

# National Committee on Uniform Traffic Control Devices

13236 North 7th Street, Suite 4-259, Phoenix, Arizona 85022  
Phone/Text: 231-4-NCUTCD (231-462-8823)  
E-mail: secretary@ncutcd.org Website: <https://ncutcd.org>

## 2022 Annual Meeting - Actions of NCUTCD Council Friday, January 14, 2022, Hilton Crystal City, Arlington, VA Meeting Summary

### General Session - Call to Order

NCUTCD Chair Gene Hawkins called the meeting to order at 8:01 AM Eastern Standard Time.

### Safety Briefing

Paul Rathgeber presented the safety briefing to all attendees.

### Opening Comments

Chair Hawkins welcomed attendees to the first in-person meeting of the National Committee in two years. Dr Hawkins also recognized this is the first in-person meeting as Executive Secretary for Richard Moeur. Gene also acknowledged four NCUTCD members or attendees that had passed away since the last in-person meeting (Dan Paddick, Mike Crow, Janet Barlow, and John LaPlante), and a moment of silence was observed in their honor.

### Attendance and Determination of Quorum

Sponsor	Voting Members
AAA	(no representative)
AAR	Tony Bellamy
AASHTO	Meg Pirkle, Chair Christina Bennett Neil Boudreau Jody Colvin Tom Honich Bill Lambert Erika Lindeberg Trey Tillander <sup>1</sup>
AHUA	Jonathan Upchurch
APBP	(no representative)
APTA	(no representative)
APWA	Steve Oliver, Chair Monica Suter Bob Garbacz
AREMA	Adam Gerhardstein
ARTBA	Sue Reiss
ASCE	Robert Bryson
ATSSA	Donna Clark
HFR	Bryan Katz

Sponsor	Voting Members
IACP	Rick Campbell
IBTTA	Tom Macchione
IMSA	(no representative)
ITE	Steven Jewell, Chair Kathy Falk John Fisher Gene Hawkins Marc Jacobson Scott Kuznicki <sup>2</sup> Frank Tramontozzi <sup>3</sup> Scott Wainwright
ITS America	Ed Bradley
LAB	Blair Tomten
NACE	Lee Billingsley, Chair Jeff Blue Tim Haagsma
NACTO	Uyen Dang, Acting Chair Lee Austin
NSC	Dan Magri

### Honorary Members

George Butzer

<sup>1</sup> Ryan Lancaster replaced Trey Tillander at 10:30 AM EST

<sup>2</sup> George Butzer replaced Scott Kuznicki at 10:51 AM EST

<sup>3</sup> Ronnie Bell replaced Frank Tramontozzi at 10:30 AM EST

Executive Secretary Richard Moeur stated a quorum of voting members was present.

Chair Hawkins asked for any first-time Council members to stand and be recognized.

Rick Campbell moved and Neil Boudreau seconded approval of the meeting summaries for the January 2021 virtual meeting and spring 2021 NPA response meeting (there was no June 2021 meeting, as all business was completed in the NPA meeting). This was passed in a unanimous voice vote.

Chair Hawkins then gave a summary of the Executive Board meeting of January 6th. The Hilton Crystal City has hosted NCUTCD's January meetings since 2002, and is only the third hotel used by NCUTCD for January meetings. However, this meeting is the final one on the current contract with the Hilton. In June 2021, the Board directed Mr. Moeur to send out a request to DC-area hotels to submit proposals for hosting the NCUTCD Annual Meeting in January 2023 and subsequent years. Several proposals were received, and Richard will be making visits to several hotels following this meeting. After this, the Board will meet to recommend a specific hotel, and Mr. Moeur will work with the selected hotel to negotiate a contract for 2023, with the possibility of extending it to subsequent years. This was also the first meeting for the new NCUTCD Budget Committee, which replaces the Financial Oversight Committee.

The Board also held a strategic planning meeting in fall 2021. This meeting covered NCUTCD's role in the NPA and IIJA, potential changes to NCUTCD's organizational structure, and preparation for a 12th Edition of the Manual.

At the June 2021 Board meeting, Jason Hyatt was approved as vice chair of the Guide and Motorist Information Technical Committee.

Chair Hawkins reminded members that NCUTCD policy is for meetings to be all in-person or all virtual. In order to hold a hybrid meeting with effective interaction between in-person and virtual attendees, arrangements must be made in advance for cameras, microphones, and added data connections, which can incur significant extra expenses for NCUTCD. Gene asked for a show of hands as to expected attendance at a hybrid meeting (either in-person or virtual).

### **New Members**

Chair Hawkins then read off the names of persons who have joined NCUTCD since the last in-person meeting (see lists), and welcomed them to NCUTCD. Each new member who was in attendance was brought briefly to the podium and given a NCUTCD membership pin. Gene Hawkins also recognized Clarence Haskett for his decades of assisting with registration and other tasks at January meetings.

### **Chair's Report**

Chair Hawkins acknowledged his impending retirement from teaching at Texas A&M University at the end of January. He also encouraged members to help him liquidate his large trove of reference and historic material in his A&M library.

Dr. Hawkins then noted that in responding to the 11th Edition NPA in 2021, NCUTCD accomplished more work in one project than ever before, due to the hard work of all the volunteers who comprise the National Committee. He called it NCUTCD's "best work", and expressed his sincere appreciation for all the hard work in reviewing, drafting, and submitting comments on all 85 chapters of the NPA. He also noted that NCUTCD's pivot to virtual meetings in 2020 due to COVID gave us the experience and ability to perform all this work purely through electronic means.

Chair Hawkins then briefly described the working group chaired by Bill Lambert which is thoroughly reviewing and revising the NCUTCD Bylaws and Operating Procedures. This includes changes to NCUTCD practices to adopt and effectively use new tools such as electronic meetings.

There are 212 attendees who have registered and attended this week's meetings. This is a good turnout for our first in-person meeting in two years.

### **Other Reports**

#### *Website:*

Webmaster Marc Jacobson noted all of NCUTCD's NPA comments are available on the website. Other underway projects include a new member database system.

#### *New Member Orientation:*

Jonathan Upchurch reported a New Member Orientation session was held virtually in December prior to this meeting. About 350 people have attended these sessions in the past 15 years, and 21 attended this most recent session.

#### *TOMC / Canadian MUTCD:*

Scott Wainwright has been participating in TOMC activities, and reports a new 6th Edition of the Canadian MUTCD is now available for purchase.

#### *FHWA:*

Chair Hawkins led into the report thanking FHWA for being a great partner during the NPA process. He also reminded attendees that FHWA can not comment in any detail on items still under review in the NPA.

Kevin Sylvester of the FHWA MUTCD Team then presented the FHWA update. Usman Ali has joined the MUTCD TEAM, focusing on Part 9 issues. There were approximately 17,000 separate entries in the docket submitted before the May 14, 2021 deadline, containing approximately 35,000 individual comments (after consolidating duplicate comments). USDOT leadership strongly supports moving to a Final Rule and publishing an 11th Edition in spring 2023 to meet the deadline set in the IIJA Act. The pavement marking retroreflectivity rulemaking is also moving forward separately. The draft PROWAG rulemaking (started in 2001) is not a USDOT activity, but if it moves to Final Rule the MUTCD will be revised to accommodate relevant provisions. Mr. Sylvester then discussed other items such as a proposed 4-year MUTCD update cycle and the status of other FHWA actions.

#### *June 2022 Meeting:*

A brief presentation was made on the upcoming summer 2022 meeting June 15-17 at the Founders Inn in Virginia Beach, VA.

### **Election of NCUTCD Officers**

Nomination Committee chair Lee Billingsley read the names of the candidates for Treasurer, Vice Chair of Programs, Vice Chair of Research, and NCUTCD Chair. The only contested position is that of NCUTCD Chair. Gene Hawkins turned the meeting over to Bill Lambert, Vice Chair of Programs at 9:18 AM EST.

Jonathan Upchurch and Gene Hawkins each made presentations on behalf of their respective qualifications for the Chair position, while complimenting their opponent's efforts on behalf of the National Committee. After the presentation, written ballots were distributed to Council members by the Executive Secretary and collected. Since there was only one Honorary Member in attendance, another long-time NCUTCD member not currently on Council (Ronnie Bell) was appointed to fill the second Teller Committee position. Once the ballot collection was complete, Gene Hawkins re-assumed the Chair position at 9:37 AM EST.

### **Edit Committee**

Vice Chair of Programs and Edit Committee Chair Bill Lambert reported on committee activities. The committee met virtually on January 4th with 13 members and one guest. Mr. Lambert thanked Ernie Huckaby for his many years of work in Edit Committee and for the MUTCD. Bill discussed Edit Committee's work on strategic planning for the 12th Edition. There was discussion on expanding the levels of restriction from three to four as proposed in the MUTCD strategic plan, and having technical committees categorize current/draft MUTCD content to see how the material might fit in such a new system.

### **Research Committee**

Vice Chair of Research and Research Committee Chair Bryan Katz reported on committee activities. The committee met in person yesterday with 34 in attendance. The committee discussed research problem statements originated by technical committees, and Bryan announced that a call for papers for the inaugural issue of a NCUTCD-published traffic control device research journal will be issued in spring 2022.

### **Regulatory and Warning Sign Technical Committee**

RWSTC Chair Tom Heydel reported on committee activities. The committee met yesterday with 19 members and 5 visitors. From 2009 to 2016, RWSTC had 82 items approved by Council, many of which were included in the 11th Edition NPA. RWSTC submitted three Pooled Fund proposals to Research Committee. The committee looked at the size of the MUTCD, and also considered issues of speed zoning and multi-way stop control. RWSTC looked at possibly moving Part 7 material into other Parts and increased use of figures in lieu of text in order to provide improved information. Several new task forces have been created to address new areas of interest. There were also presentations on possible action items.

### **Election of NCUTCD Officers (cont.)**

The results of the balloting were reported by the Teller Committee. 35 ballots were received.

- Chair: Gene Hawkins 28 votes, Jonathan Upchurch 6 votes, 1 non-vote
- Vice Chair, Programs: Bill Lambert, unanimous
- Vice Chair, Research: Bryan Katz, unanimous
- Treasurer: Kathy Falk, unanimous

Chair Hawkins thanked everyone involved for their efforts. Richard Campbell moved and Monica Suter seconded a motion to destroy the ballots, which passed in a unanimous voice vote. The ballots were destroyed in a secure manner by the Executive Secretary following the meeting.

### **Guide and Motorist Information Sign Technical Committee**

GMITC Chair Tom Honich reported on committee activities. The committee met yesterday with 24 members and 3 visitors. GMITC worked on strategic planning for the 12th Edition, including improving readability, improved organization of material on guide signing, and removing material covered in other references. Teams within GMITC will continue work on these issues.

### **Markings Technical Committee**

Markings TC Chair Jody Colvin reported on committee activities. The committee met yesterday with 24 members and 8 visitors. There was a presentation on automated vehicle camera technology and pavement markings and an update from FHWA. The committee reviewed possible action items for the 11th Edition of the MUTCD and discussed possible concepts for the 12th Edition, including splitting the Manual by roadway context and improving the writing (using active voice).

### **Signals Technical Committee**

Signals TC Chair John Fisher reported on committee activities. The committee met yesterday with 27 members and 7 visitors. There were presentations on midblock signals for pedestrians and passive signal detectors for pedestrians. STC worked on strategic planning for the 12th Edition and does not recommend substantially deleting existing content, but supports rewriting existing material to improve uniformity and simplify and clarify content.

Chair Hawkins asked the Council and audience if there would be interest in a webinar where each technical committee would present their ideas for the 12th Edition. The response seemed favorable, so Dr. Hawkins stated it might be arranged at some future date.

### **Temporary Traffic Control Technical Committee**

TTC Chair John Leonard reported on committee activities. The committee met yesterday with 33 members and 12 visitors. There were presentations and discussions on orange pavement markings in work zones, the needs of connected and autonomous vehicles in temporary traffic control zones, on a standardized work zone data format for electronic information exchange, and worker protection. The committee discussed how much TTC information belongs in the MUTCD vs. other references, and the use of content by different types of users. The chapter on Typical Applications comprises about 12% of the total MUTCD in terms of page volume, so changes to that section can have a big impact on size and usability.

### **Railroad and Light Rail Technical Committee**

RRLRT Chair Rick Campbell reported on committee activities. The committee met yesterday with 35 members and 6 visitors. RRLRT worked on strategic planning for the 12th Edition, noting that the needs of rail transport are different and at times not compatible with roadway modes. The role of the FHWA Highway Rail Crossing Handbook in relation to the MUTCD was discussed, along with several other items.

### **Bicycle Technical Committee**

BTC and Council member Blair Tomten reported on committee activities. The committee met yesterday with only 5 members and 5 visitors. The members present worked on 12th Edition planning, and there was a presentation on connected and automated vehicles and their interaction with bicyclists. Ms. Tomten positively noted the number of women in leadership positions in NCUTCD.

### **Recess**

The Council session recessed from 10:05 to 10:33 AM EST.

### **Connected and Automated Vehicle Joint Task Force**

CAV JTF Chair Paul Carlson reported on task force activities. The task force met Wednesday with 42 attendees. There was a presentation on camera technology and traffic control device detection provided by Mobileye, which is a prominent camera vendor in the CAV field. This could have impacts on agency maintenance and other practices. CAV also reviewed ITE research requests on CAV topics. Some technical committees are setting up CAV-specific task forces, including a cooperative task force involving RWSTC and GMITC.

### **Pedestrian Joint Task Force**

Ped JTF Acting Chair Randy McCourt reported on task force activities. The task force met Wednesday with 30 attendees. There were presentations and discussions on research into crash modification factors for traffic control treatments, research proposals in areas around the US, passive pedestrian detection. The Ped JTF is developing a list of research topics for Research Committee. The JTF worked on issues for the 12th Edition of the MUTCD, including usability, the appropriate place for pedestrian items in the MUTCD, and use of warrants.

### **Roundabout Joint Task Force**

Roundabout JTF Chair Brian Walsh reported on task force activities. The task force met yesterday with 12 attendees. The JTF discussed issues involving the 12th Edition of the MUTCD, including a multimodal approach. The Roundabout JTF sees a opportunity for improvement in arrows used in markings (and signs) at roundabouts.

### **Rules of the Road Joint Task Force**

Chair Hawkins performed a quorum check with Group I delegations and confirmed a quorum was present prior to moving into votes on proposals. Gene also showed some old transparencies used for NCUTCD Council activities decades ago and expressed appreciation for advances in technology where the Committee no longer has to work from hand-written markups of proposals.

Chair Hawkins began this section by reminding the Council and membership that NCUTCD's interest and work on the Uniform Vehicle Code is focused exclusively on model language dealing specifically with traffic control devices in the UVC definitions and the chapter on Rules of the Road. These proposals are intended to provide a foundation for future work. Some of these proposals are simply formal restatements of prior Council action, and NCUTCD is not looking to make additional revisions at this stage. The goal is to publish a standalone NCUTCD Rules of the Road document in the future, but such a document will not be published until revisions are much more complete.

ROR JTF Chair Ronnie Bell opened with a brief explanation of the UVC, NCUTCD's involvement with the document, prior ROR actions by Council, and reiterated Dr. Hawkins' comments on the Rules of the Road.

22A-ROR-01: ROR JTF Chair Bell presented the proposal. Five editorial corrections were made based on comments from sponsoring organizations.

22A-ROR-02: ROR JTF Chair Bell presented the proposal. A few editorial corrections were made based on comments from sponsoring organizations. Bell moved and Monica Suter seconded approval of both 22A-ROR-01 and 22A-ROR-02. Fisher noted future cleanup would be needed for conformance with the 2009 and subsequent editions of the MUTCD. Both proposals passed in a unanimous voice vote.

22A-ROR-03: ROR JTF Chair Bell presented the proposal. Bell moved and Rick Campbell seconded approval. The proposal passed in a unanimous voice vote.

22A-ROR-04: ROR JTF Chair Bell presented the proposal. A few editorial corrections were made based on comments from sponsoring organizations. Bell moved and Neil Boudreau seconded approval. Tomten asked about the role of bicyclists and e-bikes in this section of the UVC, and Chair Hawkins noted it may be an appropriate subject for future action. The proposal passed in a unanimous voice vote.

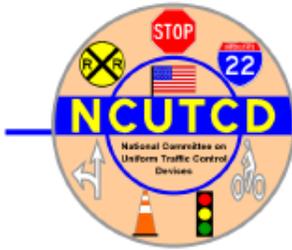
If members have an interest in or an issue to address in the Rules of the Road, they are invited to attend ROR JTF meetings.

### **Adjournment**

Campbell moved and Steve Jewell seconded adjourning the meeting. The motion passed in a unanimous voice and the meeting was adjourned at 11:09 AM EST. Maximum session attendance for the day was estimated at 185.

Respectfully submitted,

Richard C. Moeur, PE  
Executive Secretary



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Item No. 21B-ROR-01

## 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-01  
8 **TOPIC:** 2000 UVC Definitions and Chapter 11 (Rules of the  
9 Road)  
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, 01-05-2022  
14 • Approved by NCUTCD Council: 01-14-2022  
15

16 *This is a proposal for the conversion of the definitions and Chapter 11, Rules of the Road, from*  
17 *the 2000 Uniform Vehicle Code (UVC) to a document that will be updated and maintained by the*  
18 *NCUTCD. Other than formatting changes, no changes to the published 2000 UVC definitions*  
19 *and Chapter 11 are proposed in this proposal. This has been developed by a joint task force of*  
20 *the NCUTCD and has been approved by the NCUTCD Council.*  
21

### SUMMARY:

22  
23 The Rules of the Road are to be posted on the NCUTCD webpage for the information of users  
24 thereof. The Rules of the Road were previously published by the National Committee of  
25 Uniform Laws and Ordinances (NCUTLO). They suspended operations in July 2008 with the  
26 last published Uniform Vehicle Code (UVC) dated 2000. The NCUTCD determined that they  
27 would maintain the Rules of the Road, Chapter 11, UVC to update it with changes to the  
28 MUTCD providing a Rules of the Road publication that is consistent with the MUTCD for the  
29 information and use of those jurisdictions that want to update their vehicle laws to be compatible  
30 with the MUTCD.  
31

### DISCUSSION:

32  
33 The UVC Rules of the Road (ROR) chapter needs to be updated to reflect revisions to the  
34 MUTCD. Updating the ROR and related definitions will be addressed in separate proposals.  
35 This proposal is just to document the status of the definitions and Chapter 11 as they existed in  
36 the published 2000 UVC. Therefore, consideration of sponsor comments and NCUTCD Council  
37 discussion was limited to any needed technical or editorial corrections to this conversion to a  
38 NCUTCD document rather than to the actual text of the definitions or Rules of the Road chapter.  
39 This proposal is to establish a base document that includes just the definitions and Chapter 11  
40 from the 2000 UVC.

41  
42 RECOMMENDED RULES OF THE ROAD CHANGES:  
43 There are no changes to the definitions and Chapter 11 of the 2000 UVC proposed in this  
44 proposal.

45  
46 **CHAPTER 1**

47  
48 **WORDS AND PHRASES DEFINED**

49  
50 **§ 1-101 Definition of words and phrases**

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

55  
56 **§ 1-102 Alcohol** - any substance or substances containing any form of alcohol.

57  
58 **§ 1-103 Alcoholic beverage:**

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

68  
69 **§ 1-104 Alcohol concentration** - either grams of alcohol per 100 milliliters of blood or  
70 grams of alcohol per 210 liters of breath.

71  
72 **§ 1-105 Alley** - A street or highway intended to provide access to the rear or side of lots or  
73 buildings in urban districts and not intended for the purpose of through vehicular traffic.

74  
75 **§ 1-106 Any measurable and detectable amount of alcohol** – any alcohol concentration in  
76 a person's blood or breath that is 0.02 or more.

77  
78 **§ 1-107 Arterial street** - Any U.S. or State numbered route, controlled access highway, or  
79 other major radial or circumferential street or highway designated by local authorities within  
80 their respective jurisdictions as part of a major arterial system of streets or highways.

83 § 1-108 **Authorized emergency vehicle** - Such fire department vehicles, police vehicles  
84 and ambulances as are publicly owned, and such other publicly or privately owned vehicles as  
85 are designated by the commissioner of motor vehicles (or other appropriate state official) under  
86 §15-111 of this code.

87  
88 § 1-109 **Bicycle** - Every vehicle propelled solely by human power upon which any person  
89 may ride, having two tandem wheels and except scooters and similar devices.

90  
91 § 1-110 **Bus** - Every motor vehicle with a manufacturer's rated seating capacity of 11 or  
92 more passengers, including the driver.

93  
94 § 1-111 **Business district** - The territory contiguous to and including a highway when  
95 within any 600 feet along such highway there are buildings in use for business or industrial  
96 purposes, including but not limited to hotels, banks, or office buildings, railroad stations and  
97 public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively  
98 on both sides of the highway.

99  
100 § 1-112 **Cancellation of driver's license** - The annulment or termination by formal action  
101 of the department of a person's driver's license because of some error or defect in the license or  
102 because the licensee is no longer entitled to such license, but the cancellation of a license is  
103 without prejudice and application for a new license may be made at any time after such  
104 cancellation.

105  
106 § 1-113 **Child Passenger Restraint System** - a specially designed seating system which  
107 meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213 as it may be  
108 amended from time to time and which is either permanently affixed to a motor vehicle or is  
109 affixed to such vehicle by a safety belt or a universal attachment system.

110  
111 § 1-114 **Commissioner**<sup>1</sup> - The commissioner of motor vehicles of this State.

112  
113 § 1-115 **Component part** - Each part contained in or upon a vehicle, including the engine  
114 or motor; the transmission or transaxle; the chassis, frame, or load-bearing major structural  
115 equivalent thereof; any door, hood, deck lid, hatch, or tailgate; any bumper; any fender or quarter  
116 panel; a cowl or firewall; a cargo compartment or passenger compartment floor or floor panel;  
117 and any motorcycle frame, front fork, or crankcase.

118  
119 § 1-116 **Controlled-access highway** - Every highway, street or roadway in respect to which  
120 owners or occupants of abutting land and other persons have no legal right of access to or from  
121 the same except at such points only and in such manner as may be determined by the public  
122 authority having jurisdiction over such highway, street or roadway.

123  
124

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

125 § 1-117 **Conviction** - means that a court of original jurisdiction has made an adjudication of  
126 guilt. The term includes an unvacated forfeiture of bail or collateral deposited to secure a  
127 defendant's appearance in court, a plea of nolo contendere accepted by the court, the payment of  
128 a fine, and a plea of guilty or a finding of guilt, regardless of whether the penalty is rebated,  
129 suspended or probated.

130  
131 § 1-118 **Crosswalk** –

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

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

139  
140 § 1-119 **Dealer** - Every person in the business of buying, selling or exchanging vehicles.

141  
142 § 1-120 **Department**<sup>2</sup> - The department of motor vehicles of this State.

143  
144 § 1-121 **Disclose** -to engage in any practice or conduct to make available and make known  
145 personal information contained in records of the department about a person to any other person,  
146 organization, or entity, by any means of communication

147  
148 § 1-122 **Divided highway** - A highway divided into two or more roadways by leaving an  
149 intervening space or by a physical barrier or by clearly indicated dividing section so constructed  
150 as to impede vehicular traffic

151  
152 § 1-123 **Drive** - To operate or be in physical control of a vehicle.

153  
154 § 1-124 **Driveway towaway operation** -Any operation in which any motor vehicle, trailer  
155 or semitrailer, singly or in combination, new or used, constitutes the commodity being  
156 transported, when one set or more of wheels of any such vehicle are on the roadway during the  
157 course of transportation, whether or not any such vehicle furnishes the motive power.

158  
159 § 1-125 **Driven** - To have operated or been in physical control of a vehicle.

160  
161 § 1-126 **Driver** - Every person who drives or is in actual physical control of a vehicle.

