the case shall provide the victim a written
2455 statement of rights which shall include the following information:
2456 1. A statement and explanation of the victim's rights as enumerated by Section 11-
2457 1502 of this code;
2458 2. The availability of victim assistance, medical and emergency services;
2459

⁸⁸⁸⁷ Drafter should cross-reference or harmonize these provisions pertaining to victims' rights with other similar statutory requirements.

- 2460 3. The availability of victim compensation benefits, including the name, office
2461 address, and telephone number of the contact person(s) responsible for
2462 administering the program; and
2463 4. The office addresses and telephone numbers of appropriate victim support and
2464 services groups.
- 2465 (b) As soon as available, the police shall provide to the victim the following:
2466 1. The office address and telephone number of the prosecutor's office;
2467 2. The case number and the names, office addresses, and telephone numbers of the law
2468 enforcement officers assigned to investigate the case; and
2469 3. If known, whether the suspect has been taken into custody, and if taken into
2470 custody, whether released and any conditions attached to the release.
2471

2472 **§ 11-1504 Prosecutor**

- 2473 (a) Upon request by the victim for information concerning the criminal court proceedings, a
2474 prosecuting attorney shall inform the victim of the following:
2475 1. A statement and explanation of the victim's rights as enumerated by Section 11-1502.
2476 2. The actual assignment of the case, including case number, and the court to which it is
2477 assigned;
2478 3. The date, time, and location of any criminal proceedings relative to the offense;
2479 4. The availability of crime victim compensation benefits, including the name, office
2480 address, and telephone numbers of contact persons responsible for administering the
2481 program;
2482 5. The availability of any transportation services to court proceedings;
2483 6. Whether the defendant has a right to review the presentence reports and impact
2484 statements;
2485 7. Whether the defendant has the right to attend and make a statement at the sentencing
2486 hearing;
2487 8. The time and place of any hearing for the reconsideration of the sentence imposed; and
2488 9. The right to receive information from corrections officials concerning imprisonment
2489 and release.
2490 10. If the defendant appeals, the prosecutor shall inform the victim of the status of the
2491 case on appeal and the decision of the appellate court upon disposition.
- 2492 (b) The prosecutor shall notify the victim in writing of the date, time, and location of the
2493 sentencing hearing and advise the victim of the opportunity to present a victim's impact
2494 statement or to appear at the sentencing proceeding.
2495

2496 **§ 11-1505 Probation Department**

2497 The Probation Department, in preparing any pre-sentence report on the defendant, must
2498 attempt to consult with the victim and must include a written victim impact statement as part of
2499 the pre-sentence report if the victim chooses to submit one. If the victim cannot be located or
2500 declines to cooperate, the probation officer must include a notation to that effect in the report.
2501

2502 **§ 11-1506 Court**

2503 The Court shall orally inform victims present at the sentencing hearing of their right to
2504 present victim impact statements.
2505

2506 **Article XVI - "Safe Streets Act" - Vehicle Immobilization resulting from continuing to**
2507 **drive when the driver's license is suspended or revoked for DWI or DUI**
2508

2509 **§ 11-1601 Vehicle Immobilization**

- 2510 (a) For purposes of this Article, vehicle "immobilization" means rendering a motor vehicle
2511 inoperable. The Department is authorized to immobilize a motor vehicle utilizing, at its
2512 discretion, any of the following methods:
- 2513 1. taking possession of the vehicle as provided in state or local impoundment
2514 procedures;
 - 2515 2. immobilizing the vehicle on private property designated by the vehicle owner by
2516 any method approved by the Department; or
 - 2517 3. taking possession of the vehicle's registration & tags.
- 2518 (b) A motor vehicle is subject to immobilization for (30) days if it is driven on a highway in
2519 this state by a driver:
- 2520 1. whose driver's license is suspended or revoked pursuant to a conviction under
2521 section 6-207, section 11-902 or section 11-903;
 - 2522 2. who is driving in violation of the terms of a limited license imposed as a condition
2523 of reinstatement of a license suspended or revoked under section 6-207, section 11-
2524 902 or section 11-903.
- 2525 (c) A motor vehicle is subject to immobilization for (60) days if it is driven on a highway in
2526 this state by a driver:
- 2527 1. whose driver's license is suspended or revoked pursuant to a second conviction
2528 within the previous [five] years under section 6-207, section 11-902 or section 11-
2529 903; or
 - 2530 2. who is driving in violation of the terms of a limited license imposed as a condition
2531 of reinstatement of a license suspended or revoked for the second time within the
2532 previous [five] years under section 6-207, section 11-902 or section 11-903;
- 2533 (d) Notwithstanding subsections (b) and (c), with the written consent of the registered
2534 owner(s) a vehicle immobilized pursuant to subsection (b) or (c) may be released with
2535 an installed compulsory ignition interlock system meeting the requirements of section
2536 (2), for the period of time specified for vehicle immobilization, to any person who :
- 2537 (1) demonstrates that he or she:
 - 2538 (i) currently resides in the household of the registered owner(s) of such vehicle
2539 and resided in that household at the time of immobilization; and
 - 2540 (ii) that the vehicle is the only vehicle available to that person's household which
2541 may be operated with a private passenger vehicle license;
 - 2542 (2) submits proof that he or she is properly licensed and that the immobilized vehicle is
2543 properly registered; and
 - 2544 (3) submits proof of payment of the cost of installation and regulated monitoring of that
2545 vehicle interlock system for one year, and payment of any towing, storage or
2546 administrative charges resulting from the immobilization of that vehicle.
2547
2548