162  
163 § 1-127 **Driver's license** - Any license to operate a motor vehicle issued under the laws of  
164 this State.

165  
166 § 1-128 **Driving** - Operating or being in physical control of a vehicle.

167

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<sup>2</sup> 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.

168 § 1-129 **Drug** - A controlled substance as defined by State or federal law or any other drug  
169 or psychoactive substance capable of impairing a person's physical or mental faculties or any  
170 combination of these substances.

171  
172 § 1-130 **Essential Parts** - All integral and body parts of a vehicle of a type required to be  
173 registered hereunder, the removal, alteration or substitution of which would tend to conceal the  
174 identity of the vehicle or substantially alter its appearance, model, type or mode of operation.

175  
176 § 1-131 **Established place of business** - The place actually occupied either continuously or  
177 at regular periods by a dealer or manufacturer where such person's books and records are kept  
178 and a large share of the person's business is transacted.

179  
180 § 1-132 **Explosives** - Any chemical compound or mechanical mixture that is commonly  
181 used or intended for the purpose of producing an explosion and which contains any oxidizing  
182 and combustive units or other ingredients in such proportions, quantities or packing that an  
183 ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the  
184 compound or mixture may cause such a sudden generation of highly heated gases that the  
185 resultant gaseous pressures are capable of producing destructive effects on contiguous objects or  
186 of destroying life or limb.

187  
188 § 1-133 **Farm tractor** - Every motor vehicle designed and used primarily as a farm  
189 implement, for drawing plows, mowing machines and other implements of husbandry.

190  
191 § 1-134 **Flammable liquid** - Any liquid which has a flash point of 70° F. or less, as  
192 determined by a tagliabue or equivalent closed-cup test device.

193  
194 § 1-135 **Foreign vehicle** - Every vehicle of a type required to be registered hereunder  
195 brought into this State from another state, territory or country other than in the ordinary course of  
196 business by or through a manufacturer or dealer and not registered in this State.

197  
198 § 1-136 **Gross weight** - The weight of a vehicle without load plus the weight of any load  
199 thereon.

200  
201 § 1-137 **Hazardous material** - Has the same meaning as that found in 49 U.S.C. §5102  
202 (definitions).

203  
204 § 1-138 **Highway**<sup>3</sup> - The entire width between the boundary lines of every way publicly  
205 maintained when any part thereof is open to the use of the public for purpose of vehicular travel.

206  
207 § 1-139 **House trailer**  
208 (a) A trailer or semitrailer which is designed, constructed and equipped as a dwelling place,  
209 living abode or sleeping (either permanently or temporarily) and is equipped for use as a  
210 conveyance on streets and highways, or  
211 (b) A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for  
212 use as a house trailer, as defined in paragraph (a), but which is used instead permanently

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<sup>3</sup> By the above definition the terms "street" and "highway" are synonymous and interchangeable.

213 or temporarily for the advertising, sales, display or promotion of merchandise or  
214 services, or for any other commercial purpose except the transportation of property for  
215 hire or the transportation of property for distribution by a private carrier.  
216

217 **§ 1-140 Human-powered vehicle** - Every vehicle designed to be moved solely by human  
218 power.  
219

220 **§ 1-141 Identifying number** - The vehicle identification number assigned by the  
221 manufacturer or by the department for the purpose of identifying the vehicle. The term shall  
222 include any numbers or letters assigned by the manufacturer for the purpose of identifying a part  
223 of a vehicle and any such number placed on a part in accordance with this code or regulations of  
224 the department for the purpose of identifying it.  
225

226 **§ 1-142 Implement of husbandry** - Every vehicle designed or adapted and used  
227 exclusively for agricultural operations and only incidentally operated or moved upon the  
228 highway.  
229

230 **§ 1-143 Imprisonment** - corrections facility, house arrest with electronic monitoring,  
231 inpatient rehabilitation or treatment center, or other facility, provided the individual under  
232 confinement is in fact being detained.  
233

234 **§ 1-144 Incarceration** - Confinement in a jail, minimum-security facility, community  
235 correction facility, house arrest with electronic monitoring, inpatient rehabilitation or treatment  
236 center, or other facility provided the individual under confinement is in fact being detained.  
237

238 **§ 1-145 Individual record** - A record containing personal information about a designated  
239 person who is the subject of the record, as identified in a request for information.  
240

241 **§ 1-146 Intersection** –

- 242 (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if  
243 none, then the lateral boundary lines of the roadways of two highways which join one  
244 another at, or approximately at, right angles, or the area within which vehicles traveling  
245 upon different highways joining at any other angle may come in conflict.  
246 (b) Where a highway includes two roadways (30) feet or more apart, then every crossing of  
247 each roadway of such divided highway by an intersecting highway shall be regarded as a  
248 separate intersection. In the event such intersecting highway also includes two  
249 roadways (30) feet or more apart, then every crossing of two roadways of such highways  
250 shall be regarded as a separate intersection.  
251 (c) The junction of an alley with a street or highway shall not constitute an intersection.  
252

253 **§ 1-147 Laned roadway** - A roadway which is divided into two or more clearly marked  
254 lanes for vehicular traffic.  
255

256 **§ 1-148 License or License to operate a motor vehicle** - Any driver's license or any  
257 license or permit to operate a motor vehicle issued under, or granted by, the laws of this State  
258 including:

- 259 (a) Any temporary license or instruction permit;  
260 (b) The privilege of any person to drive a motor vehicle whether or not such person holds a  
261 valid license;  
262 (c) Any nonresident's operating privilege as defined herein.

263  
264 **§ 1-149 Lienholder** - A person holding a security interest in a vehicle.

265  
266 **§ 1-150 Local authorities** - Every county, municipal and other local board or body having  
267 authority to enact laws relating to the traffic under the constitution and laws of this State.

268  
269 **§ 1-151 Mail** - To deposit in the United States mail properly addressed and with postage  
270 prepaid.

271  
272 **§ 1-152 Manufacturer** - Every person engaged in the business of constructing or  
273 assembling vehicles of a type required to be registered hereunder at an established place of  
274 business in this State.

275  
276 **§ 1-153 Metal tire** - Every tire the surface of which in contact with the highway is wholly  
277 or partly metal or other hard, non-resilient material.

278  
279 **§ 1-154 Moped** - A motor-driven cycle with a motor which produces not to exceed two-  
280 brake horsepower and which is not capable of propelling the vehicle at a speed in excess of 30  
281 mph on level ground. If an internal combustion engine is used, the displacement shall not exceed  
282 50 cubic centimeters, and the moped shall have a power drive system that functions directly or  
283 automatically without clutching or shifting by the operator after the drive system is engaged.

284  
285 **§ 1-155 Motor home** - A motor vehicle designed to provide temporary living quarters built  
286 into as an integral part of, or permanently attached to, a self-propelled motor vehicle chassis or  
287 van. The vehicle must contain permanently installed independent life support systems which  
288 meet the ANSI/NFPA 501C Standard and provide at least four of the following facilities:  
289 cooking, refrigeration or ice box, self-contained toilet heating and/or air conditioning, a potable  
290 water supply system including a faucet and sink, separate 110-125 volt electrical power supply  
291 and/or an LP-gas supply. The basic types are specified as follows:

292 Type A: A raw chassis upon which is built a driver's compartment and an entire body  
293 which provides temporary living quarters as defined above; and

294 Type B: A completed van-type vehicle which has been altered to provide temporary living  
295 quarters as defined above; and

296 Type C: An incomplete vehicle upon which is permanently attached a body designed to  
297 provide temporary living quarters as defined above.

298  
299 **§ 1-156 Motor vehicle** - Every vehicle which is self-propelled, and every vehicle which is  
300 propelled by electric power obtained from overhead trolley wires but not operated upon rails,  
301 except vehicles moved solely by human power and motorized wheelchairs.

302  
303

304 § 1-157 **Motorcycle** - Every motor vehicle having a seat or saddle for the use of the rider  
305 and designed to travel on not more than three wheels in contact with the ground but excluding a  
306 tractor.  
307

308 § 1-158 **Motor-driven cycle** - Every motorcycle, motor scooter or motorized bicycle having  
309 an engine with less than 150 cubic centimeters displacement or with five brake horsepower or  
310 less.  
311

312 § 1-159 **Motorized wheelchair** - Any self-propelled vehicle designed for, and used by, a  
313 person with disabilities that is incapable of a speed in excess of eight miles per hour.  
314

315 § 1-160 **Nonresident** - Every person who is not a resident of this State.  
316

317 § 1-161 **Nonresident's operating privilege** - The privilege conferred upon a nonresident by  
318 the laws of this State pertaining to the operation by such person of a motor vehicle, or the use of  
319 a vehicle owned by such person, in this State.  
320

321 § 1-162 **Odometer** - An instrument for measuring and recording the actual distance a motor  
322 vehicle travels while in operation, other than any auxiliary odometer designed to be reset by the  
323 operator of the motor vehicle for the purpose of recording mileage on trips.  
324

325 § 1-163 **Official traffic-control device** - All signs, signals, markings and devices not  
326 inconsistent with this code placed or erected by authority of a public body or official having  
327 jurisdiction, for the purpose of regulating, warning or guiding traffic.  
328

329 § 1-164 **Open alcoholic beverage container** - Any bottle, can or other receptacle that  
330 contains any amount of alcoholic beverage, and that is open, has a broken seal, or the contents of  
331 which are partially removed.  
332

333 § 1-165 **Park or parking** - The standing of a vehicle, whether occupied or not, otherwise  
334 than temporarily for the purpose of and while actually engaged in loading or unloading property  
335 or passengers.  
336

337 § 1-166 **Passenger area** - The area designed to seat the driver and passengers while the  
338 motor vehicle is in operation and any area that is readily accessible to the driver or passengers  
339 while in their seating positions, including but not limited to the glove compartment.  
340

341 § 1-167 **Passenger car** - Every motor vehicle, except motorcycles and motor- driven cycles,  
342 designed for carrying 10 passengers or less and used for the transportation of persons.  
343

344 § 1-168 **Pedestrian** - Any person afoot.  
345

346 § 1-169 **Person** - Every natural person, firm, co-partnership, association or corporation.  
347

348 § 1-170 **Person with disabilities** - Persons who, as determined by a licensed physician:  
349 (a) cannot walk two hundred feet without stopping to rest;

- 350 (b) cannot walk without the use of, or assistance from, a brace, cane, crutch, another person,  
351 prosthetic device, wheelchair, or other assistance device
- 352 (c) restricted by lung disease to such an extent that the person's forced (respiratory)  
353 expiratory volume for one second, when measured by spirometry, is less than one liter,  
354 or the arterial oxygen tension is less than sixty mm of Hg on room air at rest;
- 355 (d) use portable oxygen;
- 356 (e) have a cardiac condition to the extent that the person's functional limitations are  
357 classified in severity as Class III or Class IV according to standards set by the American  
358 Heart Association; or
- 359 (f) are severely limited in their ability to walk due to an arthritic, neurological, or  
360 orthopedic condition.

361  
362 **§ 1-171 Personal identification card** – A document issued by the department for the sole  
363 purpose of identifying the bearer and not authorized for use as a driver's license.

364  
365 **§ 1-172 Personal information** - Information that identifies a person, including an  
366 individual's photograph or computerized image, social security number, driver identification  
367 number, name, address, (but not the 5-digit zip code), telephone number, and medical or  
368 disability information, but does not include information on vehicular accidents, driving or  
369 equipment-related violations, and driver's license or registration status.

370  
371 **§ 1-173 Pneumatic tire** - Every tire in which compressed air is designed to support the  
372 load.

373  
374 **§ 1-174 Pole trailer** - Every vehicle without motive power designed to be drawn by another  
375 vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or  
376 otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly  
377 shaped loads such as poles, pipes or structural members capable, generally, of sustaining  
378 themselves as beams between the supporting connections.

379  
380 **§ 1-175 Police officer** - Every officer authorized to direct or regulate traffic or to make  
381 arrests or issue citations for violations of traffic laws or ordinances.

382  
383 **§ 1-176 Preliminary alcohol screening test** - An instrument designed and used to measure  
384 the presence of alcohol in a person based on a breath sample.

385  
386 **§ 1-177 Private road or driveway** - Every way or place in private ownership and used for  
387 vehicular travel by the owner and those having express or implied permission from the owner,  
388 but not by other persons.

389  
390 **§ 1-178 Railroad** - A carrier of persons or property upon cars (other than streetcars),  
391 operating upon stationary rails.

392  
393 **§ 1-179 Railroad sign or signal** - Any sign, signal or device erected by authority of a  
394 public body or official or by a railroad and intended to give notice of the presence of railroad  
395 tracks or the approach of a railroad train.

396

397 § 1-180 **Railroad train** - A steam engine, electric or other motor, with or without cars  
398 coupled thereto, operated upon rails (except streetcars).  
399

400 § 1-181 **Reconstructed vehicle** - Every vehicle of a type required to be registered hereunder  
401 materially altered from its original construction by the removal, addition or substitution of  
402 essential parts, new or used.  
403

404 § 1-182 **Registration** - The registration certificate or certificates and registration plates  
405 issued under the laws of this State pertaining to the registration of vehicles.  
406

407 § 1-183 **Residence district** - The territory contiguous to and including a highway not  
408 comprising a business district when the property on such highway for a distance of 300 feet or  
409 more is in the main improved with residences, or residences and buildings in use for business.  
410

411 § 1-184 **Revocation of driver's license** - The termination by formal action of the  
412 department of a person's license or privilege to operate a motor vehicle on the highways, which  
413 terminated license or privilege shall not be subject to renewal or restoration except that an  
414 application for a new license may be presented and acted upon by the department after the  
415 expiration of the applicable period of time prescribed in this code.  
416

417 § 1-185 **Right of way** - The right of one vehicle or pedestrian to proceed in a lawful manner  
418 in preference to another vehicle or pedestrian approaching under such circumstances of direction,  
419 speed and proximity as to give rise to danger of collision unless one grants precedence to the  
420 other.  
421

422 § 1-186 **Roadway** - that portion of a highway improved, designed or ordinarily used for  
423 vehicular travel, exclusive of the sidewalk, berm or shoulder even though such sidewalk, berm or  
424 shoulder is used by persons riding bicycles or other human powered vehicles. In the event a  
425 highway includes two or more separate roadways the term "roadway" as used herein shall refer  
426 to any such roadway separately but not to all such roadways collectively.  
427

428 § 1-187 **Safety Belt** - Any strap, webbing, or similar device designed to secure a person in a  
429 motor vehicle including all necessary buckles and other fasteners, and all a roadway for the  
430 exclusive use of pedestrians and which is protected or is so marked or indicated by official traffic  
431 control devices as to be plainly visible at all times while set apart as a safety zone.  
432

433 § 1-188 **Safety zone** - The area or space officially set apart within a roadway for the  
434 exclusive use of pedestrians and which is protected or is so marked or indicated by official traffic  
435 control devices as to be plainly visible at all times as set apart as a safety zone.  
436

437 § 1-189 **School bus** - Every bus that is used to transport children to or from school or in  
438 connection with school activities, but not including buses operated by common carriers in urban  
439 transportation who incidentally accept school children as passengers.  
440

441 §1-190 **Security agreement** - A written agreement which reserves or creates a security  
442 interest.

443  
444    **§ 1-191     Security interest** - An interest in a vehicle reserved or created by agreement and  
445 which secures payment or performance of an obligation. The term includes the interest of a  
446 lessor under a lease intended as security. A security interest is "perfected" when it is valid  
447 against third parties generally, subject only to specific statutory exceptions.  
448  
449    **§ 1-192     Semitrailer** - Every vehicle with or without motive power, other than a pole trailer,  
450 designed for carrying persons or property and for being drawn by a motor vehicle and so  
451 constructed that some part of its weight and that of its load rests upon or is carried by another  
452 vehicle.  
453  
454    **§ 1-193     Sidewalk** - That portion of a street between the curb lines, or the lateral lines of a  
455 roadway, and the adjacent property lines, intended for use by pedestrians.  
456  
457    **§ 1-194     Solid rubber tire** - Every tire of rubber or other resilient material which does not  
458 depend upon compressed air for the support of the load.  
459  
460    **§ 1-195     Special mobile equipment** - Every vehicle not designed or used primarily for the  
461 transportation of persons or property and only incidentally operated or moved over a highway,  
462 including but not limited to: ditch-digging apparatus, well-boring apparatus and road  
463 construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket  
464 loaders, tractors other than truck tractors, ditchers, levelling graders, finishing machines, motor  
465 graders, road rollers, scarifiers, earth moving carry-ails and scrapers, power shovels and drag  
466 lines, and self-propelled cranes and earth moving equipment. The term does not include house  
467 trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed  
468 for the transportation of persons or property to which machinery has been attached.  
469  
470    **§ 1-196     Specially constructed vehicles** - Every vehicle of a type required to be registered  
471 hereunder not originally constructed under a distinctive name, make, model, or type by a  
472 generally recognized manufacturer of vehicles and not materially altered from its original  
473 construction.  
474  
475    **§ 1-197     Stand or standing** - The halting of a vehicle, whether occupied or not, otherwise  
476 than temporarily for the purpose of and while actually engaged in receiving or discharging  
477 passengers.  
478  
479    **§ 1-198     State** - A state, territory or possession of the United States, the District of  
480 Columbia, the Commonwealth of Puerto Rico or a province of Canada.  
481  
482    **§ 1-199     Stop** - When required means complete cessation from movement.  
483  
484    **§ 1-200     Stop or stopping** - When prohibited means any halting even momentarily of a  
485 vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in  
486 compliance with the directions of a police officer or official traffic-control device.  
487

488 § 1-201 **Street**<sup>4</sup> - The entire width between boundary lines of every way publicly  
489 maintained when any part thereof is open to the use of the public for purposes of vehicular travel.  
490  
491 § 1-202 **Streetcar**<sup>5</sup> - A car other than a railroad train for transporting persons or property  
492 and operated upon rails principally within a municipality.  
493  
494 § 1-203 **Suspension of driver's license** - The temporary withdrawal by formal action of the  
495 department of a person's license or privilege to operate a motor vehicle on the public highways,  
496 which temporary withdrawal shall be for a period specifically designated by the department.  
497  
498 § 1-204 **Tank vehicle** - Any motor vehicle that is designed to transport any liquid or  
499 gaseous material within a tank that is either permanently or temporarily attached to a vehicle or  
500 the chassis. However, this definition does not include tanks having a rated capacity of less than  
501 1,000 gallons.  
502  
503 § 1-205 **Through highway** - Every highway or portion thereof on which vehicular traffic is  
504 given preferential right of way, and at the entrances to which vehicular traffic from intersecting  
505 highways is required by law to yield the right of way to vehicles on such through highway in  
506 obedience to a stop sign, yield sign, or other official traffic-control device, when such signs or  
507 devices are erected as provided in this code.  
508  
509 § 1-206 **Trackless trolley coach** - Every motor vehicle which is propelled by electric power  
510 obtained from overhead trolley wires but not operated upon rails.  
511  
512 § 1-207 **Traffic** - Pedestrians, ridden or herded animals, vehicles, streetcars and other  
513 conveyances either singly or together while using such highway for purpose of travel.  
514  
515 § 1-208 **Traffic control signal** - Any device, whether manually, electrically or  
516 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.  
517  
518 § 1-209 **Trailer** - Every vehicle with or without motive power, other than a pole trailer,  
519 designed for carrying persons or property and for being drawn by a motor vehicle and so  
520 constructed that no part of its weight rests upon the towing vehicle.  
521  
522 § 1-210 **Transporter** - Every person engaged in the business of delivering vehicles of a  
523 type required to be registered hereunder from a manufacturing, assembling or distributing plant  
524 to dealers or sales agents of a manufacturer.  
525  
526 § 1-211 **Truck** - Every motor vehicle designed, used or maintained primarily for the  
527 transportation of property.  
528  
529 § 1-212 **Truck camper** - Any structure designed, used or maintained primarily to be loaded  
530 on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or  
531 commercial space.

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<sup>4</sup> By the above definition the terms "street" and "highway" are synonymous and interchangeable.

<sup>5</sup> This definition should be omitted by states in which streetcars are not in operation.

532  
533 **§ 1-213 Truck tractor** - Every motor vehicle designed and used primarily for drawing other  
534 vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle  
535 and load so drawn.

536  
537 **§ 1-214 Urban district** - The territory contiguous to and including any street which is built  
538 up with structures devoted to business, industry or dwelling houses situated at intervals of less  
539 than 100 feet for a distance of a quarter of a mile or more.

540  
541 **§ 1-215 Vehicle** - Every device upon or by which any person or property is or may be  
542 transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or  
543 tracks.

544  
545 **§ 1-216 Vehicle identification number** - The vehicle identification number or any other  
546 numbers, letters, symbols, data, or combination thereof placed on a vehicle or vehicle part for  
547 purposes of identification by the manufacturer or at the direction of the department in accordance  
548 with the provisions of this code or at the direction of proper authorities in accordance with the  
549 laws of the United States, another state or country. The term includes any identification number  
550 placed on or assigned to a component part, replacement part, engine, transmission, and any  
551 vehicle identification number derivative.

552 CHAPTER 11

553 RULES OF THE ROAD

554 ARTICLE I - OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

555 § 11-101 Provisions of chapter refer to vehicles upon the highways - exceptions

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

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

561 § 11-102 Required obedience to traffic laws

- 562 (a) It is unlawful, and unless otherwise declared in this chapter with respect to particular  
563 offenses, it is a (misdemeanor) (violation) for any person to do any act forbidden or fail  
564 to perform any act required in this chapter.
- 565 (b) OPTIONAL Any person who violates section 11-809, 11-901, 11- 902, 11-907, or 11-  
566 908 shall be guilty of a misdemeanor.<sup>72</sup>
- 567 (c) OPTIONAL Any person who violates any other section in this chapter shall be guilty of  
568 an infraction.<sup>72</sup>

569 § 11-103 Obedience to authorized persons directing traffic

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

583  
584  
585  
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<sup>71</sup> States which have adopted §10-101 should not enact the reference to Chapter 10.

<sup>72</sup> 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.

590 § 11-104 **Persons riding animals or driving animal - drawn vehicles**

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

595

596 § 11-105 **Persons working on highways - exceptions**

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

601

602 § 11-106 **Authorized emergency vehicles**

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

624

625

626 **ARTICLE II - TRAFFIC CONTROL DEVICES**

627  
628 **§ 11-201 Obedience to and required traffic-control devices**

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

647  
648 **§ 11-202 Traffic-control signal legend**

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

- 653 (a) Green indication
- 654 1. Vehicular traffic facing a circular green signal may proceed straight through or turn  
655 right or left unless a sign at such place prohibits either such turn. But vehicular  
656 traffic, including vehicles turning right or left, shall yield the right of way to other  
657 vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk  
658 at the time such signal is exhibited.
  - 659 2. Vehicular traffic facing a green arrow signal, shown alone or in combination with  
660 another indication, may cautiously enter the intersection only to make the  
661 movement indicated by such arrow, or such other movement as is permitted by  
662 other indications shown at the same time. Such vehicular traffic shall yield the right  
663 of way to pedestrians lawfully within an adjacent crosswalk and to other traffic  
664 lawfully using the intersection.<sup>73</sup>
  - 665 3. Unless otherwise directed by a pedestrian-control signal as provided in §11-203,  
666 pedestrians facing any green signal, except when the sole green signal is a turn  
667 arrow, may proceed across the roadway within any marked or unmarked crosswalk.  
668

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<sup>73</sup> It is recommended that the display of a turning green arrow 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.

- 669 (b) Steady yellow indication<sup>74</sup>  
670 1. Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby  
671 warned that the related green movement is being terminated or that a red indication  
672 will be exhibited immediately thereafter.  
673 2. Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise  
674 directed by a pedestrian-control signal as provided in §11-203, are thereby advised  
675 that there is insufficient time to cross the roadway before a red indication is shown  
676 and no pedestrian shall then start to cross the roadway.
- 677 (c) Steady red indication  
678 1. Vehicular traffic facing a steady circular red signal alone shall stop at a clearly  
679 marked stop line, but if none, before entering the crosswalk on the near side of the  
680 intersection, or if none, then before entering the intersection, and shall remain  
681 standing until an indication to proceed is shown except as provided in subsection  
682 (c)3.  
683 2. Vehicular traffic facing a steady red arrow signal shall not enter the intersection to  
684 make the movement indicated by the arrow, and unless entering the intersection to  
685 make a movement permitted by another signal, shall stop at a clearly marked stop  
686 line, but if none, before entering the crosswalk on the near side of the intersection,  
687 or if none, then before entering the intersection and shall remain standing until an  
688 indication permitting the movement indicated by such red arrow is shown except as  
689 provided in subsection (c)3.  
690 3. Except when a sign is in place prohibiting a turn, vehicular traffic facing any steady  
691 red signal may cautiously enter the intersection to turn right, or to turn left from a  
692 one-way street into a one-way street, after stopping as required by subsection (c)1  
693 or subsection (c)2. After stopping, the driver shall yield the right of way to any  
694 vehicle in the intersection or approaching on another roadway so closely as to  
695 constitute an immediate hazard during the time such driver is moving across or  
696 within the intersection or junction of roadways. Such driver shall yield the right of  
697 way to pedestrians within the intersection or an adjacent crosswalk.  
698 4. Unless otherwise directed by a pedestrian-control signal as provided in §11-203,  
699 pedestrians facing a steady circular red or red arrow signal alone shall not enter the  
700 roadway.
- 701 (d) In the event an official traffic-control signal is erected and maintained at a place other  
702 than an intersection, the provisions of this section shall be applicable except as to those  
703 provisions which by their nature can have no application. Any stop required shall be  
704 made at a sign or marking on the pavement indicating where the stop shall be made, but  
705 in the absence of any such sign or marking the stop shall be made at the signal.  
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<sup>74</sup> It is recommended that the color yellow be used only before red. If yellow is used following the red, traffic facing the signal has a tendency to start before the green signal appears, causing interference with cross traffic clearing the intersection.

708 **§ 11-203 Pedestrian-control signals**<sup>75</sup>

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

- 712 (a) *Flashing or steady Walk or Walking Person* - Any pedestrian facing the signal may  
713 proceed across the roadway in the direction of the signal and every driver of a vehicle  
714 shall yield the right of way to such pedestrian.
- 715 (b) *Flashing or Steady Don’t Walk or Upraised Palm* - No pedestrian shall start to cross the  
716 roadway in the direction of the signal, but any pedestrian who has partially completed  
717 crossing on the walk signal shall proceed to a sidewalk or safety island while the don’t  
718 walk or upraised palm signal is showing.

719  
720 **§ 11-204 Flashing signals**

- 721 (a) Whenever an illuminated flashing red or yellow light is used in a traffic signal or with a  
722 traffic sign it shall require obedience by vehicular traffic as follows:
  - 723 1. *Flashing red (stop signal)* - When a red lens is illuminated with rapid intermittent  
724 flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none,  
725 before entering the crosswalk on the near side of the intersection, or if none, then at  
726 the point nearest the intersecting roadway where the driver has a view of  
727 approaching traffic on the intersecting roadway before entering it, and the right to  
728 proceed shall be subject to the rules applicable after making a stop at a stop sign.
  - 729 2. *Flashing yellow (caution signal)* - When a yellow lens is illuminated with rapid  
730 intermittent flashes, drivers of vehicles may proceed through the intersection or past  
731 such signal only with caution.
- 732 (b) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles  
733 approaching railroad grade crossings shall be governed by the rules as set forth in § 11-  
734 701 of this code.

735  
736 **§ 11-205-Lane use control signals**

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

- 739 (a) *Green indication* - vehicular traffic may travel in any lane over which a green signal is  
740 shown.
- 741 (b) *Steady yellow indication* - vehicular traffic is thereby warned that a lane control change  
742 is being made.
- 743 (c) *Steady red indication* - vehicular traffic shall not enter or travel in any lane over which a  
744 red signal is shown.
- 745 (d) *Flashing yellow indication* - vehicular traffic may use the lane only for the purpose of  
746 approaching and making a left turn.

747  
748 **§ 11-206 Display of unauthorized signs, signals, or markings**

- 749 (a) No person shall place, maintain or display upon or in view of any highway any  
750 unauthorized sign, signal, marking, or device which purports to be or is an imitation of

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<sup>75</sup> In states where pedestrian-control signals using the “Wait” legend we still in use, authorization for these should be continued in the law until they are replaced.

- 751 or resembles an official traffic-control device or railroad sign or signal, or which  
752 attempts to direct the movement of traffic, or which hides from view or interferes with  
753 the effectiveness of an official traffic-control device or any railroad sign or signal.
- 754 (b) No person shall place or maintain nor shall any public authority permit upon any  
755 highway commercial advertising on any official traffic control device except for  
756 business signs included as a part of official motorist service panels or roadside area  
757 information panels approved by the (State highway commission).
- 758 (c) This section shall not be deemed to prohibit the erection of signs upon private property  
759 adjacent to highways giving useful directional information and of a type that cannot be  
760 mistaken for official signs.
- 761 (d) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance  
762 and the authority having jurisdiction over the highway is hereby empowered to remove  
763 the same or cause it to be removed without notice.

764

765 **§ 11-207 Interference with official traffic control devices**

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

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771

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

774  
775 **§ 11-301 Drive on right side of roadway - exceptions**

- 776 (a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the  
777 roadway, except as follows:  
778 1. When overtaking and passing another vehicle proceeding in the same direction  
779 under the rules governing such movement;  
780 2. When an obstruction exists making it necessary to drive to the left of the center of  
781 the highway; provided any person driving to the left of the center of the highway  
782 shall yield the right of way to all vehicles traveling in the proper direction upon the  
783 unobstructed portion of the highway within such distance as to constitute an  
784 immediate hazard;  
785 3. Upon a roadway divided into three marked lanes for traffic under the rules  
786 applicable thereon; or  
787 4. Upon a roadway restricted to one-way traffic.  
788 (b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the  
789 time and place and under the conditions then existing shall be driven in the right-hand  
790 lane then available for traffic, or as close as practicable to the right-hand curb or edge of  
791 the roadway, except when overtaking and passing another vehicle proceeding in the  
792 same direction or when preparing for a left turn at an intersection or into a private road,  
793 alley, or driveway. The intent of this subsection is to facilitate the overtaking of slowly  
794 moving vehicles by faster moving vehicles.  
795 (c) Upon any roadway having four or more lanes for moving traffic and providing for two-  
796 way movement of traffic, no vehicle shall be driven to the left of the center line of the  
797 roadway, except when authorized by official traffic-control devices designating certain  
798 lanes to the left side of the center of the roadway for use by traffic not otherwise  
799 permitted to use such lanes, or except as permitted under subsection (a)2. This  
800 subsection shall not be construed as prohibiting the crossing of the center line in making  
801 a left turn into or from an alley, private road or driveway.  
802

803 **§ 11-302 Passing vehicles proceeding in opposite directions**

804 Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and  
805 upon roadways having width for not more than one line of traffic in each direction each driver  
806 shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as  
807 possible.  
808

809 **§ 11-303 Overtaking a vehicle on the left**

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

- 812 (a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall  
813 pass at a safe distance to the left of the vehicle being overtaken and shall not again drive to  
814 the right side of the roadway until safely clear of the overtaken vehicle.  
815 (b) Except when overtaking and passing on the right is permitted, the driver of an overtaken  
816 vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and  
817 shall not increase the speed of the vehicle until completely passed by the overtaking vehicle.

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

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

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

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

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

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

**§ 11-307 No-passing zones**

- (a) The (State highway commission) and local authorities are authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones; and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.
- (b) Where signs or markings are in place to define a no-passing zone as set forth in paragraph (a) no driver shall at any time drive on the left side of the roadway within

864 such no-passing zone or on the left side of any pavement striping designed to mark such  
865 no-passing zone.

866 (c) This section does not apply under the conditions described in §11-301(a)2, nor to the  
867 driver of a vehicle turning left into or from an alley, private road or driveway.

868

869 **§ 11-308 One-way roadways and rotary traffic islands**

870 (a) The (State highway commission) and local authorities with respect to highways under  
871 their respective jurisdictions may designate any highway, roadway, part of a roadway, or  
872 specific lanes upon which vehicular traffic shall proceed in one direction at all or such  
873 times as shall be indicated by official traffic-control devices.

874 (b) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the  
875 direction designated at all or such times as shall be indicated by official traffic-control  
876 devices.

877 (c) A vehicle passing around a rotary traffic island shall be driven only to the right of such  
878 island.

879

880 **§ 11-309 Driving on roadways laned for traffic**

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

883 (a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall  
884 not be moved from such lane until the driver has first ascertained that such movement  
885 can be made with safety.

886 (b) Upon a roadway which is divided into three lanes and provides for two-way movement  
887 of traffic, a vehicle shall not be driven in the center lane except when overtaking and  
888 passing another vehicle traveling in the same direction when such center lane is clear of  
889 traffic within a safe distance, or in preparation for making or completing a left turn; or  
890 where such center lane is at the time allocated exclusively to traffic moving in the same  
891 direction that the vehicle is proceeding and such allocation is designated by official  
892 traffic-control devices.

893 (c) Official traffic-control devices may be erected directing specified traffic to use a  
894 designated lane or designating those lanes to be used by traffic moving in a particular  
895 direction regardless of the center of the roadway and drivers of vehicles shall obey the  
896 directions of every such device.

897 (d) Official traffic-control devices may be installed prohibiting the changing of lanes on  
898 sections of roadway, and drivers of vehicles shall obey the directions of every such  
899 device.

900

901 **§ 11-310 Following too closely**

902 (a) The driver of a vehicle shall not follow another vehicle more closely than is reasonable  
903 and prudent, having due regard for the speed of such vehicles and the traffic upon and  
904 the condition of the highway.

905 (b) Whenever conditions permit, the driver of any truck or motor vehicle drawing another  
906 vehicle when traveling upon a roadway outside of a business or residence district and  
907 which is following another truck or motor vehicle drawing another vehicle, shall leave  
908 sufficient space so that an overtaking vehicle may enter and occupy such space without  
909

910 danger, except that this shall not prevent a truck or motor vehicle drawing another  
911 vehicle from overtaking and passing any vehicle or combination of vehicles.

912 (c) Motor vehicles being driven upon any roadway outside of a business or residence  
913 district in a caravan or motorcade whether or not towing other vehicles shall be so  
914 operated as to allow sufficient space between each such vehicle or combination of  
915 vehicles so as to enable any other vehicle to enter and occupy such space without  
916 danger. This provision shall not apply to funeral processions.

917

918 **§ 11-311 Driving on divided highways**

919 (a) Whenever any highway has been divided into two or more roadways by leaving an  
920 intervening space, a physical barrier, or a clearly indicated dividing section so  
921 constructed as to impede vehicular traffic, every vehicle shall be driven only upon the  
922 right-hand roadway unless directed or permitted to use another roadway by official  
923 traffic-control devices or police officers.

924 (b) No vehicle shall be driven over, across or within any such dividing space, barrier or  
925 section; except a vehicle may be driven through an opening in such physical barrier or  
926 dividing section or space or at an established cross-over or intersection unless  
927 specifically prohibited by public authority.

928 (c) The driver of a vehicle may turn left across a paved dividing space unless prohibited by  
929 an official traffic-control device.

930

931 **§ 11-312 Restricted access**

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

934

935 **§ 11-313 Restrictions on use of controlled-access roadway**

936 (a) The (State highway commission) by resolution or order entered in its minutes, and local  
937 authorities by ordinance, may regulate or prohibit the use of any controlled-access  
938 roadway (or highway) within their respective jurisdictions by any class or kind of traffic  
939 which is found to be incompatible with the normal and safe movement of traffic.

940 (b) The (State highway commission) or the local authority adopting any such prohibition  
941 shall erect and maintain official traffic-control devices on the controlled-access highway  
942 on which such prohibitions are applicable and when in place no person shall disobey the  
943 restrictions stated on such devices.

944

945

946 **ARTICLE IV - RIGHT OF WAY**

947  
948 **§ 11-401 Vehicle approaching or entering intersection**

- 949 (a) When two vehicles approach or enter an intersection from different highways at  
950 approximately the same time, the driver of the vehicle on the left shall yield the right of  
951 way to the vehicle on the right.
- 952 (b) The right of way rule declared in paragraph (a) is modified at through highways and  
953 otherwise as stated in this chapter.  
954

955 **§ 11-402 Vehicle turning left**

956 The driver of a vehicle intending to turn to the left shall yield the right of way to any vehicle  
957 approaching from the opposite direction which is so close as to constitute an immediate hazard.  
958

959 **§ 11-403 Stop signs and Yield signs**

- 960 (a) Preferential right of way may be indicated by stop signs or yield signs as authorized in §  
961 15-109 of this code.
- 962 (b) Except when directed to proceed by a police officer, every driver of a vehicle  
963 approaching a stop sign shall stop at a clearly marked stop line, but if none, before  
964 entering the crosswalk on the near side of the intersection, or if none, then at the point  
965 nearest the intersecting roadway where the driver has a view of approaching traffic on  
966 the intersecting roadway before entering it. After having stopped, the driver shall yield  
967 the right of way to any vehicle in the intersection or approaching on another roadway so  
968 closely as to constitute an immediate hazard during the time when such driver is moving  
969 across or within the intersection or junction of roadways. Such driver shall yield the  
970 right of way to pedestrians within an adjacent crosswalk.
- 971 (c) The driver of vehicle approaching a yield sign shall in obedience to such sign slow down  
972 to a speed reasonable for the existing conditions, and if required for safety to stop, shall  
973 stop at a clearly marked stop line, but if none, before entering the crosswalk on the near  
974 side of the intersection, or if none, then at the point nearest the intersecting roadway  
975 where the driver has a view of approaching traffic on the intersecting roadway before  
976 entering it. After slowing or stopping, the driver shall yield the right of way to any  
977 vehicle in the intersection or approaching on another roadway so closely as to constitute  
978 an immediate hazard during the time such driver is moving across or within the  
979 intersection or junction of roadways. Such driver shall yield the right of way to  
980 pedestrians within an adjacent crosswalk. If such a driver after driving past a yield sign  
981 is involved in a collision with a vehicle in the intersection or junction of roadways or  
982 with a pedestrian in an adjacent crosswalk, such collision shall be deemed prima facie  
983 evidence of the driver's failure to yield right of way.
- 984 (d) Except when directed to proceed by a police officer, every driver of a vehicle  
985 approaching a stop sign located at a railroad crossing shall stop at the clearly marked  
986 stop line, but if none, before entering the crosswalk on the near side of the crossing, or if  
987 none, then within 50 feet but not less than 15 feet from the nearest rail of such railroad  
988 and while so stopped shall listen and look in both directions along such track for signals  
989 indicating the approach of a train or other vehicle, and shall not proceed until it is safe to  
990 do so. After stopping as required herein and proceeding when it is safe to do so, the  
991 driver shall cross only in such gear of the vehicle that there will be no necessity for

992 manually changing gears while traversing such crossing, and the driver shall not  
993 manually shift gears while crossing the track or tracks.

- 994 (e) The driver of a vehicle approaching a yield sign located at a railroad crossing shall, in  
995 obedience to such sign, slow down to a speed reasonable for the existing conditions, and  
996 if required for safety to stop, shall stop at the clearly marked stop line, but if none,  
997 before entering the crosswalk on the near side of the crossing, or if none, then within 50  
998 feet but not less than 15 feet from the nearest rail of such railroad, and while so stopped  
999 shall listen and look in both directions along such track for any approaching train or  
1000 other vehicle and for signals indicating the approach of a train or other vehicle, and shall  
1001 not proceed until it is safe to do so.

1002 If a full stop for safety is not required, the driver shall yield the right of way to any  
1003 train or other vehicle within the crossing or approaching so closely as to constitute an  
1004 immediate hazard during the time such driver is moving across or within the crossing. If  
1005 such driver is involved in a collision with a train or other vehicle in the crossing after  
1006 driving past the yield sign, such collision shall be deemed prima facie evidence of the  
1007 drivers failure to yield right of way.

1008 After stopping or slowing as required herein and proceeding when it is safe to do  
1009 so, the driver of any vehicle shall cross only in such gear of the vehicle that there will be  
1010 no necessity for manually changing gears while traversing such crossing, and driver  
1011 shall not manually shift gears while crossing, the track or tracks.

1012  
1013 **§ 11-404 Vehicle entering roadway**

1014 The driver of a vehicle about to enter or cross a roadway from any place other than another  
1015 roadway shall yield the right of way to all vehicles approaching on such roadway.

1016  
1017 **§ 11-405 Operation of vehicles (and streetcars) on approach of authorized emergency  
1018 vehicles**

- 1019 (a) Upon the immediate approach of an authorized emergency vehicle making use of an  
1020 audible signal meeting the requirements of §12-401(d) and visual signals meeting the  
1021 requirements of § 12-214 of this code, or of a police vehicle properly and lawfully  
1022 making use of an audible signal only:
- 1023 1. The driver of every other vehicle shall yield the right of way and shall immediately  
1024 drive to a position parallel to, and as close as possible to, the right-hand edge or  
1025 curb of the roadway clear of any intersection, and shall stop and remain in such  
1026 position until the authorized emergency vehicle has passed, except when otherwise  
1027 directed by a police officer.
  - 1028 2. Upon the approach of an authorized emergency vehicle, the operator of every  
1029 streetcar shall immediately stop such car clear of any intersection and keep it in  
1030 such position until the authorized emergency vehicle has passed, except when  
1031 otherwise directed by a police officer.<sup>76</sup>
- 1032 (b) This section shall not operate to relieve the driver of an authorized emergency vehicle  
1033 from the duty to drive with due regard for the safety of all persons using the highway.  
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<sup>76</sup> Subparagraph (a)2 should be omitted in states where no streetcars are in operation.

1036 **§ 11-406 Highway construction and maintenance**

1037 (a) The driver of a vehicle shall yield the right of way to any authorized vehicle or  
1038 pedestrian actually engaged in work upon a highway within any highway construction or  
1039 maintenance area indicated by official traffic-control devices.

1040 b) The driver of a vehicle shall yield the right of way to any authorized vehicle obviously  
1041 and actually engaged in work upon a highway whenever such vehicle displays flashing  
1042 lights meeting the requirements of §12-223.

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1045 **ARTICLE V - PEDESTRIANS' RIGHTS AND DUTIES**

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1047 **§ 11-501 Pedestrian obedience to traffic-control devices and traffic regulations**

- 1048 (a) A pedestrian shall obey the instructions of any official traffic-control device specifically  
1049 applicable to such pedestrian, unless otherwise directed by a police officer.  
1050 (b) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in §5  
1051 11-202 and 11-203.  
1052 (c) At all other places, pedestrians shall be accorded the privileges and shall be subject to  
1053 the restrictions stated in this chapter.  
1054

1055 **§ 11-502 Pedestrians' right of way in crosswalks**

- 1056 (a) When traffic-control signals are not in place or not in operation, the driver of a vehicle  
1057 shall yield the right of way, slowing down or stopping if need be to yield to a pedestrian  
1058 crossing the roadway within a crosswalk when the pedestrian is upon the half of the  
1059 roadway upon which the vehicle is traveling, or when the pedestrian is approaching so  
1060 closely from the opposite half of the roadway as to be in danger.  
1061 (b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into  
1062 the path of a vehicle which is so close as to constitute an immediate hazard.  
1063 (c) Paragraph (a) shall not apply under the conditions stated in §11-503(b).  
1064 (d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at  
1065 an intersection to permit a pedestrian to cross the roadway, the driver of any other  
1066 vehicle approaching from the rear shall not overtake and pass such stopped vehicle.  
1067

1068 **§ 11-503 Crossing at other than crosswalks**

- 1069 (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk  
1070 or within an unmarked crosswalk at an intersection shall yield the right of way to all  
1071 vehicles upon the roadway.  
1072 (b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead  
1073 pedestrian crossing has been provided shall yield the right of way to all vehicles upon  
1074 the roadway.  
1075 (c) Between adjacent intersections at which traffic-control signals are in operation  
1076 pedestrians shall not cross at any place except in a marked crosswalk.  
1077 (d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official  
1078 traffic-control devices; and when authorized to cross diagonally, pedestrians shall cross  
1079 only in accordance with the official traffic-control devices pertaining to such crossing  
1080 movements.  
1081

1082 **§ 11-504 Drivers to exercise due care**

1083 Notwithstanding other provisions of this chapter or the provisions of any local ordinance,  
1084 every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any  
1085 person propelling a human powered vehicle and shall give an audible signal when necessary, and  
1086 shall exercise proper precaution upon observing any child or any obviously confused,  
1087 incapacitated or intoxicated person.  
1088

1089 **§ 11-505 Pedestrians to use right half of crosswalks**

1090 Whenever practicable, pedestrians shall move upon the right half of crosswalks.

1091 ...

1092 **§ 11-506 Pedestrians on highways**

- 1093 (a) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any  
1094 pedestrian to walk along and upon an adjacent roadway.  
1095 (b) Where a sidewalk is not available, any pedestrian walking along and upon a highway  
1096 shall walk only on the shoulder, as far as practicable from the edge of the roadway.  
1097 (c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and  
1098 upon a highway shall walk as near as practicable to an outside edge of the roadway, and  
1099 if on a two-way roadway, shall walk only on the left side of the roadway.  
1100 (d) Except as otherwise provided in this chapter, any pedestrian upon a roadway shall yield  
1101 the right of way to all vehicles upon the roadway.  
1102

1103 **§ 11-507 Pedestrians soliciting rides or business**

- 1104 (a) No person shall stand in a roadway for the purpose of soliciting a ride.  
1105 (b) No person shall stand on a highway for the purpose of soliciting employment, business,  
1106 or contributions from the occupant of any vehicle.  
1107 (c) No person shall stand on or in proximity to a street or highway for the purpose of  
1108 soliciting the watching or guarding of any parked vehicle or any vehicle about to be  
1109 parked on a street or highway.  
1110

1111 **§ 11-508 Driving through safety zone prohibited**

1112 No vehicle shall at any time be driven through or within a safety zone.  
1113

1114 **§ 11-509 Pedestrians' right of way on sidewalks**

1115 The driver of a vehicle crossing a sidewalk shall yield the right of way to any pedestrian and  
1116 all other traffic on the sidewalk.  
1117

1118 **§ 11-510 Pedestrians yield to authorized emergency vehicles**

- 1119 (a) Upon the immediate approach of an authorized emergency vehicle making use of an  
1120 audible signal meeting the requirements of § 12-401(d) and visual signals meeting the  
1121 requirements of § 12-214 of this code, or of a police vehicle properly and lawfully  
1122 making use of an audible signal only, every pedestrian shall yield the right of way to the  
1123 authorized emergency vehicle.  
1124 (b) This section shall not relieve the driver of an authorized emergency vehicle from the  
1125 duty to drive with due regard for the safety of all persons using the highway nor from  
1126 the duty to exercise due care to avoid colliding with any pedestrian.  
1127

1128 **§ 11-511 Blind pedestrian right of way**

1129 The driver of a vehicle shall yield the right of way to any blind pedestrian carrying a visible  
1130 white cane or accompanied by a guide dog.  
1131

1132 **§ 11-512 Pedestrians under influence of alcohol or drugs**

1133 A pedestrian who is under the influence of alcohol or any drug to a degree which renders  
1134 such pedestrian a hazard shall not walk or be upon a highway except on a sidewalk.  
1135  
1136

1137 **§ 11-513 Bridge and railroad signals**

1138 (a) After a bridge operation signal has been given, no pedestrian shall enter or remain upon  
1139 the bridge or approach thereto beyond the bridge signal, gate or barrier.