2549 **§ 11-1602 Certification of ignition interlock systems**

- 2550 (a) The [Department of Motor Vehicles⁸⁹⁸⁸] shall certify or cause to be certified vehicle
2551 ignition interlock devices required by this Article, publish a list of approved devices, and
2552 conduct or regulate the operation of a vehicle ignition interlock program, including
2553 imposing charges on the motorist for compulsory system installation and monitoring.
2554 (b) No model of vehicle ignition interlock device shall be certified unless it meets the
2555 accuracy requirements and specifications provided in the guidelines adopted by the
2556 National Highway Traffic Safety Administration.
2557 (c) The [Department of Motor Vehicles] shall utilize information from an independent
2558 laboratory to certify ignition interlock devices on or off the premises of the manufacturer
2559 or manufacturer's agent, in accordance with the guidelines. The cost of certification shall
2560 be borne by the manufacturers of interlock ignition devices. If the certification of a
2561 device is suspended or revoked, the manufacturer of the device shall be responsible for,
2562 and shall bear the cost of, the removal of the device and the replacement of a certified
2563 device of the manufacturer or another manufacturer.
2564 (d) All manufacturers of vehicle ignition interlock devices that meet the requirements of the
2565 National Highway Traffic Safety Administration and are certified in a manner approved
2566 by the [Department of Motor Vehicles], who intend to market the devices in this state,
2567 first shall apply to the [Department of Motor Vehicles] on forms provided by that
2568 department. The application shall be accompanied by a fee in an amount not to exceed
2569 the amount necessary to cover the costs incurred by the [Department of Motor Vehicles]
2570 in carrying out this section.
2571 (e) The [Department of Motor Vehicles] shall ensure that standard forms and procedures are
2572 developed for documenting decisions and compliance, and communicating results to
2573 relevant agencies and parties.
2574 (f) The [Department of Motor Vehicles] may delegate a private contractor to act as the
2575 agent of the state in carrying out any of the requirements of this section.
2576

2577 **§ 11-1603 Use of a Vehicle by an Unlicensed Driver: Owner's Duty**

2578 No owner of a motor vehicle may knowingly allow another person to drive the vehicle upon
2579 a highway unless the owner determines that the person possesses a valid driver's license that
2580 authorizes the person to operate the vehicle. For purposes of this section, an owner is required
2581 only to make a reasonable effort or inquiry to determine whether the prospective driver possesses
2582 a valid driver's license before allowing him or her to operate the owner's vehicle. An owner is not
2583 required to inquire of the department whether the prospective driver possesses a valid driver's
2584 license.
2585

2586 **§ 11-1604 Immobilization Exceptions and Safeguards**

- 2587 (a) If a driver is unable to produce a valid driver's license on the demand of a police officer
2588 enforcing the provisions of the Motor Vehicle Code, the vehicle may be immobilized for
2589 up to thirty days, regardless of ownership, unless the police officer is reasonably able, by
2590 other means, to verify that the driver is properly licensed. Prior to immobilizing a
2591 vehicle, a police officer shall attempt to verify the license status of a driver who claims

⁸⁹⁸⁸ States should substitute the appropriate agency throughout Section 11-1602 should the responsible agency in their state differ from the above.

- 2592 to be properly licensed but is unable to produce the license on demand of the police
2593 officer.
- 2594 (b) A police officer shall not immobilize a vehicle pursuant to this section if the license of
2595 the driver expired within the preceding 30 days and the driver otherwise would have
2596 been properly licensed.
- 2597 (c) A police officer may exercise discretion in a situation where the driver without a valid
2598 license is an employee in the course of employment driving a vehicle registered to the
2599 employer. A police officer also may exercise discretion in a situation where the driver
2600 without a valid license is the employee of a bona fide business establishment or is a
2601 person otherwise controlled by such an establishment and it reasonably appears that an
2602 owner of the vehicle, or an agent of the owner, relinquished possession of the vehicle to
2603 the business establishment solely for servicing or parking of the vehicle or other
2604 reasonably similar situations, and where the vehicle was not to be driven except as
2605 directly necessary to accomplish that business purpose. In that event, if the vehicle can
2606 be returned to or be retrieved by the business establishment or registered owner, the
2607 police officer may release and not immobilize the vehicle.
- 2608 (d) If the driver of a vehicle immobilized pursuant to subsection (a) was a registered owner
2609 of the vehicle at the time of impoundment, the impounding agency shall authorize
2610 release of the vehicle if, within three days of such immobilization, the driver of the
2611 vehicle at the time of immobilization presents his or her valid driver's license, including
2612 a valid temporary driver's license or permit, to the responsible agency. The vehicle shall
2613 then be released to a registered owner of record at the time of immobilization, or an
2614 agent of that owner authorized in writing, upon payment of towing and storage charges
2615 related to the immobilization, and any reasonable administrative charges, providing that
2616 the person claiming the vehicle is properly licensed and the vehicle is properly
2617 registered.