1140 (b) No pedestrian shall pass through, around, over or under any crossing gate or barrier at a  
1141 railroad grade crossing or bridge while such gate or barrier is closed or is being opened  
1142 or closed.

1143

1144 **ARTICLE VI - TURNING AND STARTING**  
1145 **AND**  
1146 **SIGNALS ON STOPPING AND TURNING**  
1147

1148 **§ 11-601 Required position and method of turning**

1149 The driver of a vehicle intending to turn shall do so as follows:

- 1150 (a) *Right turns* - Both the approach for a right turn and a right turn shall be made as close as  
1151 practicable to the right-hand curb or edge of the roadway.
- 1152 (b) *Left turns* - The driver of a vehicle intending to turn left shall approach the turn in the  
1153 extreme left lane lawfully available to traffic moving in the direction of travel of such  
1154 vehicle. Whenever practicable, the left turn shall be made to the left of the center of the  
1155 intersection so as to leave the intersection or other location in the extreme left lane  
1156 lawfully available to traffic.
- 1157 (c) The state highway commission and local authorities in their respective jurisdictions may  
1158 cause official traffic-control devices to be placed and thereby require and direct that a  
1159 different course from that specified in this section be traveled by turning vehicles, and  
1160 when such devices are so placed no driver shall turn a vehicle other than as directed and  
1161 required by such devices.
- 1162 (d) *Two-way left turn lanes* - Where a special lane for making left turns by drivers  
1163 proceeding in opposite directions has been indicated by official traffic-control devices:  
1164 1. A left turn shall not be made from any other lane,  
1165 2. A vehicle shall not be driven in the lane except when preparing for or making a left  
1166 turn from or into the roadway or when preparing for or making a U turn when otherwise  
1167 permitted by law.  
1168

1169 **§ 11-602 Limitations on U-turns**

- 1170 (a) The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite  
1171 direction unless such movement can be made in safety and without interfering with other  
1172 traffic.
- 1173 (b) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or  
1174 upon the approach to or near the crest of a grade, where such vehicle cannot be seen by  
1175 the driver of any other vehicle approaching from either direction within 500 feet.  
1176

1177 **§ 11-603 Starting a parked vehicle**

1178 No person shall start a vehicle which is stopped, standing or parked unless and until such  
1179 movement can be made with reasonable safety.  
1180

1181 **§ 11-604 Turning movements and required signals**

- 1182 (a) No person shall turn a vehicle or move right or left upon a roadway unless and until such  
1183 movement can be made with reasonable safety nor without giving an appropriate signal.
- 1184 (b) For vehicles equipped with mechanical or electrical turn signals, a signal of intention to  
1185 turn or move right or left shall be given continuously during not less than the last 100  
1186 feet traveled by the vehicle before turning.
- 1187 (c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an  
1188 appropriate signal to the driver of any vehicle immediately to the rear when there is  
1189 opportunity to give such signal.

1190 (d) The signals required on vehicles by §11-605(b) shall not be flashed on one side only of a  
1191 disabled vehicle, flashed as a courtesy or “do pass” signal to operators of other vehicles  
1192 approaching from the rear, nor be flashed on one side only of a parked vehicle except as  
1193 may be necessary for compliance with this section.  
1194

1195 **§ 11-605 Signals by hand and arm or signal lamps**

- 1196 (a) Any stop or turn signal when required shall be given either by means of the hand and  
1197 arm or by signal lamps, except as otherwise provided in paragraph (b).  
1198 (b) Any motor vehicle in use on a highway shall be equipped with, and required signal shall  
1199 be given by, signal lamps when the distance from the center of the top of the steering  
1200 post to the left outside limit of the body, cab or load of such motor vehicle exceeds 24  
1201 inches, or when the distance from the center of the top of the steering post to the rear  
1202 limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to  
1203 any single vehicle and to any combination of vehicles.  
1204 (c) The signals required on vehicles by subsection (b) shall not be flashed on one side only  
1205 on a disabled vehicle, flashed as a courtesy or “do pass” signal to operators of other  
1206 vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle  
1207 except as may be necessary for compliance with this section.  
1208

1209 **§ 11-606 Method of giving hand-and-arm signals**

1210 All hand-and-arm signals shall be given from the left side of the vehicle in the following  
1211 manner and such signals shall indicate as follows:

- 1212 1. *Left turn* - Hand and arm extended horizontally.  
1213 2. *Right turn* - Hand and arm extended upward.  
1214 3. *Stop or decrease speed* - Hand and arm extended downward.

1215 Notwithstanding the foregoing provisions, a person operating a bicycle may give a right turn  
1216 signal by extending the right hand and arm horizontally and to the right side of the bicycle.  
1217  
1218

1219 **ARTICLE VII - SPECIAL STOPS REQUIRED**

1220  
1221 **§ 11-701 Obedience to signal indicating approach of train**

- 1222 (a) Whenever any person driving a vehicle approaches a railroad grade crossing under any  
1223 of the circumstances stated in this section, the driver of such vehicle shall stop within 50  
1224 feet but not less than 15 feet from the nearest rail of such railroad, and shall not proceed  
1225 until it is safe to do so. The foregoing requirements shall apply when:
- 1226 1. A clearly visible electric or mechanical signal device gives warning of the  
1227 immediate approach of a railroad train;
  - 1228 2. A crossing gate is lowered or when a human flagger gives or continues to give a  
1229 signal of the approach or passage of a railroad train;
  - 1230 3. A railroad train approaching within approximately 1,500 feet of the highway  
1231 crossing emits a signal audible from such distance, or such railroad train by reason  
1232 of its speed or nearness to such crossing is an immediate hazard;
  - 1233 4. An approaching railroad train is plainly visible and is in hazardous proximity to  
1234 such crossing.
- 1235 (b) No person shall drive any vehicle through, around or under any crossing gate or barrier  
1236 at a railroad crossing while such gate or barrier is closed or is being opened or closed.  
1237

1238 **§ 11-702 Certain vehicles must stop at all railroad grade crossings**

- 1239 (a) Except as provided in subsection (b), the driver of any vehicle described in regulations  
1240 issued pursuant to subsection (c), before crossing at grade any track or tracks of a  
1241 railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest  
1242 rail of such railroad and, while so stopped shall listen and look in both directions along  
1243 such track for any approaching train and for signals indicating the approach of a train  
1244 and shall not proceed until it is safe to do so. After stopping as required, upon  
1245 proceeding when it is safe to do so, the driver of the vehicle shall cross only in a gear of  
1246 the vehicle that will not require manually changing gears while traversing such crossing,  
1247 and the driver shall not manually shift gears while crossing the track or tracks.
- 1248 (b) This section shall not apply at:
- 1249 1. Any railroad grade crossing at which traffic is controlled by a police officer or  
1250 human flagger;
  - 1251 2. Any railroad grade crossing at which traffic is regulated by a traffic-control signal;
  - 1252 3. Any railroad grade crossing protected by crossing gates or an alternately flashing  
1253 light signal intended to give warning of the approach of a railroad train;
  - 1254 4. Any railroad grade crossing at which an official traffic control device gives notice  
1255 that the stopping requirement imposed by this section does not apply.
- 1256 (c) The (commissioner or other appropriate State official or agency) shall adopt such  
1257 regulations as may be necessary describing the vehicles which must comply with the  
1258 stopping requirements of this section. In formulating such regulations the  
1259 (commissioner or other appropriate State official or agency) shall give consideration to  
1260 the number of passengers carried by the vehicle and the hazardous nature of any  
1261 substance carried by the vehicle in determining whether such vehicle shall be required to  
1262 stop. Such regulations shall correlate with and so far as possible conform to the most  
1263 recent regulation of the United States Department of Transportation.<sup>77</sup>

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<sup>77</sup> This regulation can be found in 49 Code of Federal Regulations 392.10.

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

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

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

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

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

- (a) The driver of a vehicle meeting or overtaking from either direction any school bus meeting the color and identification requirements of §12-222(a), (b) and (c) of this code stopped on the highway shall stop before reaching such school bus when there is in operation on that school bus the flashing red lights specified in §12-222(a). The driver shall not proceed until such school bus resumes motion or the flashing red lights are no longer actuated.
- (b) The red visual signals meeting the requirements of § 12-222(a) of this code shall be actuated by the driver of the school bus only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging school children. A school bus driver shall not actuate said special visual signals:
  - 1. In business districts and on urban arterial streets designed by the (State highway commission) or local authorities;
  - 2. At intersections or other places where traffic is controlled by traffic-control signals or police officers; or
  - 3. In designated school bus loading areas where the bus is entirely off the roadway.

1309 (c) The driver of a vehicle upon a highway with separate roadways need not stop upon  
1310 meeting or passing a school bus which is on a different roadway, or when the school bus  
1311 is stopped upon a controlled- access highway in a loading zone which is a part of or  
1312 adjacent to such highway and where pedestrians are not permitted to cross the roadway.  
1313

1314 **ARTICLE VIII - SPEED RESTRICTIONS**

1315  
1316 **§ 11-801 Basic rule**

1317 No person shall drive a vehicle at a speed greater than is reasonable and prudent under the  
1318 conditions, including actual and potential hazards then existing. Consistent with the foregoing,  
1319 every person shall drive at a safe and appropriate speed when approaching and crossing an  
1320 intersection or railroad grade crossing, when approaching and going around a curve, when  
1321 approaching the crest of a hill, when traveling upon any narrow or winding roadway, and when  
1322 special hazards exist with respect to pedestrians or other traffic or by reason of weather or  
1323 highway conditions.

1324  
1325 **§ 11-802 Maximum limits**

1326 Except when a special hazard exists that requires lower speed for compliance with §11-801,  
1327 the limits hereinafter specified shall be maximum lawful speeds, and no person shall drive a  
1328 vehicle at a speed in excess of such maximum limits.

- 1329 1. Thirty miles per hour in any urban district;  
1330 2. Fifty-five miles per hour in other locations.

1331 The maximum speed limits set forth in this section may be altered as authorized in §11-803  
1332 and §11-804.

1333  
1334 **§ 11-803 Establishment of State speed zones**

1335 Whenever the (State highway commission) shall determine upon the basis of an engineering  
1336 and traffic investigation that any maximum speed specified in §11-802 is greater or less than is  
1337 reasonable or safe under the conditions found to exist at any intersection or other place or upon  
1338 any part of the State highway system, the (commission) may specify a reasonable and safe  
1339 maximum limit, which shall be effective when appropriate signs giving notice thereof are  
1340 erected. Such a maximum speed limit may be effective at all times or at such times as are  
1341 indicated by appropriate signs; and differing limits may be established for different times of day,  
1342 different types of vehicles, varying weather conditions, and other factors bearing on safe speeds,  
1343 which shall be effective when posted upon appropriate fixed or variable signs.

1344  
1345 **§ 11-804 When local authorities may and shall alter maximum limits**

- 1346 (a) Whenever local authorities in their respective jurisdictions determine on the basis of an  
1347 engineering and traffic investigation that the maximum speed permitted under this  
1348 article is greater or less than is reasonable and safe under the conditions found to exist  
1349 upon a highway or part of a highway, the local authority may determine and declare a  
1350 reasonable and safe maximum limit thereon which:

- 1351 1. Decreases the limit at intersections; or  
1352 2. Increases the limit within an urban district but not to more than 55 miles per hour;  
1353 or  
1354 3. Decreases the limit outside an urban district, but not to less than 35 miles per hour.

- 1355 (b) Local authorities in their respective jurisdictions shall determine by an engineering and  
1356 traffic investigation the proper maximum speed for all arterial streets and shall declare a  
1357 reasonable and safe maximum limit thereon which may be greater or less than the  
1358 maximum speed permitted under this code for an urban district.

- 1360 (c) Any altered limit shall be effective at all times, or during hours of darkness or at other  
1361 times as may be determined when appropriate signs giving notice thereof are erected  
1362 upon such street or highway.
- 1363 (d) Any alteration of maximum limits on State highways or extensions thereof in a  
1364 municipality by local authorities shall not be effective until such alteration has been  
1365 approved by the (State highway commission).
- 1366 (e) Not more than six such alterations as hereinabove authorized shall be made per mile  
1367 along a street or highway, except in the case of reduced limits at intersections, and the  
1368 difference between adjacent limits shall not be more than 10 miles per hour.  
1369

1370 **§ 11-805 Minimum speed regulation**

- 1371 (a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and  
1372 reasonable movement of traffic except when reduced speed is necessary for safe  
1373 operation or in compliance with law.
- 1374 (b) Whenever the (State highway commission) or local authorities within their respective  
1375 jurisdictions determine on the basis of an engineering and traffic investigation that slow  
1376 speeds on any highway or part of a highway impede the normal and reasonable  
1377 movement of traffic, the (commission) or such local authority may establish a minimum  
1378 speed limit below which no person shall drive a vehicle except when necessary for safe  
1379 operation or in compliance with law, and that limit shall be effective when posted upon  
1380 appropriate fixed or variable signs.  
1381

1382 **§ 11-806 Special speed limitation on motor-driven cycles**

1383 No person shall operate any motor-driven cycle at any time mentioned in §12-201 at a speed  
1384 greater than 35 miles per hour unless such motor-driven cycle is equipped with a head lamp or  
1385 lamps which are adequate to reveal a person or vehicle at a distance of 300 feet ahead.  
1386

1387 **§ 11-807 Special speed limitations**

- 1388 (a) No person shall drive a vehicle which is towing a house trailer at a speed greater than a  
1389 maximum of 45 miles per hour.
- 1390 (b) No person shall drive a vehicle over any bridge or other elevated structure constituting a  
1391 part of a highway at a speed which is greater than the maximum speed which can be  
1392 maintained with safety to such bridge or structure, when such structure is signposted as  
1393 provided in this section.
- 1394 (c) The (State highway commission) and local authorities on highways under their  
1395 respective jurisdictions may conduct an investigation of any bridge or other elevated  
1396 structure constituting a part of a highway, and if it shall thereupon find that such  
1397 structure cannot with safety to itself withstand vehicles traveling at the speed otherwise  
1398 permissible under this chapter, the (commission) or local authority shall establish the  
1399 maximum speed of vehicles which such structure can safely withstand, and shall cause  
1400 or permit suitable signs stating such maximum speed to be erected and maintained  
1401 before each end of such structure.
- 1402 (d) Upon the trial of any person charged with a violation of this section, proof of the  
1403 determination of the maximum speed by the (commission) and the existence of the signs  
1404 shall constitute conclusive evidence of the maximum speed which can be maintained  
1405 with safety to such bridge or structure.

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

- (a) In every charge of violation of any speed regulation in this article, the complaint and the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven and the maximum speed applicable within the district or at the location.
- (b) The provision of this article declaring maximum speed limitations shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

**§ 11-809 Racing on highways**

- (a) No person shall drive any vehicle in any race, speed competition, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record; and no person shall in any manner participate in any such race, competition, contest, test or exhibition.
- (b) Drag race is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.
- (c) Racing is defined as the use of one or more vehicles in an attempt to: outgain, outdistance, or prevent another vehicle from passing; to arrive at a given destination ahead of another vehicle or vehicles; or to test the physical stamina or endurance of drivers over long distance driving routes.
- (d) Any person convicted of violating this section shall be punished as provided in §17-101(b).
- (e) This section does not apply to persons riding bicycles.

1433 **ARTICLE IX - DUI AND OTHER SERIOUS TRAFFIC OFFENSES** <sup>78</sup>  
1434

1435 **§ 11-901 Unlawful to consume alcoholic beverages while driving a motor vehicle or to**  
1436 **possess an open container of alcoholic beverage within the passenger area of a**  
1437 **motor vehicle while on a highway**

- 1438 (a) It is unlawful for a person to consume an alcoholic beverage while driving a vehicle on a  
1439 public highway.  
1440 (b) Except as otherwise provided in this subsection, it is unlawful for a person to possess an  
1441 open container of an alcoholic beverage within the passenger area of a motor vehicle  
1442 while the motor vehicle is on a public highway. This prohibition does not apply to a  
1443 motor vehicle being used primarily for the transportation of persons for compensation or  
1444 to the living quarters of a house coach, house trailer, or recreational vehicle nor does it  
1445 apply to a vehicle operated by a chauffeur in his or her for-hire capacity.  
1446 (c) Violations of this section are punishable by a fine of not more than (\$500), or  
1447 imprisonment for not more than (30) days, or both such fine and imprisonment.  
1448

1449 **§ 11-902 Driving under the influence of alcohol or drugs; under the extreme influence of**  
1450 **alcohol; alcohol and drug abuse evaluation and treatment**

- 1451 (a) A person shall not drive any vehicle while:  
1452 1. the alcohol concentration in such person's blood or breath is 0.08 or more;  
1453 2. the alcohol concentration in such persons blood or breath as measured within (two)  
1454 hours of the time of driving is 0.08 or more;  
1455 3. under the influence of alcohol;  
1456 4. under the influence of any drug or combination of drugs to a degree which renders  
1457 such person incapable of safely driving; or,  
1458 5. under the combined influence of alcohol and any drug or drugs to a degree that  
1459 renders such person incapable of safely driving.  
1460 (b) Under the extreme influence of alcohol: a person shall not drive any vehicle while:  
1461 1. the alcohol concentration in such person's blood or breath is (0.16)<sup>79</sup> or more; or,  
1462 2. the alcohol concentration in such person's blood or breath as measured within (two)  
1463 hours of the time of driving is (0.16) or more.  
1464 (c) A person convicted of violating subsection (a) shall be punished as follows:  
1465 1. For a first offense, a person shall be sentenced to imprisonment for not less than  
1466 (ten) days or more than (one) year or to pay a fine of not less than (\$250) nor more  
1467 than (\$1,000) or to both such imprisonment and fine. The department shall suspend  
1468 the person's license for (180) days.  
1469 2. For a second or subsequent conviction within (five) years, a person shall be  
1470 sentenced to imprisonment for not less than (90) days nor more than (one year) and  
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<sup>78</sup> 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.

<sup>79</sup> 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.

1472 shall pay a fine of not less than (\$500) nor more than (\$1,000). The department  
 1473 shall revoke the person's license for (one year).<sup>80</sup>

1474 (d) A person convicted of violating subsection (b) shall be punished as follows:

1475 1. For a first offense a person shall be sentenced to imprisonment for not less than (30)  
 1476 days and not more than (one year) with at least (30) consecutive days in jail without  
 1477 the benefit of probation or suspension of the sentence and shall pay a fine of not  
 1478 less than (\$500) nor more than (\$1000). The department shall revoke the person's  
 1479 license for (one year).<sup>81</sup>

1480 2. For a second or subsequent offense within (five) years, a person shall be sentenced  
 1481 to imprisonment for not less than (120) days and not more than (one) year with at  
 1482 least (60) days to be served consecutively without the benefit of probation or  
 1483 suspension and shall pay a fine of not less than (\$1,000) nor more than (\$2,000).  
 1484 The department shall revoke the person's license for (two)<sup>82</sup> years.

1485 (e)

1486 1. Before sentencing any person convicted of violating either subsections (a) or (b),  
 1487 the court shall conduct or order an appropriate examination or examinations to  
 1488 determine whether the person needs or would benefit from treatment for alcohol or  
 1489 other drug abuse.

1490 2. In addition to the penalties imposed under subsections (c) and (d) and after  
 1491 receiving the results of the examination in subparagraph (1) under this subsection,  
 1492 or upon a hearing and determination that the person is an habitual user of alcohol or  
 1493 other drugs, the court may order supervised treatment on an outpatient basis, or  
 1494 upon additional determinations that the person constitutes a danger to self or others  
 1495 and that adequate treatment facilities are available, the court may order such person  
 1496 committed for treatment at a facility or institution approved by the (state department  
 1497 of health).

1498 3. Any person subject to this subsection may be examined by a physician of such  
 1499 person's own choosing. The court shall consider the results of any such  
 1500 examination.

1501 4. Upon application for a driver's license by any person under an order of commitment  
 1502 or supervised treatment pursuant to subparagraph (2) under this subsection, the  
 1503 results of the examination referred to in subparagraph (1) of this subsection and a  
 1504

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<sup>80</sup> 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.

<sup>81</sup> See footnote 80.

<sup>82</sup> 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.

1505 report of the progress of the treatment ordered shall be forwarded by the applicant  
1506 to the department for consideration by the health advisory board.

1507 5. The department may after receiving the advice of the health advisory board issue a  
1508 license to such person with conditions and restrictions that are consistent with the  
1509 progress of the person's rehabilitation and the protection of the public.

1510 (f) A court may order a person convicted of a violation of either subsections (a) or (b), who  
1511 has had his or her license restored, to only operate motor vehicles that are equipped with  
1512 a certified ignition interlock device.

1513 (g) The fact that any person charged with violating either subsections (a) or (b) is or has  
1514 been legally entitled to use alcohol or any drug shall not constitute a defense against any  
1515 charge of violating this section.

1516 (h) A sentencing judge may permit any jail sentence or any portion of a jail sentence  
1517 imposed for violating either subsections (a) or (b) and punished under either subsections  
1518 (c) or (d) to be served under a home detention program.

1519 (i) A person convicted of violating either subsections (a) or (b) may be ordered by the court  
1520 to perform community service, to pay restitution to any victims, and to pay the costs  
1521 associated with an incarceration, a home detention program, an alcohol-drug abuse  
1522 evaluation or a treatment program.

1523

1524 **§ 11-903 Chemical and other tests**

1525 (a) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to  
1526 have been committed by any person driving under the influence of alcohol or drugs,  
1527 evidence of the concentration of alcohol or drugs in a person at the time alleged, as  
1528 determined by analysis of the person's blood, urine, breath or other bodily substance,  
1529 shall be admissible by any party to such action or proceeding. Where such a test is made  
1530 the following provisions shall apply:

1531 1. Chemical analyses of the person's blood, urine, breath, or other bodily substance to  
1532 be considered valid under the provisions of this section shall have been performed  
1533 according to methods approved by the (state department of health) and by an  
1534 individual possessing a valid permit issued by the (state department of health) for  
1535 this purpose. The (state department of health) is authorized to approve satisfactory  
1536 techniques or methods, to ascertain the qualifications and competence of individuals  
1537 to conduct such analyses, and to issue permits that shall be subject to termination or  
1538 revocation at the discretion of the (state department of health).

1539 2. When a person submits to a blood test at the request of a law enforcement officer,  
1540 only a qualified person<sup>83</sup> may withdraw blood for the purpose of determining the  
1541 alcoholic or drug content therein. This limitation shall not apply to the taking of  
1542 breath specimens.

1543 3. Upon the request of the person who submitted to a chemical test or tests at the  
1544 request of a law enforcement officer, the results of such test or tests shall be made  
1545 available to the person or such person's attorney.

1546 (b) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to  
1547 have been committed by a person driving under the influence of alcohol, if the  
1548 concentration of alcohol in the person's blood or breath at the time alleged as shown by

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<sup>83</sup> The state shall determine the definition of qualified person.

1549 analysis of the person's blood or breath was less than 0.08, such fact shall not give rise  
1550 to any presumption that the person was not under the influence of alcohol, but may be  
1551 considered with other competent evidence in determining that issue. This provision  
1552 shall not be construed as limiting the introduction of any other competent evidence  
1553 bearing upon the question whether the person was under the influence of drugs.  
1554 (c) If a person under arrest refuses to submit to a chemical test under the provisions of this  
1555 section, evidence of such refusal shall be admissible by any party in any civil or criminal  
1556 action or proceeding arising out of acts alleged to have been committed while the person  
1557 was driving under the influence of alcohol or drugs.  
1558

1559 **§ 11-904 Implied Consent and Administrative License Suspension, including duties of**  
1560 **the officer and opportunity for a hearing**

- 1561 (a) Any person who operates a vehicle upon the highways of this State shall be deemed to  
1562 have given consent to a test or tests of such operator's blood or breath, for the purpose of  
1563 determining the operator's alcohol concentration, and to a test or tests of such operator's  
1564 blood, urine, or other bodily substances for purpose of detecting the presence of drugs.  
1565 The test or tests shall be administered at the direction of a law enforcement officer who  
1566 has arrested that person for, or has probable cause to believe, that the person has  
1567 operated a vehicle under the influence of alcohol and/or drugs or other controlled  
1568 substances, or in the case of a person under the age of 21 years, that such person has  
1569 operated a vehicle while having any measurable amount of alcohol in his or her system.  
1570 (b) Any person who is dead, unconscious or who is otherwise in a condition rendering one  
1571 incapable of refusal, shall be deemed not to have withdrawn the consent provided by  
1572 paragraph (a) of this section and the test or tests may be administered, subject to the  
1573 provisions of section 11-903.  
1574 (c) A person requested to submit to a test as provided above shall be warned by the law  
1575 enforcement officer requesting the test that a refusal to submit to or the failure to  
1576 complete the test will result in the immediate suspension of such person's license to  
1577 operate a motor vehicle for (one year).  
1578 (d) If the person refuses testing or fails to complete it, or submits to a test required under  
1579 subsection (a) which discloses an alcohol concentration of 0.08 or more, or if the officer  
1580 otherwise makes the determination based on probable cause that the person operated a  
1581 vehicle under the influence of alcohol and/or drugs or other controlled substances, on  
1582 behalf of the Department of Motor vehicles the officer directing administration of the  
1583 test or making such determination shall serve on the person immediate notice of the  
1584 Department's intention to suspend the person's license to operate a motor vehicle. Such  
1585 officer also shall submit a sworn report to the Department certifying one of the  
1586 following:  
1587 1. the test was requested pursuant to subsection (a) and the person refused to submit to  
1588 testing or failed to complete it:  
1589 2. the person submitted to a test that disclosed an alcohol concentration of 0.08 or  
1590 more;  
1591 3. the officer made an arrest based on probable cause that the person operated a  
1592 vehicle under the influence of alcohol or drugs or other controlled substances.  
1593

1594 (e) Upon receipt of the sworn report of a law enforcement officer submitted under  
1595 subsection (d), the department shall suspend the driver's license of the person for a  
1596 period of:  
1597 1. (one year) for refusal to take the requested test or the failure to complete it;  
1598 2. (180 days) if the person submitted to testing required under subsection (a) which  
1599 disclosed an alcohol concentration of 0.08 or more;  
1600 3. (180 days) if the officer made the arrest based on probable cause that the person  
1601 operated a vehicle under the influence of alcohol and/or drugs or other controlled  
1602 substances.

1603 (f) On behalf of the department, the law enforcement officer submitting the sworn report  
1604 under subsection (d) shall serve immediate notice of the suspension on the person, and  
1605 the suspension shall be effective (30) days after the date of service. If the person has a  
1606 valid license, the officer shall take the driver's license of the person and issue a  
1607 temporary license valid for the notice period. The officer shall send the license to the  
1608 department along with the sworn report under subsection (d). If approved by the  
1609 Department of Motor Vehicles, a citation or notice of suspension issued by the officer  
1610 also may serve as the temporary license certificate.

1611 In cases where the law enforcement officer has not served notice, the department  
1612 shall give reasonable notice as provided in section (*insert reference to appropriate state*  
1613 *notice provision*) and the suspension shall be effective (30) days after the date of service.  
1614 If the address shown in the law enforcement officer's report differs from that shown on  
1615 the department records, the notice shall be mailed to both addresses.

1616 (g) A license suspension under this section shall become effective (30) days after the date of  
1617 service of the notice of suspension. Any person whose license is suspended under this  
1618 section may make a written request for a hearing. The request shall state the grounds  
1619 upon which the person seeks to have the suspension rescinded. The filing of the request  
1620 shall not stay the suspension. The hearing shall be held within (20) days after filing of  
1621 the request in the county in which the alleged offense occurred, unless the person and  
1622 the department agree to a different location. The hearing shall be recorded and be  
1623 conducted by the department's designated agent.<sup>84</sup> The hearing may be conducted upon  
1624 a review of the law enforcement officer's own reports, provided however that the person  
1625 may subpoena the officer. The department may issue subpoenas to compel the  
1626 attendance of witnesses. The scope of the hearing shall be limited to the issues of:  
1627 1. whether the law enforcement officer requested the test;  
1628 2. whether the person was warned as required by subsection (c);  
1629 3. whether the person was driving a vehicle;  
1630 4. whether the person refused to submit to the testing or failed to complete it; and  
1631 5. whether a properly administered test or tests disclosed an alcohol concentration of  
1632 0.08 or more.

1633  
1634

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<sup>84</sup> 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.

1635 § 11-905 **Zero tolerance - Applicable to persons under age 21: implied consent to**  
1636 **testing; administrative license revocation for refusal to submit to chemical test**  
1637 **or having BAC of .02 or more; notice to persons under the age of 21 years**  
1638 **prior to licensure; duties of officer if test refused or failed.**

- 1639 (a) Notwithstanding any other provision of law, it is unlawful for a person under the age of  
1640 21 years who has an alcohol concentration of 0.02 or more, as measured by a  
1641 preliminary alcohol screening test or a test authorized by section 11-903, to drive a  
1642 vehicle. The penalty for a person under the age of 21 years driving with an alcohol  
1643 concentration of 0.02 or more is suspension of the driving privilege for (180 days).
- 1644 (b) If a law enforcement officer detains a person under 21 years of age who is driving a  
1645 vehicle, and the officer has reasonable cause to believe that the person has any  
1646 measurable amount of alcohol in his or her system and a preliminary alcohol screening  
1647 device is immediately available, the officer shall request that the person take a  
1648 preliminary alcohol screening test to determine the possible presence and amount of  
1649 alcohol in the person. If a preliminary alcohol screening is not immediately available,  
1650 the officer may request that the person submit to chemical testing of his or her blood or  
1651 breath pursuant to the requirements of sections 11-903.
- 1652 (c) Any person under the age of 21 years who drives a vehicle, or his or her parent or  
1653 guardian on behalf of such person under age 21, is deemed to have given consent to a  
1654 preliminary alcohol screening test or any test authorized by section 11-903 or 11-904 for  
1655 the purpose of determining the presence of alcohol in the person, if such person was  
1656 lawfully detained for an alleged violation of subsection (a). Any person under age 21  
1657 who is dead, unconscious or who is otherwise in a condition rendering such person  
1658 incapable of refusal, shall be deemed to have provided the consent authorized by this  
1659 subsection and the test or tests may be administered.
- 1660 (d) A person under the age of 21 years requested to submit to a test as provided by this  
1661 section shall be told by the law enforcement officer requesting the test that a refusal to  
1662 submit to or the failure to complete a preliminary alcohol screening test or a test  
1663 authorized by section 11-903 or 11-904, as requested by the officer, will result in the  
1664 suspension of such person's license to operate a motor vehicle for (one year).
- 1665 (e) If the person refuses to take or fails to complete the preliminary alcohol screening test,  
1666 or refuses to take or fails to complete a chemical test if a preliminary alcohol screening  
1667 device is not immediately available, or if the person takes the preliminary alcohol  
1668 screening test and that test reveals a blood alcohol concentration of 0.02 percent or  
1669 more, or if the person takes a chemical test pursuant to the provisions of section 11-903  
1670

1671 revealing a blood alcohol concentration of 0.02 or more, the officer shall proceed as  
 1672 follows:<sup>85</sup>

- 1673 1. Acting on behalf of the Department, the officer shall serve the person with a notice  
 1674 of an order of suspension of the person's driving privilege.
- 1675 2. The officer shall take possession of any driver's license issued by this State which  
 1676 is held by the person. On behalf of the Department, when the officer takes  
 1677 possession of a valid driver's license, the officer shall issue a temporary driver's  
 1678 license. The temporary driver's license may be an endorsement on the notice of the  
 1679 order of suspension and shall be valid for 30 days from the date of issuance.
- 1680 3. Within 5 business days after the day the notice of suspension is served, the officer  
 1681 shall forward to the Department a copy of the completed notice of order of  
 1682 suspension, the driver's license if taken into possession pursuant to paragraph (2),  
 1683 and any other reports which may be required by law or regulation.

1684 (f) Before issuing a driver's license or permit to any person under 21 years of age, the  
 1685 Department of Motor Vehicles shall inform the applicant of, and the applicant shall sign  
 1686 a statement acknowledging notification of, the following information:

- 1687 1. It is unlawful for anyone under the age of 21 to drive with an alcohol concentration  
 1688 of 0.02 or greater, as measured by a preliminary alcohol-screening test or other  
 1689 chemical test,
- 1690 2. The penalty for driving with an alcohol concentration of 0.02 or greater is a  
 1691 suspension of the driving privilege for (180 days).
- 1692 3. For a person under the age of 21, a refusal to take or a failure to complete a  
 1693 preliminary alcohol screening test or other chemical test for the purpose of  
 1694 determining the person's level of alcohol concentration shall result in a (one year)  
 1695 suspension of the driving privilege.

1696 (g) A license suspension under this section shall become effective (30) days after the date of  
 1697 service of the notice of suspension. Any person whose license is suspended under this  
 1698 section may make a written request for a hearing. The request shall state the grounds  
 1699 upon which the person seeks to have the suspension rescinded. The filing of the request  
 1700 shall not stay the suspension. The hearing shall be held within 20 days after filing of the  
 1701 request in the county in which the alleged offense occurred, unless the person and the  
 1702 department agree to a different location. The hearing shall be recorded, and be  
 1703 conducted by the department's designated agent. The hearing may be conducted upon a  
 1704 review of the law enforcement officer's own reports; provided, however, that the person  
 1705 may subpoena the officer. The department may issue subpoenas to compel the

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<sup>85</sup> 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.

1706 attendance of witnesses, The scope of the hearing shall be limited to the issues of:  
1707 1. whether the law enforcement officer requested the test;  
1708 2. whether the person was warned as required by subsection (d);  
1709 3. whether the person was driving a vehicle;  
1710 4. whether the person refused to submit to the testing or failed to complete it;  
1711 5. whether a properly administered test or tests disclosed an alcohol concentration of  
1712 0.02 or more.

1713 (h) Notwithstanding any other provision of law, the Department of Motor Vehicles of this  
1714 state may require anyone under the age of 21 years who has had his or her license  
1715 suspended pursuant to this section, as one requirement to have the license reissued, to  
1716 attend a course or participate in counseling designed to discourage those under the age  
1717 of 21 years from drinking alcohol.  
1718

1719 **§ 11-906 Preliminary Alcohol Screening Test**

1720 When a law enforcement officer has articulable grounds to suspect that a person may have  
1721 been violating section 11-902, or that a person under age 21 may have been driving with a  
1722 measurable alcohol concentration, the officer may request that the suspect submit to a  
1723 preliminary alcohol screening test of the suspect's breath to determine such person's alcohol  
1724 concentration using a device approved for that purpose by the (State Department of Health).  
1725 Nothing in this section precludes the officer from further requesting or requiring additional  
1726 testing pursuant to any section of this Act or any other provision of law.  
1727

1728 **§ 11-907 Chemical test of drivers in serious personal injury or fatal crashes**

1729 Notwithstanding the provisions of any other law, when the driver of a vehicle is involved in a  
1730 crash resulting in death or serious personal injury of another person, and there is reason to  
1731 believe that the driver was driving under the influence of alcohol or drugs, the driver may be  
1732 compelled by a police officer to submit to a test or tests of his or her blood, breath or urine to  
1733 determine the person's alcohol concentration or the presence of other drugs.  
1734

1735 **§ 11-908 Limits on Plea Bargaining**

1736 When the prosecution agrees to a plea of guilty or nolo contendere to a charge of a violation  
1737 other than §11-902(a), in satisfaction of or as a substitute for an original charge or a violation of 11-  
1738 902(a), the prosecution shall state for the record a factual basis for the satisfaction or substitution,  
1739 including whether or not there had been consumption of any alcoholic beverage or ingestion or  
1740 administration of any other drug, or both, by the defendant in connection with the offense.  
1741

1742 **§ 11-909 Reckless driving**

1743 (a) Any person who drives any vehicle in willful or wanton disregard for the safety of  
1744 persons or property is guilty of reckless driving.  
1745 (b) Every person convicted of reckless driving shall be punished upon a first conviction by  
1746 imprisonment for a period of not less than five days nor more than 90 days, or by a fine  
1747 of not less than \$25 nor more than (\$500), or by both such fine and imprisonment, and  
1748 on a second or subsequent conviction shall be punished by imprisonment for not less  
1749 than 10 days nor more than six months, or by a fine of not less than \$50 nor more than  
1750 (\$500), or by both such fine and imprisonment.  
1751

1752 § 11-910 Homicide by vehicle

1753 (a) Whoever shall unlawfully and unintentionally cause the death of another person, while  
1754 engaged in a violation of any state law or municipal ordinance applying to the operation  
1755 or use of a vehicle or to the regulation of traffic, shall be guilty of homicide by vehicle  
1756 when such violation is the proximate cause of that death.

1757 (b) Any person convicted of homicide by vehicle shall be fined not less than \$500 nor more  
1758 than \$2,000, or shall be imprisoned in the county jail not less than three months nor  
1759 more than one year, or may be so fined and so imprisoned, or shall be imprisoned in the  
1760 penitentiary for a term not less than one year nor more than five years.

1761  
1762 § 11-911 Fleeing or attempting to elude a police officer

1763 (a) Any driver of a motor vehicle who willfully fails or refuses to bring his or her vehicle to  
1764 a stop, or who otherwise flees or attempts to elude a pursuing police vehicle when given  
1765 a visual or audible signal to bring the vehicle to a stop, shall be guilty of a misdemeanor.  
1766 The signal given by the police officer may be by hand, voice, emergency light or siren.  
1767 The officer giving such signal shall be in uniform, prominently displaying the officer's  
1768 badge of office, and the officer's vehicle shall be appropriately marked, showing it to be  
1769 an official police vehicle.

1770 (b) Every person convicted of fleeing or attempting to elude a police officer shall be  
1771 punished by imprisonment for not less than 30 days nor more than six months, or by a  
1772 fine of not less than \$100 nor more than \$500, or by both such fine and imprisonment.

1773  
1774

1775 **ARTICLE X - STOPPING, STANDING AND PARKING**

1776  
1777 **§ 11-1001 Stopping, standing or parking outside business or residence districts**

- 1778 (a) Outside a business or residence district no person shall stop, park or leave standing any  
1779 vehicle, whether attended or unattended, upon the roadway when it is practicable to stop,  
1780 park or so leave such vehicle off the roadway, but in every event an unobstructed width  
1781 of the highway opposite a standing vehicle shall be left for the free passage of other  
1782 vehicles and a clear view of such stopped vehicle shall be available from a distance of  
1783 200 feet in each direction upon such highway.
- 1784 (b) This section, § 11-1003 and § 11-1004 shall not apply to the driver of any vehicle which  
1785 is disabled in such manner and to such extent that it is impossible to avoid stopping and  
1786 temporarily leaving the vehicle in such position.

1787  
1788 **§ 11-1002 Officers authorized to remove vehicles**

- 1789 (a) Whenever any police officer finds a vehicle in violation of any of the provisions of §11-  
1790 1001 the officer is hereby authorized to move such vehicle, or require the driver or other  
1791 person in charge of the vehicle to move it off the roadway.
- 1792 (b) Any police officer is hereby authorized to remove or cause to be removed to a place of  
1793 safety any unattended vehicle illegally left standing upon any highway, bridge,  
1794 causeway, or in any tunnel, in such position or under such circumstances as to obstruct  
1795 the normal movement of traffic.
- 1796 (c) Any police officer is hereby authorized to remove or cause to be removed to the nearest  
1797 garage or other place of safety any vehicle found upon a highway when:
- 1798 1. Report has been made that such vehicle has been stolen or taken without the  
1799 consent of its owner, or
  - 1800 2. The person or persons in charge of such vehicle are unable to provide for its  
1801 custody or removal, or
  - 1802 3. When the person driving or in control of such vehicle is arrested for an alleged  
1803 offense for which the officer is required by law to take the person arrested before a  
1804 proper magistrate without unnecessary delay.

1805  
1806 **§ 11-1003 Stopping, standing, or parking prohibited in specified places**

- 1807 (a) Except when necessary to avoid conflict with other traffic, or in compliance with law or  
1808 the directions of a police officer or official traffic-control device, no person shall:
- 1809 1. Stop, stand, or park a vehicle:
    - 1810 A. On the roadway side of any vehicle stopped or parked at the edge or curb of a  
1811 street;
    - 1812 B. On a sidewalk;
    - 1813 C. Within an intersection;
    - 1814 D. On a crosswalk;
    - 1815 E. Between a safety zone and the adjacent curb or within 30 feet of points on the  
1816 curb immediately opposite the ends of a safety zone, unless a different length  
1817 is indicated by signs or markings;
    - 1818 F. Alongside or opposite any street excavation or obstruction when stopping,  
1819 standing, or parking would obstruct traffic;

- 1821 G. Upon any bridge or other elevated structure upon a highway or within a
- 1822 highway tunnel;
- 1823 H. On any railroad tracks;
- 1824 I. On any controlled-access highway;
- 1825 J. In the area between roadways of a divided highway, including crossovers;
- 1826 K. On highways and elsewhere throughout the state in any parking space
- 1827 designated by the International Access Symbol without displaying an
- 1828 authorized disabled parking registration plate, removable windshield placard,
- 1829 or temporary removable windshield placard as defined in § 3-901.
- 1830 L. At any place where official traffic-control devices prohibit stopping.
- 1831 2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or
- 1832 discharge a passenger or passengers:
- 1833 A. In front of a public or private driveway;
- 1834 B. Within 15 feet of a fire hydrant;
- 1835 C. Within 20 feet of a crosswalk at an intersection;
- 1836 D. Within 30 feet of any flashing signal, stop sign, yield sign or traffic-control
- 1837 signal located at the side of a roadway;
- 1838 E. Within 20 feet of the driveway entrance to any fire station and on the side of a
- 1839 street opposite the entrance to any fire station within 75 feet of the entrance
- 1840 (when properly signposted);
- 1841 F. At any place where official traffic control devices prohibit standing.
- 1842 3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and
- 1843 while actually engaged in loading or unloading property or passengers:
- 1844 A. Within 50 feet of the nearest rail of a railroad crossing;
- 1845 B. At any place where official traffic control devices prohibit parking.
- 1846 (b) No person shall move a vehicle not lawfully under such person's control into any such
- 1847 prohibited area or away from a curb such a distance as is unlawful.
- 1848

1849 **§ 11-1004 Additional parking regulations**

- 1850 (a) Except as otherwise provided in this section, every vehicle stopped or parked upon a
- 1851 two-way roadway shall be so stopped or parked with the right-hand wheels parallel to
- 1852 and within 12 inches of the right-hand curb or as close as practicable to the right edge of
- 1853 the right-hand shoulder.
- 1854 (b) Except when otherwise provided by local ordinance, every vehicle stopped or parked
- 1855 upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the
- 1856 roadway, in the direction of authorized traffic movement, with its right-hand wheels
- 1857 within 12 inches of the right-hand curb or as close as practicable to the right edge of the
- 1858 right-hand shoulder, or with its left-hand wheels within 12 inches of the left-hand curb
- 1859 or as close as practicable to the left edge of the left-hand shoulder.
- 1860 (c) Local authorities may permit angle parking on any roadway, except that angle parking
- 1861 shall not be permitted on any Federal-aid or State highway unless the (State highway
- 1862 commission or State highway engineer) has determined that the roadway is of sufficient
- 1863 width to permit angle parking without interfering with the free movement of traffic.
- 1864 (d) The (State highway commission) with respect to highways under its jurisdiction may
- 1865 place official traffic control devices prohibiting, limiting, or restricting the stopping,
- 1866 standing or parking of vehicles on any highway where in its opinion such stopping,

1867 standing or parking is dangerous to those using the highway or where the stopping,  
1868 standing or parking of vehicles would unduly interfere with the free movement of traffic  
1869 thereon. No person shall stop, stand or park any vehicle in violation of the restrictions  
1870 indicated by such devices.  
1871

1872 **§ 11-1005 Disabled Parking with International Symbol of Access**

- 1873 (a) Disabled parking registration plates, removable windshield placards, or temporary  
1874 removable windshield placards, in accordance with Section 3-901, et seq. displaying the  
1875 International Symbol of Access, shall be the only recognized means of identifying  
1876 vehicles permitted to utilize parking spaces reserved for persons with disabilities.
- 1877 (b) Removable windshield placards and temporary removable windshield placards shall be  
1878 displayed in such a manner that they may be viewed from the front and rear of the  
1879 vehicle by hanging from the front windshield rearview mirror of a vehicle utilizing a  
1880 parking space reserved for persons with disabilities. When there is no rearview mirror,  
1881 the placard shall be displayed on the dashboard.
- 1882 (c) Disabled parking registration plates, removable windshield placards, and temporary  
1883 removable windshield placards, issued by the authority of other states and countries for  
1884 the purpose of identifying vehicles permitted to utilize parking spaces reserved for  
1885 persons with disabilities shall be recognized and accorded all rights and privileges as  
1886 such identification devices issued under the authority of this state.

1887  
1888

1889 **ARTICLE XI - MISCELLANEOUS RULES**

1890  
1891 **§ 11-1101-Unattended motor vehicle**

1892 No person driving or in charge of a motor vehicle shall permit it to stand unattended without  
1893 first stopping the engine, locking the ignition, removing the key from the ignition, effectively  
1894 setting the brake thereon, and when standing upon any grade, turning the front wheels to the curb  
1895 or side of the highway.

1896  
1897 **§ 11-1102 Limitations on backing**

- 1898 (a) The driver of a vehicle shall not back the vehicle unless such movement can be made  
1899 with safety and without interfering with other traffic.  
1900 (b) The driver of a vehicle shall not back the vehicle upon any shoulder or roadway of any  
1901 controlled-access highway.  
1902

1903 **§ 11-1103 Driving upon sidewalk**

1904 No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent  
1905 or duly authorized temporary driveway. This section shall not apply to any vehicle moved  
1906 exclusively by human power nor to any motorized wheelchair.  
1907

1908 **§ 11-1104 Obstruction to driver's view or driving mechanism**

- 1909 (a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat  
1910 such a number of persons, as to obstruct the view of the driver to the front or sides of the  
1911 vehicle or as to interfere with the driver's control over the driving mechanism of the  
1912 vehicle.  
1913 (b) No passenger in a vehicle (or streetcar) shall ride in such position as to interfere with the  
1914 driver's (or streetcar operator's) view ahead or to the sides, or to interfere with such  
1915 person's control over the driving mechanism of the vehicle (or streetcar.)  
1916 (c) No person shall drive a vehicle while a child or any other person or an animal is so  
1917 positioned as to be between the body of the driver and the steering wheel.  
1918

1919 **§ 11-1105 Opening and closing vehicle doors**

1920 No person shall open any door on a motor vehicle unless and until it is reasonably safe to do  
1921 so and can be done without interfering with the movement of other traffic, nor shall any person  
1922 leave a door open on a side of a vehicle adjacent to moving traffic for a period of time longer  
1923 than necessary to load or unload passengers.  
1924

1925 **§ 11-1106 Riding in house trailers**

1926 No person or persons shall occupy a house trailer while it is being moved upon a highway.  
1927

1928 **§ 11-1107 Driving on mountain highways**

1929 The driver of a motor vehicle traveling through defiles or canyons or on mountain highways  
1930 shall hold such motor vehicle under control and as near the right-hand edge of the roadway as  
1931 reasonably possible and, except when driving entirely to the right of the center of the roadway,  
1932 shall give audible warning with the horn of such motor vehicle upon approaching any curve  
1933 where the view is obstructed within a distance of 200 feet along the highway.  
1934

- 1935 § 11-1108 **Coasting prohibited**  
1936 (a) The driver of any motor vehicle when traveling upon a down grade shall not coast with  
1937 the gears or transmission of such vehicle in neutral.  
1938 (b) The driver of a truck or bus when traveling upon a down grade shall not coast with the  
1939 clutch disengaged.