2618
2619 **§ 11-1605 Consumer Protection**

- 2620 (a) A vehicle immobilized pursuant to the circumstances described in subsection 11-604(c)
2621 shall be released to a registered owner whether or not the driver of the vehicle at the time
2622 of such immobilization presented a valid driver's license. No processing charges shall be
2623 imposed on such registered owner if he or she properly redeems the vehicle within 15
2624 days of its immobilization.
- 2625 (b) Any owner of a vehicle who suffers any loss due to vehicle immobilization may recover
2626 the amount of the loss from the culpable driver whose actions caused the
2627 immobilization. If possession of a vehicle has been tendered to a business establishment
2628 in good faith, and an unlicensed, suspended or revoked driver employed or otherwise
2629 directed by that business establishment committed the violation which caused the
2630 vehicle to be immobilized, a registered owner of the vehicle may recover damages for
2631 the loss of use of - the vehicle from the business establishment.
- 2632 (c) Within 10 days of a vehicle immobilization, a registered or legal owner of record at the
2633 time the vehicle was immobilized may request a hearing to determine the validity of that
2634 vehicle immobilization.
- 2635 (1) The responsible agency, if requested to do so not later than 10 days after the date
2636 the vehicle was immobilized, shall provide the opportunity for a hearing to
2637 determine the validity of the vehicle immobilization to the persons who were the

- 2638 registered or legal owners of the vehicle at the time of its immobilization.
- 2639 (2) The post immobilization hearing shall be conducted not later than two days after the
- 2640 date it was requested. The responsible agency may authorize its own officer or
- 2641 employee to conduct the hearing if the hearing officer is not the same person who
- 2642 directed the storage of the vehicle. Failure of either the registered or legal owner to
- 2643 request a hearing as provided in paragraph (1) or to attend a scheduled hearing shall
- 2644 satisfy the post immobilization hearing requirement.
- 2645 (3) The responsible agency employing the person who directed the vehicle
- 2646 immobilization is responsible for all costs incurred for any towing, storage or
- 2647 administrative charges if it is determined that the vehicle was improperly
- 2648 immobilized.
- 2649 (4) Towing and storage charges for any vehicle immobilized pursuant to this Act shall
- 2650 not exceed the normal towing and storage rates for other vehicle towing and storage
- 2651 conducted by the towing company or agency in the normal course of business.
- 2652 (5) The burden of proof in the hearing shall be on the immobilizing agency, by a
- 2653 preponderance of the evidence. All questions that may arise shall be decided and all
- 2654 other proceedings shall be conducted as in an ordinary civil action. A judgment
- 2655 upholding vehicle immobilization does not require as a condition precedent the
- 2656 conviction of a defendant for the offense which made the vehicle subject to
- 2657 immobilization.
- 2658

2659 **§ 11-1606 Disposition of Abandoned Vehicles**

2660 Any immobilized vehicle unclaimed under this act which is determined to be abandoned

2661 under the laws of this state may be disposed of at the discretion of the [Department of Motor

2662 Vehicles].

2663

2664 **§ 11-1607 Administration**

- 2665 (a) The [Department of Motor Vehicles] may prescribe standard forms and procedures for
- 2666 implementation of this Article to be used by jurisdictions throughout the state.
- 2667 (b) In computing any period of time prescribed or allowed by this Article, if the time period
- 2668 to be computed is 15 days or less, Saturdays, Sundays and holidays shall not be counted.
- 2669 If the time period to be computed is greater than 15 days, Saturdays, Sundays and
- 2670 holidays shall be counted.
- 2671

2672 **§ 11-1608 Notice of License suspension or revocation - OPTIONAL**

- 2673 (a) *It shall be conclusively presumed that a person has knowledge of the suspension or*
- 2674 *revocation if notice has been sent by certified mail by the department to the most recent*
- 2675 *address officially reported by the person pursuant to procedures established by the*
- 2676 *department, and the return receipt has been signed and returned to the department. It is*
- 2677 *the responsibility of every license holder to report changes of address to the department*
- 2678 *within [10 days] of the change of address.*
- 2679

- 2680 (b)
- 2681 1. *In the event the certified mail is not delivered , the department shall attempt to*
- 2682 *provide personal service by using a process server for service of any person whose*
- 2683 *driving privilege was suspended or revoked.*
- 2684 2. *At the time of license reinstatement, the department shall recover an amount equal*
- 2685 *to its total cost of providing notices pursuant to this subsection, in addition to any*
- 2686 *finest or fees otherwise authorized by law.*

2687 [Note: This section is listed as “11-608” in the 2000 UVC. However, it should be listed as “11-

2688 1608”. That technical correction has been shown.]