1940  
1941 § 11-1109 **Following fire apparatus prohibited**  
1942 The driver of any vehicle other than one on official business shall not follow any fire  
1943 apparatus traveling in response to a fire alarm closer than 500 feet or stop within 500 feet of any  
1944 fire apparatus stopped in answer to a fire alarm.

1945  
1946 § 11-1110 **Crossing fire hose**  
1947 No vehicle shall be driven over any unprotected hose of a fire department when laid down on  
1948 any street, private road or driveway to be used at any fire or alarm of fire, without the consent of  
1949 the fire department official in command.

- 1950  
1951 § 11-1111 **Putting glass, etc., on highway prohibited**  
1952 (a) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks,  
1953 wire, cans or any other substance likely to injure any person, animal or vehicle.  
1954 (b) Any person who drops, or permits to be dropped or thrown, upon any highway any  
1955 destructive or injurious material shall immediately remove the same or cause it to be  
1956 removed.  
1957 (c) Any person removing a wrecked or damaged vehicle from a highway shall remove any  
1958 glass or other injurious substance dropped upon the highway from such vehicle.

1959  
1960 § 11-1112 **Stop when traffic obstructed**  
1961 No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade  
1962 crossing unless there is sufficient space on the other side of the intersection, crosswalk or  
1963 railroad grade crossing to accommodate the vehicle such driver is operating without obstructing  
1964 the passage of other vehicles, pedestrians or railroad trains, notwithstanding any traffic-control  
1965 signal indication to proceed.

- 1966  
1967 § 11-1113 **Snowmobile operation limited**  
1968 (a) No person shall operate a snowmobile on any controlled-access highway.  
1969 (b) No person shall operate a snowmobile on any other highway except when crossing the  
1970 highway at a right angle, when use of the highway by other motor vehicles is impossible  
1971 because of snow, or when such operation is authorized by the authority having  
1972 jurisdiction over the highway.

1973  
1974 § 11-1114 **Railroad trains not to block crossings**  
1975 No person or government agency shall operate any train in such a manner as to prevent  
1976 vehicular use of any roadway for a period of time in excess of five consecutive minutes except:  
1977 1. When necessary to comply with signals affecting the safety of the movement of trains;  
1978 2. When necessary to avoid striking any object or person on the track;  
1979 3. When the train is disabled;  
1980 4. When the train is in motion and engaged in switching operations;

- 1981 5. When there is no vehicular traffic waiting to use the crossing; or
- 1982 6. When necessary to comply with a governmental safety regulation.

1983  
1984 **§ 11-1115 Eye protection devices**

1985 Every person operating a motor vehicle that is not equipped with a windshield in position to  
1986 deflect objects which would hit such person's face shall wear an eye-protection device of a type  
1987 approved by the commissioner. This section shall not apply to a person operating a motorcycle.

1988  
1989 **§ 11-1116 Rights and duties - motorized wheelchairs**

1990 Every person operating a motorized wheelchair shall have all of the rights and all of the  
1991 duties applicable to a pedestrian contained in Chapter 11 except to those provisions which by  
1992 their nature can have no application.

1993  
1994 **§ 11-1117 Funeral and other processions**

- 1995 (a) No driver of a vehicle (or operator of a streetcar) shall drive between the vehicles  
1996 comprising a funeral or other authorized procession while they are in motion and when  
1997 such vehicles are conspicuously designated as required in this section. This provision  
1998 shall not apply at intersections where traffic is controlled by traffic-control signals or  
1999 police officers.
- 2000 (b) Each driver in a funeral or other procession shall drive as near to the right-hand edge of  
2001 the roadway as practicable and shall follow the vehicle ahead as close as is practicable  
2002 and safe.
- 2003 (c) A funeral composed of a procession of vehicles shall be identified as such by the  
2004 display, visible through the windshield or upon the outside of each vehicle, of a pennant,  
2005 placard, or other identifying marking, and by turning on the headlights of each vehicle in  
2006 the procession.

2007  
2008 **§ 11-1118 Carrying passengers unsecured in rear**

- 2009 (a) No person, driving a truck with a gross weight of (10,000) pounds or less, commonly  
2010 known as a pickup truck, or driving a flatbed motortruck of any weight, shall transport  
2011 any minor under the age of (18) in the back of the truck; and no minor under the age of  
2012 (18) years shall ride in the back of the truck.
- 2013 (b) Subdivision (a) does not apply if any of the following conditions are met:
  - 2014 1. The space in the back of the truck is enclosed to a height of 46 inches extending
  - 2015 vertically from the floor.
  - 2016 2. The vehicle has installed any means of preventing the minor from being discharged
  - 2017 from the back.
  - 2018 3. The minor in the back of the truck is secured to the vehicle in a manner that will
  - 2019 prevent the minor from being thrown, falling, or jumping from the vehicle.
- 2020 (c) This section does not apply to the transportation of employees, as that term is defined in  
2021 the pertinent labor code of the state; and nothing in this section permits transportation of  
2022 employees in a manner inconsistent with state or federal laws or regulations.

2023

2024 **ARTICLE XII - OPERATION OF BICYCLES, OTHER HUMAN-POWERED**  
2025 **VEHICLES, AND MOPEDS**

2026  
2027 **§ 11-1201 Effect of regulations**

- 2028 (a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act  
2029 required in this article.  
2030 (b) The parent of any child and the guardian of any ward shall not authorize or knowingly  
2031 permit any such child or ward to violate any of the provisions of this article.  
2032

2033 **§ 11-1202 Traffic laws apply to persons on bicycles and other human powered vehicles**

2034 Every person propelling a vehicle by human power or riding a bicycle shall have all of the  
2035 rights and all of the duties applicable to the driver of any other vehicle under chapters 10 and 11,  
2036 except as to special regulations in this article and except as to those provisions which by their  
2037 nature can have no application.  
2038

2039 **§ 11-1203 Riding on bicycles**

2040 No bicycle shall be used to carry more persons at one time than the number for which it is  
2041 designed or equipped, except that an adult rider may carry a child securely attached to adult rider  
2042 in a backpack or sling.  
2043

2044 **§ 11-1204 Clinging to vehicles**

- 2045 (a) No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach  
2046 the same or himself or herself to any (streetcar or) vehicle upon a roadway.  
2047 (b) This section shall not prohibit attaching a bicycle trailer or bicycle semitrailer to a  
2048 bicycle if that trailer or semitrailer has been designed for such attachment.  
2049

2050 **§ 11-1205 Position on roadway**

- 2051 (a) Any person operating a bicycle or a moped upon a roadway at less than the normal  
2052 speed of traffic at the time and place and under the conditions then existing shall ride as  
2053 close as practicable to the right-hand curb or edge of the roadway except under any of  
2054 the following situations:  
2055 1. When overtaking and passing another bicycle or vehicle proceeding in the same  
2056 direction.  
2057 2. When preparing for a left turn at an intersection or into a private road or driveway.  
2058 3. When reasonably necessary to avoid conditions including but not limited to: fixed  
2059 or moving objects; parked or moving vehicles; bicycles; pedestrians; animals;  
2060 surface hazards; or substandard width lanes that make it unsafe to continue along  
2061 the right-hand curb or edge. For purposes of this section, a “substandard width  
2062 lane” is a lane that is too narrow for a bicycle and a motor vehicle to travel safely  
2063 side by side within the lane.  
2064 4. When riding in the right-turn-only lane.  
2065 (b) Any person operating a bicycle or a moped upon a one-way highway with two or more  
2066 marked traffic lanes may ride as near the left-hand curb or edge of such roadway as  
2067 practicable.  
2068  
2069

2070 **§ 11-1206 Riding two abreast**

2071 Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths  
2072 or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast shall  
2073 not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride  
2074 within a single lane.

2075  
2076 **§ 11-1207 Carrying articles**

2077 No person operating a bicycle shall carry any package, bundle or article which prevents the  
2078 use of both hands in the control and operation of the bicycle. A person operating a bicycle shall  
2079 keep at least one hand on the handlebars at all times.

2080  
2081 **§ 11-1208 Left turns**

- 2082 (a) A person riding a bicycle or a moped intending to turn left shall follow a course  
2083 described in §11-601 or in subsection (b).
- 2084 (b) A person riding a bicycle or a moped intending to turn left shall approach the turn as  
2085 close as practicable to the right curb or edge of the roadway. After proceeding across  
2086 the intersecting roadway to the far corner of the curb or intersection of the roadway  
2087 edges, the bicyclist or moped driver shall stop, as much as practicable out of the way of  
2088 traffic. After stopping the bicyclist or moped driver shall yield to any traffic proceeding  
2089 in either direction along the roadway the bicyclist had been using. After yielding, and  
2090 complying with any official traffic control device or police officer regulating traffic on  
2091 the highway along which he or she intends to proceed, the bicyclist or moped driver may  
2092 proceed in the new direction.
- 2093 (c) Notwithstanding the foregoing provisions, the state highway commission and local  
2094 authorities in their respective jurisdictions may cause official traffic-control devices to  
2095 be placed and thereby require and direct that a specific course be traveled by turning  
2096 bicycles or mopeds, and when such devices are so placed, no person shall turn a bicycle  
2097 or a moped other than as directed and required by such devices.

2098  
2099 **§ 11-1209 Bicycles and human powered vehicles on sidewalks**

- 2100 (a) A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and  
2101 along a crosswalk, shall yield the right of way to any pedestrian and shall give audible  
2102 signal before overtaking and passing such pedestrian.
- 2103 (b) A person shall not ride a bicycle upon and along a sidewalk, or across a roadway upon  
2104 and along a crosswalk, where such use of bicycles is prohibited by official traffic-control  
2105 devices.
- 2106 (c) A person propelling a vehicle by human power upon and along a sidewalk, or across a  
2107 roadway upon and along a crosswalk, shall have all the rights and duties applicable to a  
2108 pedestrian under the same circumstances.

2109  
2110 **§ 11-1210 Bicycle parking**

- 2111 (a) A person may park a bicycle on a sidewalk unless prohibited or restricted by an official  
2112 traffic control device.
- 2113 (b) A bicycle parked on a sidewalk shall not impede the normal and reasonable movement  
2114 of pedestrian or other traffic.

2115

- 2116 (c) A bicycle may be parked on the roadway at any angle to the curb or edge of the roadway  
2117 at any location where parking is allowed.  
2118 (d) A bicycle may be parked on the roadway abreast of another bicycle or bicycles near the  
2119 side of the roadway at any location where parking is allowed.  
2120 (e) A person shall not park a bicycle on a roadway in such a manner as to obstruct the  
2121 movement of a legally parked motor vehicle.  
2122 (f) In all other respects, bicycles parked anywhere on a highway shall conform with the  
2123 provisions of article X regulating the parking of vehicles.  
2124

2125 **§ 11-1211 Bicycle racing**

- 2126 (a) By agreement with the approving authority, participants in an approved bicycle highway  
2127 racing event may be exempted from compliance with any traffic laws otherwise  
2128 applicable thereto, provided that traffic control is adequate to assure the safety of all  
2129 highway users.  
2130 (b) Bicycle racing on a highway shall not be unlawful when a racing event has been  
2131 approved by state or local authorities on any highway under their respective  
2132 jurisdictions. Approval of bicycle highway racing events shall be granted only under  
2133 conditions which assure reasonable safety for all race participants, spectators and other  
2134 highway users, and which prevent unreasonable interference with traffic flow which  
2135 would seriously inconvenience other highway users.  
2136

2137 **§ 11-1212 Mopeds in bicycle lanes**

2138 Upon any roadway where motor vehicles are permitted, a person may drive a moped in any  
2139 lane designated for the use of bicycles.  
2140

2141 **ARTICLE XIII - SPECIAL RULES FOR MOTORCYCLES**

2142  
2143 **§ 11-1301 Traffic laws apply to persons operating motorcycles**

2144 Every person operating a motorcycle shall be granted all of the rights and shall be subject to  
2145 all of the duties applicable to the driver of any other vehicle under this code, except as to special  
2146 regulations in this article and except as to those provisions of this code which by their nature can  
2147 have no application.

2148  
2149 **§ 11-1302 Riding on motorcycles**

- 2150 (a) A person operating a motorcycle shall ride only upon the permanent and regular seat  
2151 attached thereto, and such operator shall not carry any other person nor shall any other  
2152 person ride on a motorcycle unless such motorcycle is designed to carry more than one  
2153 person, in which event a passenger may ride upon the permanent and regular seat if  
2154 designed for two persons, or upon another seat firmly attached to the motorcycle at the  
2155 rear or side of the operator.
- 2156 (b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward,  
2157 with one leg on each side of the motorcycle.
- 2158 (c) No person shall operate a motorcycle while carrying any package, bundle, or other  
2159 article which prevents such person from keeping both hands on the handlebars.
- 2160 (d) No operator shall carry any person, nor shall any person ride, in a position that will  
2161 interfere with the operation or control of the motorcycle or the view of the operator.

2162  
2163 **§ 11-1303 Operating motorcycles on roadways laned for traffic**

- 2164 (a) All motorcycles, other than mopeds, are entitled to full use of a lane and no motor  
2165 vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a  
2166 lane. This subsection shall not apply to motorcycles operated two abreast in a single  
2167 lane.
- 2168 (b) The operator of a motorcycle shall not overtake and pass in the same lane occupied by  
2169 the vehicle being overtaken. This subsection shall not apply to a motorcyclist passing a  
2170 bicycle, to the driver of a moped, nor to a police officer in the performance of the  
2171 officer's duties.
- 2172 (c) No person shall operate a motorcycle between lanes of traffic or between adjacent lines  
2173 or rows of vehicles. This subsection shall not apply to police officers in the performance  
2174 of their duties.
- 2175 (d) Motorcycles shall not be operated more than two abreast in a single lane.

2176  
2177 **§ 11-1304 Clinging to other vehicles**

2178 No person riding upon a motorcycle shall attach himself or herself, or the motorcycle to any  
2179 other vehicle (or streetcar) on a roadway.

2180  
2181 **§ 11-1305 Footrests and handlebars**

- 2182 (a) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be  
2183 equipped with footrests for such passenger.
- 2184 (b) No person shall operate any motorcycle with handlebars more than 15 inches in height  
2185 above that portion of the seat occupied by the operator.
- 2186

- 2187 **§ 11-1306 Equipment for motorcycle riders**  
2188 (a) No person shall operate or ride upon a motorcycle unless such person is wearing  
2189 protective headgear which complies with standards established by the commissioner.  
2190 (b) No person shall operate a motorcycle unless such person is wearing an eye-protective  
2191 device of a type approved by the commissioner, except when the motorcycle is equipped  
2192 with a windscreen.  
2193 (c) This section shall not apply to persons riding within an enclosed cab or on a golf cart.  
2194 (d) The commissioner is hereby authorized to approve or disapprove protective headgear  
2195 and eye-protective devices, and to issue and enforce regulations establishing standards  
2196 and specifications for the approval thereof. The commissioner shall publish lists of all  
2197 protective headgear and eye-protective devices by name and type which have been so  
2198 approved.  
2199

- 2200 **§ 11-1307 Headlamps on motorcycles during operation**  
2201 (a) No person shall operate a motorcycle unless the headlamps are lighted at all times  
2202 during operation. Motorcycles may be driven to the nearest repair facility for headlamp  
2203 repair except during hours of darkness.  
2204 (b) Except at times when headlamps are required to be lighted as provided by §12-201, the  
2205 headlamps of motorcycles may be modulated whenever the motorcycle is in operation  
2206 during daylight hours.  
2207 (c) Subsection (a) shall not apply to motorcycles manufactured prior to \_\_\_\_\_ (date).  
2208  
2209

ARTICLE XIV – STREETCARS<sup>86</sup>

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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.

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<sup>86</sup> This article should be omitted in states where no streetcars are in operation.

2251 **ARTICLE XV - VICTIMS OF A TRAFFIC-RELATED OFFENSES<sup>87</sup>**  
2252

2253 **§ 11-1501 Definitions**

- 2254 (a) "Catastrophic injury" means an injury to any person which consists of a physical  
2255 condition that creates a substantial risk of death, serious personal disfigurement, or  
2256 protracted loss or impairment of the function of any bodily member or organ.  
2257 (b) "Victim" means a person who has been catastrophically injured as a result of a traffic-  
2258 related offense committed by another person, or the spouse, parent, child, sibling or  
2259 representative of a person killed or catastrophically injured as a result of a traffic-related  
2260 offense committed by another person.  
2261

2262 **§ 11-1502 Rights of victims**

2263 Victims shall have the following rights:

- 2264 (a) To speedy prosecution of the offense. In any criminal justice proceeding, the police, the  
2265 prosecutor, and the court shall take appropriate action to ensure speedy prosecution of  
2266 the defendant. Victims shall be informed by the prosecuting attorney of any motions  
2267 which would result in delay of the prosecution and be allowed to object in writing.  
2268 (b) Upon request by the victim, to be informed by the police investigating the case of the  
2269 status of the investigation, and by the prosecuting attorney prior to any critical decisions  
2270 concerning the case including the charging decision, diversion, dismissal, or other  
2271 disposition.  
2272 (c) To be present at any time the defendant has the right to be present during all criminal  
2273 justice proceedings related to an offense unless the court determines that exclusion is  
2274 necessary to protect the confidentiality of juvenile or similar proceedings. If a victim is  
2275 unable to attend the court proceedings, the court may designate a representative of the  
2276 victim who has the same right to be present as the victim would have had.  
2277 (d) To make victim impact statements to the court including information about the financial,  
2278 emotional, psychological, and physical effects of the crime on the victim, the  
2279 circumstances surrounding the crime, the manner in which it was perpetrated, and the  
2280 victim's opinion of any recommended sentence of the convicted offender. A victim may  
2281 present an impact statement to the court either orally or in writing.  
2282 (e) To an order of restitution if the order is authorized by the laws of this state.  
2283

2284 **§ 11-1503 Law Enforcement Agency**

- 2285 (a) At the time of the initial contact between any law enforcement agency and the victim,  
2286 the law enforcement agency investigating the case shall provide the victim a written  
2287 statement of rights which shall include the following information:  
2288 1. A statement and explanation of the victim's rights as enumerated by Section 11-  
2289 1502 of this code;  
2290 2. The availability of victim assistance, medical and emergency services;  
2291

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<sup>87</sup> Drafter should cross-reference or harmonize these provisions pertaining to victims' rights with other similar statutory requirements.

- 2292 3. The availability of victim compensation benefits, including the name, office  
2293 address, and telephone number of the contact person(s) responsible for  
2294 administering the program; and  
2295 4. The office addresses and telephone numbers of appropriate victim support and  
2296 services groups.  
2297 (b) As soon as available, the police shall provide to the victim the following:  
2298 1. The office address and telephone number of the prosecutor's office;  
2299 2. The case number and the names, office addresses, and telephone numbers of the law  
2300 enforcement officers assigned to investigate the case; and  
2301 3. If known, whether the suspect has been taken into custody, and if taken into  
2302 custody, whether released and any conditions attached to the release.  
2303

2304 **§ 11-1504 Prosecutor**

- 2305 (a) Upon request by the victim for information concerning the criminal court proceedings, a  
2306 prosecuting attorney shall inform the victim of the following:  
2307 1. A statement and explanation of the victim's rights as enumerated by Section 11-1502.  
2308 2. The actual assignment of the case, including case number, and the court to which it is  
2309 assigned;  
2310 3. The date, time, and location of any criminal proceedings relative to the offense;  
2311 4. The availability of crime victim compensation benefits, including the name, office  
2312 address, and telephone numbers of contact persons responsible for administering the  
2313 program;  
2314 5. The availability of any transportation services to court proceedings;  
2315 6. Whether the defendant has a right to review the presentence reports and impact  
2316 statements;  
2317 7. Whether the defendant has the right to attend and make a statement at the sentencing  
2318 hearing;  
2319 8. The time and place of any hearing for the reconsideration of the sentence imposed;  
2320 and  
2321 9. The right to receive information from corrections officials concerning imprisonment  
2322 and release.  
2323 10. If the defendant appeals, the prosecutor shall inform the victim of the status of the  
2324 case on appeal and the decision of the appellate court upon disposition.  
2325 (b) The prosecutor shall notify the victim in writing of the date, time, and location of the  
2326 sentencing hearing and advise the victim of the opportunity to present a victim's impact  
2327 statement or to appear at the sentencing proceeding.  
2328

2329 **§ 11-1505 Probation Department**

2330 The Probation Department, in preparing any pre-sentence report on the defendant, must  
2331 attempt to consult with the victim and must include a written victim impact statement as part of  
2332 the pre-sentence report if the victim chooses to submit one. If the victim cannot be located or  
2333 declines to cooperate, the probation officer must include a notation to that effect in the report.  
2334

2335 **§ 11-1506 Court**

2336 The Court shall orally inform victims present at the sentencing hearing of their right to  
2337 present victim impact statements.

2338 **Article XVI - "Safe Streets Act" - Vehicle Immobilization resulting from continuing to**  
2339 **drive when the driver's license is suspended or revoked for DWI or DUI**

2340  
2341 **§ 11-1601 Vehicle Immobilization**

- 2342 (a) For purposes of this Article, vehicle "immobilization" means rendering a motor vehicle  
2343 inoperable. The Department is authorized to immobilize a motor vehicle utilizing, at its  
2344 discretion, any of the following methods:
- 2345 1. taking possession of the vehicle as provided in state or local impoundment  
2346 procedures;
  - 2347 2. immobilizing the vehicle on private property designated by the vehicle owner by  
2348 any method approved by the Department; or
  - 2349 3. taking possession of the vehicle's registration & tags.
- 2350 (b) A motor vehicle is subject to immobilization for (30) days if it is driven on a highway in  
2351 this state by a driver:
- 2352 1. whose driver's license is suspended or revoked pursuant to a conviction under  
2353 section 6-207, section 11-902 or section 11-903;
  - 2354 2. who is driving in violation of the terms of a limited license imposed as a condition  
2355 of reinstatement of a license suspended or revoked under section 6-207, section 11-  
2356 902 or section 11-903.
- 2357 (c) A motor vehicle is subject to immobilization for (60) days if it is driven on a highway in  
2358 this state by a driver:
- 2359 1. whose driver's license is suspended or revoked pursuant to a second conviction  
2360 within the previous [five] years under section 6-207, section 11-902 or section 11-  
2361 903; or
  - 2362 2. who is driving in violation of the terms of a limited license imposed as a condition  
2363 of reinstatement of a license suspended or revoked for the second time within the  
2364 previous [five] years under section 6-207, section 11-902 or section 11-903;
- 2365 (d) Notwithstanding subsections (b) and (c), with the written consent of the registered  
2366 owner(s) a vehicle immobilized pursuant to subsection (b) or (c) may be released with  
2367 an installed compulsory ignition interlock system meeting the requirements of section  
2368 (2), for the period of time specified for vehicle immobilization, to any person who :
- 2369 (1) demonstrates that he or she:
    - 2370 (i) currently resides in the household of the registered owner(s) of such vehicle  
2371 and resided in that household at the time of immobilization; and
    - 2372 (ii) that the vehicle is the only vehicle available to that person's household which  
2373 may be operated with a private passenger vehicle license;
  - 2374 (2) submits proof that he or she is properly licensed and that the immobilized vehicle is  
2375 properly registered; and
  - 2376 (3) submits proof of payment of the cost of installation and regulated monitoring of that  
2377 vehicle interlock system for one year, and payment of any towing, storage or  
2378 administrative charges resulting from the immobilization of that vehicle.
- 2379

2380 **§ 11-1602 Certification of ignition interlock systems**

- 2381 (a) The [Department of Motor Vehicles]<sup>88</sup> shall certify or cause to be certified vehicle  
2382 ignition interlock devices required by this Article, publish a list of approved devices, and  
2383 conduct or regulate the operation of a vehicle ignition interlock program, including  
2384 imposing charges on the motorist for compulsory system installation and monitoring.  
2385 (b) No model of vehicle ignition interlock device shall be certified unless it meets the  
2386 accuracy requirements and specifications provided in the guidelines adopted by the  
2387 National Highway Traffic Safety Administration.  
2388 (c) The [Department of Motor Vehicles] shall utilize information from an independent  
2389 laboratory to certify ignition interlock devices on or off the premises of the manufacturer  
2390 or manufacturer's agent, in accordance with the guidelines. The cost of certification  
2391 shall be borne by the manufacturers of interlock ignition devices. If the certification of a  
2392 device is suspended or revoked, the manufacturer of the device shall be responsible for,  
2393 and shall bear the cost of, the removal of the device and the replacement of a certified  
2394 device of the manufacturer or another manufacturer.  
2395 (d) All manufacturers of vehicle ignition interlock devices that meet the requirements of the  
2396 National Highway Traffic Safety Administration and are certified in a manner approved  
2397 by the [Department of Motor Vehicles], who intend to market the devices in this state,  
2398 first shall apply to the [Department of Motor Vehicles] on forms provided by that  
2399 department. The application shall be accompanied by a fee in an amount not to exceed  
2400 the amount necessary to cover the costs incurred by the [Department of Motor Vehicles]  
2401 in carrying out this section.  
2402 (e) The [Department of Motor Vehicles] shall ensure that standard forms and procedures are  
2403 developed for documenting decisions and compliance, and communicating results to  
2404 relevant agencies and parties.  
2405 (f) The [Department of Motor Vehicles] may delegate a private contractor to act as the  
2406 agent of the state in carrying out any of the requirements of this section.  
2407

2408 **§ 11-1603 Use of a Vehicle by an Unlicensed Driver: Owner's Duty**

2409 No owner of a motor vehicle may knowingly allow another person to drive the vehicle upon  
2410 a highway unless the owner determines that the person possesses a valid driver's license that  
2411 authorizes the person to operate the vehicle. For purposes of this section, an owner is required  
2412 only to make a reasonable effort or inquiry to determine whether the prospective driver possesses  
2413 a valid driver's license before allowing him or her to operate the owner's vehicle. An owner is  
2414 not required to inquire of the department whether the prospective driver possesses a valid driver's  
2415 license.  
2416

2417 **§ 11-1604 Immobilization Exceptions and Safeguards**

- 2418 (a) If a driver is unable to produce a valid driver's license on the demand of a police officer  
2419 enforcing the provisions of the Motor Vehicle Code, the vehicle may be immobilized for  
2420 up to thirty days, regardless of ownership, unless the police officer is reasonably able, by  
2421 other means, to verify that the driver is properly licensed. Prior to immobilizing a  
2422 vehicle, a police officer shall attempt to verify the license status of a driver who claims  
2423

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<sup>88</sup> States should substitute the appropriate agency throughout Section 11-1602 should the responsible agency in their state differ from the above.

- 2424 to be properly licensed but is unable to produce the license on demand of the police  
2425 officer.
- 2426 (b) A police officer shall not immobilize a vehicle pursuant to this section if the license of  
2427 the driver expired within the preceding 30 days and the driver otherwise would have  
2428 been properly licensed.
- 2429 (c) A police officer may exercise discretion in a situation where the driver without a valid  
2430 license is an employee in the course of employment driving a vehicle registered to the  
2431 employer. A police officer also may exercise discretion in a situation where the driver  
2432 without a valid license is the employee of a bona fide business establishment or is a  
2433 person otherwise controlled by such an establishment and it reasonably appears that an  
2434 owner of the vehicle, or an agent of the owner, relinquished possession of the vehicle to  
2435 the business establishment solely for servicing or parking of the vehicle or other  
2436 reasonably similar situations, and where the vehicle was not to be driven except as  
2437 directly necessary to accomplish that business purpose. In that event, if the vehicle can  
2438 be returned to or be retrieved by the business establishment or registered owner, the  
2439 police officer may release and not immobilize the vehicle.
- 2440 (d) If the driver of a vehicle immobilized pursuant to subsection (a) was a registered owner  
2441 of the vehicle at the time of impoundment, the impounding agency shall authorize  
2442 release of the vehicle if, within three days of such immobilization, the driver of the  
2443 vehicle at the time of immobilization presents his or her valid driver's license, including  
2444 a valid temporary driver's license or permit, to the responsible agency. The vehicle shall  
2445 then be released to a registered owner of record at the time of immobilization, or an  
2446 agent of that owner authorized in writing, upon payment of towing and storage charges  
2447 related to the immobilization, and any reasonable administrative charges, providing that  
2448 the person claiming the vehicle is properly licensed and the vehicle is properly  
2449 registered.

2450  
2451 **§ 11-1605 Consumer Protection**

- 2452 (a) A vehicle immobilized pursuant to the circumstances described in subsection 11-604(c)  
2453 shall be released to a registered owner whether or not the driver of the vehicle at the time  
2454 of such immobilization presented a valid driver's license. No processing charges shall  
2455 be imposed on such registered owner if he or she properly redeems the vehicle within 15  
2456 days of its immobilization.
- 2457 (b) Any owner of a vehicle who suffers any loss due to vehicle immobilization may recover  
2458 the amount of the loss from the culpable driver whose actions caused the  
2459 immobilization. If possession of a vehicle has been tendered to a business establishment  
2460 in good faith, and an unlicensed, suspended or revoked driver employed or otherwise  
2461 directed by that business establishment committed the violation which caused the  
2462 vehicle to be immobilized, a registered owner of the vehicle may recover damages for  
2463 the loss of use of the vehicle from the business establishment.
- 2464 (c) Within 10 days of a vehicle immobilization, a registered or legal owner of record at the  
2465 time the vehicle was immobilized may request a hearing to determine the validity of that  
2466 vehicle immobilization.
- 2467 (1) The responsible agency, if requested to do so not later than 10 days after the date  
2468 the vehicle was immobilized, shall provide the opportunity for a hearing to  
2469

- 2470 determine the validity of the vehicle immobilization to the persons who were the  
2471 registered or legal owners of the vehicle at the time of its immobilization.
- 2472 (2) The post immobilization hearing shall be conducted not later than two days after the  
2473 date it was requested. The responsible agency may authorize its own officer or  
2474 employee to conduct the hearing if the hearing officer is not the same person who  
2475 directed the storage of the vehicle. Failure of either the registered or legal owner to  
2476 request a hearing as provided in paragraph (1) or to attend a scheduled hearing shall  
2477 satisfy the post immobilization hearing requirement.
- 2478 (3) The responsible agency employing the person who directed the vehicle  
2479 immobilization is responsible for all costs incurred for any towing, storage or  
2480 administrative charges if it is determined that the vehicle was improperly  
2481 immobilized.
- 2482 (4) Towing and storage charges for any vehicle immobilized pursuant to this Act shall  
2483 not exceed the normal towing and storage rates for other vehicle towing and storage  
2484 conducted by the towing company or agency in the normal course of business.
- 2485 (5) The burden of proof in the hearing shall be on the immobilizing agency, by a  
2486 preponderance of the evidence. All questions that may arise shall be decided and  
2487 all other proceedings shall be conducted as in an ordinary civil action. A judgment  
2488 upholding vehicle immobilization does not require as a condition precedent the  
2489 conviction of a defendant for the offense which made the vehicle subject to  
2490 immobilization.

2491  
2492 **§ 11-1606 Disposition of Abandoned Vehicles**

2493 Any immobilized vehicle unclaimed under this act which is determined to be abandoned  
2494 under the laws of this state may be disposed of at the discretion of the [Department of Motor  
2495 Vehicles].

2496  
2497 **§ 11-1607 Administration**

- 2498 (a) The [Department of Motor Vehicles] may prescribe standard forms and procedures for  
2499 implementation of this Article to be used by jurisdictions throughout the state.
- 2500 (b) In computing any period of time prescribed or allowed by this Article, if the time period  
2501 to be computed is 15 days or less, Saturdays, Sundays and holidays shall not be counted.  
2502 If the time period to be computed is greater than 15 days, Saturdays, Sundays and  
2503 holidays shall be counted.

2504  
2505 **§ 11-1608 Notice of License suspension or revocation - OPTIONAL**

- 2506 (a) *It shall be conclusively presumed that a person has knowledge of the suspension or*  
2507 *revocation if notice has been sent by certified mail by the department to the most recent*  
2508 *address officially reported by the person pursuant to procedures established by the*  
2509 *department, and the return receipt has been signed and returned to the department. It is*  
2510 *the responsibility of every license holder to report changes of address to the department*  
2511 *within [10 days] of the change of address.*
- 2512 (b)
- 2513 1. *In the event the certified mail is not delivered, the department shall attempt to*  
2514 *provide personal service by using a process server for service of any person whose*  
2515 *driving privilege was suspended or revoked.*

2516           2    *At the time of license reinstatement, the department shall recover an amount equal*  
2517                    *to its total cost of providing notices pursuant to this subsection, in addition to any*  
2518                    *finest or fees otherwise authorized by law.*

2519    [Note: This section is listed as “11-608” in the 2000 UVC. However, it should be listed as “11-  
2520    1608”. That technical correction has been shown.]



# National Committee on Uniform Traffic Control Devices

13236 North 7th Street, Suite 4-259, Phoenix, Arizona 85022  
Phone/Text: 231-4-NCUTCD (231-462-8823)  
E-mail: secretary@ncutcd.org Website: <https://ncutcd.org>

Item No. 21B-ROR-02

## NCUTCD Proposal for Rules of the Road

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2  
3  
4  
5  
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, 01-05-2022  
14 • Approved by NCUTCD Council: 01-14-2022

15  
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 items included, in a*  
18 *document that will be updated and maintained by the NCUTCD. Other than formatting changes,*  
19 *no additional changes are included in this proposal. This has been developed by a joint task*  
20 *force of the NCUTCD and has been approved by the NCUTCD Council.*

### SUMMARY:

21  
22  
23 The Rules of the Road are to be posted on the NCUTCD webpage for the information of users  
24 thereof. The Rules of the Road were previously published by the National Committee of  
25 Uniform Laws and Ordinances (NCUTLO). They suspended operations in July 2008 with the  
26 last published Uniform Vehicle Code (UVC) dated 2000. The NCUTCD determined that they  
27 would maintain the Rules of the Road, Chapter 11, UVC to update it with changes to the  
28 MUTCD providing a Rules of the Road publication that is consistent with the MUTCD for the  
29 information and use of those jurisdictions that want to update their vehicle laws to be compatible  
30 with the MUTCD. This proposal will establish a “current” document that includes the just the  
31 definitions and Chapter 11 from the 2000 UVC with prior changes as approved by the NC  
32 Council.

### DISCUSSION:

33  
34  
35 The UVC, including the Rules of the Road (ROR) chapter, needs to be updated to reflect  
36 revisions to the MUTCD since that time. Updating the Rules of the Road chapter and related  
37 definitions will be addressed in separate proposals. This proposal will document the definitions  
38 and the Rules of the Road chapter from the 2000 UVC as amended by prior NCUTCD Council  
39 actions. Therefore, consideration of sponsor comments and NCUTCD Council discussion was

40 limited to any needed technical or editorial corrections to this conversion to a NCUTCD  
41 document rather than to the actual text of the definitions or Rules of the Road chapter. (This is  
42 the 21B-ROR-01 document with the three prior NC Council approved changes incorporated.)  
43

44 **RECOMMENDED RULES OF THE ROAD CHANGES:**

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

51 **CHAPTER 1**

52 **WORDS AND PHRASES DEFINED**

53  
54  
55 **§ 1-101 Definition of words and phrases**

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

61 **§ 1-102 Alcohol** - any substance or substances containing any form of alcohol.  
62

63 **§ 1-103 Alcoholic beverage:**

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

74 **§ 1-104 Alcohol concentration** - either grams of alcohol per 100 milliliters of blood or  
75 grams of alcohol per 210 liters of breath.  
76

77 **§ 1-105 Alley** - A street or highway intended to provide access to the rear or side of lots or  
78 buildings in urban districts and not intended for the purpose of through vehicular traffic.  
79

80 **§ 1-106 Any measurable and detectable amount of alcohol** – any alcohol concentration in  
81 a person's blood or breath that is 0.02 or more.  
82

83 **§ 1-107 Arterial street** - Any U.S. or State numbered route, controlled access highway, or  
84 other major radial or circumferential street or highway designated by local authorities within  
85 their respective jurisdictions as part of a major arterial system of streets or highways.

86  
87 **§ 1-108 Authorized emergency vehicle** - Such fire department vehicles, police vehicles  
88 and ambulances as are publicly owned, and such other publicly or privately owned vehicles as  
89 are designated by the commissioner of motor vehicles (or other appropriate state official) under  
90 §15-111 of this code.  
91  
92 **§ 1-109 Bicycle** - Every vehicle propelled solely by human power upon which any person  
93 may ride, having two tandem wheels and except scooters and similar devices.  
94  
95 **§ 1-110 Bus** - Every motor vehicle with a manufacturer's rated seating capacity of 11 or  
96 more passengers, including the driver.  
97  
98 **§ 1-111 Business district** - The territory contiguous to and including a highway when  
99 within any 600 feet along such highway there are buildings in use for business or industrial  
100 purposes, including but not limited to hotels, banks, or office buildings, railroad stations and  
101 public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively  
102 on both sides of the highway.  
103  
104 **§ 1-112 Cancellation of driver's license** - The annulment or termination by formal action  
105 of the department of a person's driver's license because of some error or defect in the license or  
106 because the licensee is no longer entitled to such license, but the cancellation of a license is  
107 without prejudice and application for a new license may be made at any time after such  
108 cancellation.  
109  
110 **§ 1-113 Child Passenger Restraint System** - a specially designed seating system which  
111 meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213 as it may be  
112 amended from time to time and which is either permanently affixed to a motor vehicle or is  
113 affixed to such vehicle by a safety belt or a universal attachment system.  
114  
115 **§ 1-114 Commissioner<sup>1</sup>** - The commissioner of motor vehicles of this State.  
116  
117 **§ 1-115 Component part** - Each part contained in or upon a vehicle, including the engine  
118 or motor; the transmission or transaxle; the chassis, frame, or load-bearing major structural  
119 equivalent thereof; any door, hood, deck lid, hatch, or tailgate; any bumper; any fender or quarter  
120 panel; a cowl or firewall; a cargo compartment or passenger compartment floor or floor panel;  
121 and any motorcycle frame, front fork, or crankcase.  
122  
123

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

124 § 1-116 **Controlled-access highway** - Every highway, street or roadway in respect to which  
125 owners or occupants of abutting land and other persons have no legal right of access to or from  
126 the same except at such points only and in such manner as may be determined by the public  
127 authority having jurisdiction over such highway, street or roadway.  
128

129 § 1-117 **Conviction** - means that a court of original jurisdiction has made an adjudication of  
130 guilt. The term includes an unvacated forfeiture of bail or collateral deposited to secure a  
131 defendant's appearance in court, a plea of nolo contendere accepted by the court, the payment of  
132 a fine, and a plea of guilty or a finding of guilt, regardless of whether the penalty is rebated,  
133 suspended or probated.  
134

135 § 1-118 **Crosswalk** –

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

141 (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for  
142 pedestrian crossing by lines or other markings on the surface.  
143

144 § 1-119 **Dealer** - Every person in the business of buying, selling or exchanging vehicles.  
145

146 § 1-120 **Department<sup>2</sup>** - The department of motor vehicles of this State.  
147

148 § 1-121 **Disclose** -to engage in any practice or conduct to make available and make known  
149 personal information contained in records of the department about a person to any other person,  
150 organization, or entity, by any means of communication  
151

152 § 1-122 **Divided highway** - A highway divided into two or more roadways by leaving an  
153 intervening space or by a physical barrier or by clearly indicated dividing section so constructed  
154 as to impede vehicular traffic  
155

156 § 1-123 **Drive** - To operate or be in physical control of a vehicle.  
157

158 § 1-124 **Driveway towaway operation** -Any operation in which any motor vehicle, trailer  
159 or semitrailer, singly or in combination, new or used, constitutes the commodity being  
160 transported, when one set or more of wheels of any such vehicle are on the roadway during the  
161 course of transportation, whether or not any such vehicle furnishes the motive power.  
162

163 § 1-125 **Driven** - To have operated or been in physical control of a vehicle.  
164

165 § 1-126 **Driver** - Every person who drives or is in actual physical control of a vehicle.

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<sup>2</sup> 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.

166  
167 § 1-127 **Driver's license** - Any license to operate a motor vehicle issued under the laws of  
168 this State.  
169  
170 § 1-128 **Driving** - Operating or being in physical control of a vehicle.  
171  
172 § 1-129 **Drug** - A controlled substance as defined by State or federal law or any other drug  
173 or psychoactive substance capable of impairing a person's physical or mental faculties or any  
174 combination of these substances.  
175  
176 § 1-130 **Essential Parts** - All integral and body parts of a vehicle of a type required to be  
177 registered hereunder, the removal, alteration or substitution of which would tend to conceal the  
178 identity of the vehicle or substantially alter its appearance, model, type or mode of operation.  
179  
180 § 1-131 **Established place of business** - The place actually occupied either continuously or  
181 at regular periods by a dealer or manufacturer where such person's books and records are kept  
182 and a large share of the person's business is transacted.  
183  
184 § 1-132 **Explosives** - Any chemical compound or mechanical mixture that is commonly  
185 used or intended for the purpose of producing an explosion and which contains any oxidizing  
186 and combustive units or other ingredients in such proportions, quantities or packing that an  
187 ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the  
188 compound or mixture may cause such a sudden generation of highly heated gases that the  
189 resultant gaseous pressures are capable of producing destructive effects on contiguous objects or  
190 of destroying life or limb.  
191  
192 § 1-133 **Farm tractor** - Every motor vehicle designed and used primarily as a farm  
193 implement, for drawing plows, mowing machines and other implements of husbandry.  
194  
195 § 1-134 **Flammable liquid** - Any liquid which has a flash point of 70° F. or less, as  
196 determined by a tagliabue or equivalent closed-cup test device.  
197  
198 § 1-135 **Foreign vehicle** - Every vehicle of a type required to be registered hereunder  
199 brought into this State from another state, territory or country other than in the ordinary course of  
200 business by or through a manufacturer or dealer and not registered in this State.  
201  
202 § 1-136 **Gross weight** - The weight of a vehicle without load plus the weight of any load  
203 thereon.  
204  
205 § 1-137 **Hazardous material** - Has the same meaning as that found in 49 U.S.C. §5102  
206 (definitions).  
207  
208 § 1-138 **Highway**<sup>3</sup> - The entire width between the boundary lines of every way publicly  
209 maintained when any part thereof is open to the use of the public for purpose of vehicular travel.

---

<sup>3</sup> By the above definition the terms "street" and "highway" are synonymous and interchangeable.

- 210  
211 **§ 1-139 House trailer**  
212 (a) A trailer or semitrailer which is designed, constructed and equipped as a dwelling place,  
213 living abode or sleeping (either permanently or temporarily) and is equipped for use as a  
214 conveyance on streets and highways, or  
215 (b) A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for  
216 use as a house trailer, as defined in paragraph (a), but which is used instead permanently  
217 or temporarily for the advertising, sales, display or promotion of merchandise or  
218 services, or for any other commercial purpose except the transportation of property for  
219 hire or the transportation of property for distribution by a private carrier.  
220  
221 **§ 1-140 Human-powered vehicle** - Every vehicle designed to be moved solely by human  
222 power.  
223  
224 **§ 1-141 Identifying number** - The vehicle identification number assigned by the  
225 manufacturer or by the department for the purpose of identifying the vehicle. The term shall  
226 include any numbers or letters assigned by the manufacturer for the purpose of identifying a part  
227 of a vehicle and any such number placed on a part in accordance with this code or regulations of  
228 the department for the purpose of identifying it.  
229  
230 **§ 1-142 Implement of husbandry** - Every vehicle designed or adapted and used  
231 exclusively for agricultural operations and only incidentally operated or moved upon the  
232 highway.  
233  
234 **§ 1-143 Imprisonment** - corrections facility, house arrest with electronic monitoring,  
235 inpatient rehabilitation or treatment center, or other facility, provided the individual under  
236 confinement is in fact being detained.  
237  
238 **§ 1-144 Incarceration** - Confinement in a jail, minimum-security facility, community  
239 correction facility, house arrest with electronic monitoring, inpatient rehabilitation or treatment  
240 center, or other facility provided the individual under confinement is in fact being detained.  
241  
242 **§ 1-145 Individual record** - A record containing personal information about a designated  
243 person who is the subject of the record, as identified in a request for information.  
244  
245 **§ 1-146 Intersection** –  
246 (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if  
247 none, then the lateral boundary lines of the roadways of two highways which join one  
248 another at, or approximately at, right angles, or the area within which vehicles traveling  
249 upon different highways joining at any other angle may come in conflict.  
250

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

256 (c) The junction of an alley with a street or highway shall not constitute an intersection.  
257

258 **§ 1-147 Laned roadway** - A roadway which is divided into two or more clearly marked  
259 lanes for vehicular traffic.  
260

261 **§ 1-148 License or License to operate a motor vehicle** - Any driver's license or any  
262 license or permit to operate a motor vehicle issued under, or granted by, the laws of this State  
263 including:

264 (a) Any temporary license or instruction permit;

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

267 (c) Any nonresident's operating privilege as defined herein.  
268

269 **§ 1-149 Lienholder** - A person holding a security interest in a vehicle.  
270

271 **§ 1-150 Local authorities** - Every county, municipal and other local board or body having  
272 authority to enact laws relating to the traffic under the constitution and laws of this State.  
273

274 **§ 1-151 Mail** - To deposit in the United States mail properly addressed and with postage  
275 prepaid.  
276

277 **§ 1-152 Manufacturer** - Every person engaged in the business of constructing or  
278 assembling vehicles of a type required to be registered hereunder at an established place of  
279 business in this State.  
280

281 **§ 1-153 Metal tire** - Every tire the surface of which in contact with the highway is wholly  
282 or partly metal or other hard, non-resilient material.  
283

284 **§ 1-154 Moped** - A motor-driven cycle with a motor which produces not to exceed two-  
285 brake horsepower and which is not capable of propelling the vehicle at a speed in excess of 30  
286 mph on level ground. If an internal combustion engine is used, the displacement shall not exceed  
287 50 cubic centimeters, and the moped shall have a power drive system that functions directly or  
288 automatically without clutching or shifting by the operator after the drive system is engaged.  
289

290 **§ 1-155 Motor home** - A motor vehicle designed to provide temporary living quarters built  
291 into as an integral part of, or permanently attached to, a self-propelled motor vehicle chassis or  
292 van. The vehicle must contain permanently installed independent life support systems which  
293 meet the ANSI/NFPA 501C Standard and provide at least four of the following facilities:  
294 cooking, refrigeration or ice box, self-contained toilet heating and/or air conditioning, a potable  
295 water supply system including a faucet and sink, separate 110-125 volt electrical power supply  
296 and/or an LP-gas supply. The basic types are specified as follows:

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

304 **§ 1-156 Motor vehicle** - Every vehicle which is self-propelled, and every vehicle which is  
305 propelled by electric power obtained from overhead trolley wires but not operated upon rails,  
306 except vehicles moved solely by human power and motorized wheelchairs.  
307

308 **§ 1-157 Motorcycle** - Every motor vehicle having a seat or saddle for the use of the rider  
309 and designed to travel on not more than three wheels in contact with the ground but excluding a  
310 tractor.  
311

312 **§ 1-158 Motor-driven cycle** - Every motorcycle, motor scooter or motorized bicycle having  
313 an engine with less than 150 cubic centimeters displacement or with five brake horsepower or  
314 less.  
315

316 **§ 1-159 Motorized wheelchair** - Any self-propelled vehicle designed for, and used by, a  
317 person with disabilities that is incapable of a speed in excess of eight miles per hour.  
318

319 **§ 1-160 Nonresident** - Every person who is not a resident of this State.  
320

321 **§ 1-161 Nonresident's operating privilege** - The privilege conferred upon a nonresident by  
322 the laws of this State pertaining to the operation by such person of a motor vehicle, or the use of  
323 a vehicle owned by such person, in this State.  
324

325 **§ 1-162 Odometer** - An instrument for measuring and recording the actual distance a motor  
326 vehicle travels while in operation, other than any auxiliary odometer designed to be reset by the  
327 operator of the motor vehicle for the purpose of recording mileage on trips.  
328

329 **§ 1-163 Official traffic-control device** - All signs, signals, markings and devices not  
330 inconsistent with this code placed or erected by authority of a public body or official having  
331 jurisdiction, for the purpose of regulating, warning or guiding traffic.  
332

333 **§ 1-164 Open alcoholic beverage container** - Any bottle, can or other receptacle that  
334 contains any amount of alcoholic beverage, and that is open, has a broken seal, or the contents of  
335 which are partially removed.  
336

337 **§ 1-165 Park or parking** - The standing of a vehicle, whether occupied or not, otherwise  
338 than temporarily for the purpose of and while actually engaged in loading or unloading property  
339 or passengers.  
340

341 **§ 1-166 Passenger area** - The area designed to seat the driver and passengers while the  
342 motor vehicle is in operation and any area that is readily accessible to the driver or passengers

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

344

345 **§ 1-167 Passenger car** - Every motor vehicle, except motorcycles and motor- driven cycles,  
346 designed for carrying 10 passengers or less and used for the transportation of persons.

347

348 **§ 1-168 Pedestrian** - ~~Any person afoot.~~ A person on foot, in a wheelchair, on skates, or on a  
349 skateboard. [Council approved June 2012, 12A-UVC-01 (item # on NCUTCD website).

350

351 **§ 1-169 Person** - Every natural person, firm, co-partnership, association or corporation.

352

353 **§ 1-170 Person with disabilities** - Persons who, as determined by a licensed physician:

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

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

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

360 (d) use portable oxygen;

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

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

366

367 **§ 1-171 Personal identification card** – A document issued by the department for the sole  
368 purpose of identifying the bearer and not authorized for use as a driver's license.

369

370 **§ 1-172 Personal information** - Information that identifies a person, including an  
371 individual's photograph or computerized image, social security number, driver identification  
372 number, name, address, (but not the 5-digit zip code), telephone number, and medical or  
373 disability information, but does not include information on vehicular accidents, driving or  
374 equipment-related violations, and driver's license or registration status.

375

376 **§ 1-173 Pneumatic tire** - Every tire in which compressed air is designed to support the  
377 load.

378

379 **§ 1-174 Pole trailer** - Every vehicle without motive power designed to be drawn by another  
380 vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or  
381 otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly  
382 shaped loads such as poles, pipes or structural members capable, generally, of sustaining  
383 themselves as beams between the supporting connections.

384

385

386 § 1-175 **Police officer** - Every officer authorized to direct or regulate traffic or to make  
387 arrests or issue citations for violations of traffic laws or ordinances.  
388

389 § 1-176 **Preliminary alcohol screening test** - An instrument designed and used to measure  
390 the presence of alcohol in a person based on a breath sample.  
391

392 § 1-177 **Private road or driveway** - Every way or place in private ownership and used for  
393 vehicular travel by the owner and those having express or implied permission from the owner,  
394 but not by other persons.  
395

396 § 1-178 **Railroad** - A carrier of persons or property upon cars (other than streetcars),  
397 operating upon stationary rails.  
398

399 § 1-179 **Railroad sign or signal** - Any sign, signal or device erected by authority of a  
400 public body or official or by a railroad and intended to give notice of the presence of railroad  
401 tracks or the approach of a railroad train.  
402

403 § 1-180 **Railroad train** - A steam engine, electric or other motor, with or without cars  
404 coupled thereto, operated upon rails (except streetcars).  
405

406 § 1-181 **Reconstructed vehicle** - Every vehicle of a type required to be registered hereunder  
407 materially altered from its original construction by the removal, addition or substitution of  
408 essential parts, new or used.  
409

410 § 1-182 **Registration** - The registration certificate or certificates and registration plates  
411 issued under the laws of this State pertaining to the registration of vehicles.  
412

413 § 1-183 **Residence district** - The territory contiguous to and including a highway not  
414 comprising a business district when the property on such highway for a distance of 300 feet or  
415 more is in the main improved with residences, or residences and buildings in use for business.  
416

417 § 1-184 **Revocation of driver's license** - The termination by formal action of the  
418 department of a person's license or privilege to operate a motor vehicle on the highways, which  
419 terminated license or privilege shall not be subject to renewal or restoration except that an  
420 application for a new license may be presented and acted upon by the department after the  
421 expiration of the applicable period of time prescribed in this code.  
422

423 § 1-185 **Right of way** - The right of one vehicle or pedestrian to proceed in a lawful manner  
424 in preference to another vehicle or pedestrian approaching under such circumstances of direction,  
425 speed and proximity as to give rise to danger of collision unless one grants precedence to the  
426 other.  
427

428 § 1-186 **Roadway** - that portion of a highway improved, designed or ordinarily used for  
429 vehicular travel, exclusive of the sidewalk, berm or shoulder even though such sidewalk, berm or  
430 shoulder is used by persons riding bicycles or other human powered vehicles. In the event a  
431

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

434

435 **§ 1-187 Safety Belt** - Any strap, webbing, or similar device designed to secure a person in a  
436 motor vehicle including all necessary buckles and other fasteners, and all a roadway for the  
437 exclusive use of pedestrians and which is protected or is so marked or indicated by official traffic  
438 control devices as to be plainly visible at all times while set apart as a safety zone.

439

440 **§ 1-188 Safety zone** - The area or space officially set apart within a roadway for the  
441 exclusive use of pedestrians and which is protected or is so marked or indicated by official traffic  
442 control devices as to be plainly visible at all times as set apart as a safety zone.

443

444 **§ 1-189 School bus** - Every bus that is used to transport children to or from school or in  
445 connection with school activities, but not including buses operated by common carriers in urban  
446 transportation who incidentally accept school children as passengers.

447

448 **§1-190 Security agreement** - A written agreement which reserves or creates a security  
449 interest.

450

451 **§1-191 Security interest** - An interest in a vehicle reserved or created by agreement and  
452 which secures payment or performance of an obligation. The term includes the interest of a  
453 lessor under a lease intended as security. A security interest is "perfected" when it is valid  
454 against third parties generally, subject only to specific statutory exceptions.

455

456 **§ 1-192 Semitrailer** - Every vehicle with or without motive power, other than a pole trailer,  
457 designed for carrying persons or property and for being drawn by a motor vehicle and so  
458 constructed that some part of its weight and that of its load rests upon or is carried by another  
459 vehicle.

460

461 **§ 1-193 Sidewalk** - That portion of a street between the curb lines, or the lateral lines of a  
462 roadway, and the adjacent property lines, intended for use by pedestrians.

463

464 **§ 1-194 Solid rubber tire** - Every tire of rubber or other resilient material which does not  
465 depend upon compressed air for the support of the load.

466

467 **§ 1-195 Special mobile equipment** - Every vehicle not designed or used primarily for the  
468 transportation of persons or property and only incidentally operated or moved over a highway,  
469 including but not limited to: ditch-digging apparatus, well-boring apparatus and road  
470 construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket  
471 loaders, tractors other than truck tractors, ditchers, levelling graders, finishing machines, motor  
472 graders, road rollers, scarifiers, earth moving carry-ails and scrapers, power shovels and drag  
473 lines, and self-propelled cranes and earth moving equipment. The term does not include house  
474 trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed  
475 for the transportation of persons or property to which machinery has been attached.

476

477 **§ 1-196 Specially constructed vehicles** - Every vehicle of a type required to be registered

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

481  
482 **§ 1-197 Stand or standing** - The halting of a vehicle, whether occupied or not, otherwise  
483 than temporarily for the purpose of and while actually engaged in receiving or discharging  
484 passengers.

485  
486 **§ 1-198 State** - A state, territory or possession of the United States, the District of  
487 Columbia, the Commonwealth of Puerto Rico or a province of Canada.

488  
489 **§ 1-199 Stop** - When required means complete cessation from movement.

490  
491 **§ 1-200 Stop or stopping** - When prohibited means any halting even momentarily of a  
492 vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in  
493 compliance with the directions of a police officer or official traffic-control device.

494  
495 **§ 1-201 Street<sup>4</sup>** - The entire width between boundary lines of every way publicly  
496 maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

497  
498 **§ 1-202 Streetcar<sup>5</sup>** - A car other than a railroad train for transporting persons or property  
499 and operated upon rails principally within a municipality.

500  
501 **§ 1-203 Suspension of driver's license** - The temporary withdrawal by formal action of the  
502 department of a person's license or privilege to operate a motor vehicle on the public highways,  
503 which temporary withdrawal shall be for a period specifically designated by the department.

504  
505 **§ 1-204 Tank vehicle** - Any motor vehicle that is designed to transport any liquid or  
506 gaseous material within a tank that is either permanently or temporarily attached to a vehicle or  
507 the chassis. However, this definition does not include tanks having a rated capacity of less than  
508 1,000 gallons.

509  
510 **§ 1-205 Through highway** - Every highway or portion thereof on which vehicular traffic is  
511 given preferential right of way, and at the entrances to which vehicular traffic from intersecting  
512 highways is required by law to yield the right of way to vehicles on such through highway in  
513 obedience to a stop sign, yield sign, or other official traffic-control device, when such signs or  
514 devices are erected as provided in this code.

515  
516 **§ 1-206 Trackless trolley coach** - Every motor vehicle which is propelled by electric power  
517 obtained from overhead trolley wires but not operated upon rails.

518  
519 **§ 1-207 Traffic** - Pedestrians, ridden or herded animals, vehicles, streetcars and other  
520 conveyances either singly or together while using such highway for purpose of travel.

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<sup>4</sup> By the above definition the terms "street" and "highway" are synonymous and interchangeable.

<sup>5</sup> This definition should be omitted by states in which streetcars are not in operation.

521  
522 § 1-208 **Traffic control signal** - Any device, whether manually, electrically or  
523 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.  
524  
525 § 1-209 **Trailer** - Every vehicle with or without motive power, other than a pole trailer,  
526 designed for carrying persons or property and for being drawn by a motor vehicle and so  
527 constructed that no part of its weight rests upon the towing vehicle.  
528  
529 § 1-210 **Transporter** - Every person engaged in the business of delivering vehicles of a  
530 type required to be registered hereunder from a manufacturing, assembling or distributing plant  
531 to dealers or sales agents of a manufacturer.  
532  
533 § 1-211 **Truck** - Every motor vehicle designed, used or maintained primarily for the  
534 transportation of property.  
535  
536 § 1-212 **Truck camper** - Any structure designed, used or maintained primarily to be loaded  
537 on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or  
538 commercial space.  
539  
540 § 1-213 **Truck tractor** - Every motor vehicle designed and used primarily for drawing other  
541 vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle  
542 and load so drawn.  
543  
544 § 1-214 **Urban district** - The territory contiguous to and including any street which is built  
545 up with structures devoted to business, industry or dwelling houses situated at intervals of less  
546 than 100 feet for a distance of a quarter of a mile or more.  
547  
548 § 1-215 **Vehicle** - Every device upon or by which any person or property is or may be  
549 transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or  
550 tracks.  
551  
552 § 1-216 **Vehicle identification number** - The vehicle identification number or any other  
553 numbers, letters, symbols, data, or combination thereof placed on a vehicle or vehicle part for  
554 purposes of identification by the manufacturer or at the direction of the department in accordance  
555 with the provisions of this code or at the direction of proper authorities in accordance with the  
556 laws of the United States, another state or country. The term includes any identification number  
557 placed on or assigned to a component part, replacement part, engine, transmission, and any  
558 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)<sup>71</sup> 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.<sup>72</sup>
- (c) OPTIONAL Any person who violates any other section in this chapter shall be guilty of an infraction.<sup>72</sup>

##### § 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.

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

<sup>72</sup> 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.

597 **§ 11-104 Persons riding animals or driving animal - drawn vehicles**

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

603 **§ 11-105 Persons working on highways - exceptions**

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

609 **§ 11-106 Authorized emergency vehicles**

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

633 ARTICLE II - TRAFFIC CONTROL DEVICES

634 § 11-201 Obedience to and required traffic-control devices

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

654 § 11-202 Traffic-control signal legend

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

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

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



716 A steady red signal indication may be exhibited immediately thereafter when  
717 subsection (c) Steady red indication shall apply. Or a flashing arrow may be  
718 exhibited immediately thereafter, whereby the movement being modified may  
719 continue under the rules applicable to the flashing arrow being then exhibited.

720 2. Vehicular traffic facing a steady yellow arrow signal indication is thereby warned  
721 that the related green arrow movement or the related flashing arrow movement is  
722 being modified or terminated. The rules set forth concerning vehicular and pedestrian  
723 operation under the movement(s) being modified or terminated shall continue to  
724 apply while the steady yellow arrow signal indication is exhibited.

725 A steady red signal indication may be exhibited immediately thereafter when  
726 subsection (c) Steady red indication shall apply. Or a flashing arrow may be  
727 exhibited immediately thereafter whereby the movement being modified may  
728 continue under the rules applicable to the flashing arrow being then exhibited.

729 ~~23. Pedestrians facing a steady circular yellow or yellow arrow signal, unless~~  
730 ~~otherwise directed by a pedestrian-control signal as provided in §11-203,~~  
731 ~~pedestrians facing a steady circular yellow or yellow arrow signal indication~~  
732 ~~are thereby advised warned that there is insufficient time to cross the roadway before~~  
733 ~~the next signal indication a red indication is shown is exhibited and no pedestrian~~  
734 ~~shall then start to cross the roadway. [Note: The edits to the 2000 UVC shown for~~  
735 ~~this item in the 14A-ROR-01 file do not appear to be consistent with the actual~~  
736 ~~2000 UVC text. The edits shown to #3 are as needed to reflect the text for this item~~  
737 ~~as approved in the 2014 NC item.]~~

738 (c) Steady red indication

739 1. Vehicular traffic facing a steady circular red signal indication exhibited alone shall  
740 stop ~~at~~ before a clearly marked stop line, but if none, before entering the crosswalk  
741 on the near side of the intersection, or if none, then before entering the intersection,  
742 and shall remain standing until an indication to proceed is shown except as provided  
743 in subsection (c)3.

744 2. Vehicular traffic facing a steady red arrow signal indication shall not enter the  
745 intersection to make the movement indicated by the arrow, and unless entering the  
746 intersection to make a movement permitted by another signal, shall stop ~~at~~ before a  
747 clearly marked stop line, but if none, before entering the crosswalk on the near side  
748 of the intersection, or if none, then before entering the intersection and shall remain  
749 standing until an indication, steady permitting the movement indicated by such red  
750 arrow indication is ~~shown exhibited. except as provided in subsection (c)3.~~

751 3. Except when a traffic control device sign is in place prohibiting a turn on red or a  
752 steady red arrow indication is exhibited, vehicular traffic facing ~~any a~~ steady  
753 circular red signal indication may cautiously enter the intersection to turn right, or  
754 to turn left from a one-way street into a one-way street, after stopping as required  
755 by subsection (c)1 ~~or subsection (c)2~~. After stopping, the ~~driver shall yield the right~~  
756 ~~of way to any vehicle in the intersection or approaching on another roadway so~~  
757 ~~closely as to constitute an immediate hazard during the time such driver is moving~~  
758 ~~across or within the intersection or junction of roadways. Such driver shall yield~~  
759 ~~the right of way to pedestrians within the intersection or an adjacent crosswalk right~~  
760 to proceed with the turn shall be subject to the rules applicable after making a stop  
761 at a stop sign. [Note: The edits to the 2000 UVC shown for this item in the 14A-

ROR-01 file do not appear to be consistent with the actual 2000 UVC text. The edits shown to #3 are as needed to reflect the text for this item as approved in the 2014 NC item.]

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

(d) Flashing yellow arrow signal indications<sup>75</sup>

1. Vehicular traffic facing a flashing yellow arrow signal indication, exhibited alone or in combination with another signal indication, is permitted to cautiously enter the intersection only to make the movement indicated by such arrow, or other such movement as is permitted by other signal indications exhibited at the same time. At the time such signal indication is exhibited, vehicular traffic, including vehicles turning right or left or making a U-turn movement, shall yield the right-of-way to:
  - a. Pedestrians lawfully within the intersection or an associated crosswalk, and
  - b. Other vehicles lawfully within the intersection, or approaching so closely as to constitute an immediate hazard, and
  - c. Other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.
2. Unless otherwise directed by a pedestrian control signal as provided in §11—203, pedestrians facing a flashing yellow arrow signal indication may proceed across the roadway within any marked or unmarked associated crosswalk. Pedestrians shall yield the right-of-way to vehicles lawfully within the intersection or so close as to constitute an immediate hazard at the time that the flashing yellow arrow signal indication is first exhibited.

(e) Flashing red arrow signal indications<sup>75</sup>

1. Vehicular traffic facing a flashing red arrow signal indication, exhibited alone or in combination with another signal indication, if intending to turn in the direction indicated by the arrow, shall stop before a clearly marked stop line; but if none, before entering the crosswalk on the near side of the intersection; or if none, 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 stopping the driver shall proceed only in the direction indicated by the arrow indication and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
2. Unless otherwise directed by a pedestrian control signal as provided in §11—203, pedestrians facing a flashing red arrow signal indication, may cautiously proceed across the roadway within any marked or unmarked associated crosswalk. Such pedestrians shall yield the right-of-way to vehicles lawfully within the intersection or so close as to constitute an immediate hazard at the time that the flashing red arrow signal indication is first exhibited.

~~(d) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be~~

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<sup>75</sup> 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.

805 ~~made at a sign or marking on the pavement indicating where the stop shall be made, but~~  
806 ~~in the absence of any such sign or marking the stop shall be made at the signal. [Edited~~  
807 ~~and moved to the beginning of §11-202, Traffic-control signal legend.~~

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

810

811 **§ 11-203 Pedestrian-control signals<sup>7675</sup>**

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

815 (a) ~~Flashing or Steady Walk or Walking Person~~ [Council approved deletion of flashing  
816 walk June 2012, 12A-ROR-01 (item # on NCUTCD website) - Any pedestrian facing  
817 ~~the~~ this signal indication may proceed across the roadway in a marked or unmarked  
818 crosswalk in the direction of the pedestrian-control signal and every driver of a vehicle  
819 shall yield the right of way to such pedestrian. Such pedestrians shall yield the right-of-  
820 way to vehicles lawfully within the intersection or so close as to constitute an immediate  
821 hazard at the time that this pedestrian signal indication is first exhibited.

822 (b) ~~Flashing or Steady Don’t Walk or Upraised Hand Palm~~ - No pedestrian shall start to  
823 cross the roadway in the direction of ~~the~~ this flashing or steady signal indication, but any  
824 pedestrian who has partially completed crossing on the walking person signal indication  
825 shall proceed to a paved or unpaved sidewalk or ~~safety island~~ a pedestrian refuge area  
826 while the ~~don’t walk or~~ upraised hand palm signal indication is exhibited ~~showing~~.

827 (c) For the purposes of this section, a WALK indication may replace the Walking Person  
828 indication and a DONT WALK indication may replace the Upraise Hand indication.

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

831

832 **§ 11-204 Flashing traffic signals**

833 (a) Application

834 ~~(b)~~ 1. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles  
835 and of all other road users approaching railroad grade crossings shall be governed by  
836 the rules as set forth in §11-701 of this code.

837 2. This section shall not apply to the flashing arrow indications of official traffic-control  
838 signals as set forth in §11-202 of this code except when all illuminated signal  
839 indications thereat are illuminated with rapid intermittent flashes.

840 3. In the event an official flashing traffic signal is operated at a place other than an  
841 intersection, the provisions of this section shall be applicable except as to those  
842 provisions which by their nature can have no application. Any stop required shall be  
843 made before a clearly marked stop line, but if none, before entering the associated  
844 crosswalk, or if none, at a location as designated by a traffic control device. In the  
845 absence of both pavement markings and other traffic control devices, the required

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<sup>7675</sup> 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).]

846 stop shall be at a point prior to the point of conflict with pedestrian and/or vehicular  
847 traffic.

848 (b) Whenever ~~an illuminated~~ a flashing red or yellow indication light is exhibited used in an  
849 official traffic signal, ~~or with a traffic sign~~ it shall require obedience by ~~vehicular traffic~~  
850 drivers and pedestrians as follows:

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

881



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

927  
928 **§ 11-301 Drive on right side of roadway - exceptions**

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

955  
956 **§ 11-302 Passing vehicles proceeding in opposite directions**

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

961  
962 **§ 11-303 Overtaking a vehicle on the left**

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

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

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

973 **§ 11-304 When passing on the right is permitted**

974 (a) The driver of a vehicle may overtake and pass upon the right of another vehicle only  
975 under one or more of the following conditions:

- 976 1. When the vehicle overtaken is making or about to make a left turn;
- 977 2. Upon a roadway with unobstructed pavement of sufficient width for two or more  
978 lines of vehicles moving lawfully in the direction being traveled by the overtaking  
979 vehicle.

980 (b) The driver of a vehicle may overtake and pass another vehicle upon the right only under  
981 conditions permitting such movement in safety. Such movement shall not be made by  
982 driving off the roadway.  
983

984 **§ 11-305 Limitations on overtaking on the left**

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

994 **§ 11-306 Further limitations on driving on left of center of roadway**

995 (a) No vehicle shall be driven on the left side of the roadway under the following  
996 conditions:

- 997 1. When approaching or upon the crest of a grade or a curve in the highway where the  
998 driver's view is obstructed within such distance as to create a hazard in the event  
999 another vehicle might approach from the opposite direction;
- 1000 2. When approaching within 100 feet of or traversing any intersection or railroad  
1001 grade crossing unless otherwise indicated by official traffic control devices;
- 1002 3. When the view is obstructed upon approaching within 100 feet of any bridge,  
1003 viaduct or tunnel,

1004 (b) The foregoing limitations shall not apply upon a one-way roadway, nor under the  
1005 conditions described in § 11-301(a)2, nor to the driver of a vehicle turning left into or  
1006 from an alley, private road, or driveway.  
1007

1008 **§ 11-307 No-passing zones**

1009 (a) The (State highway commission) and local authorities are authorized to determine those  
1010 portions of any highway under their respective jurisdictions where overtaking and  
1011 passing or driving on the left side of the roadway would be especially hazardous and  
1012 may by appropriate signs or markings on the roadway indicate the beginning and end of  
1013

- 1014 such zones; and when such signs or markings are in place and clearly visible to an  
1015 ordinarily observant person every driver of a vehicle shall obey the directions thereof.  
1016 (b) Where signs or markings are in place to define a no-passing zone as set forth in  
1017 paragraph (a) no driver shall at any time drive on the left side of the roadway within  
1018 such no-passing zone or on the left side of any pavement striping designed to mark such  
1019 no-passing zone.  
1020 (c) This section does not apply under the conditions described in §11-301(a)2, nor to the  
1021 driver of a vehicle turning left into or from an alley, private road or driveway.  
1022

1023 **§ 11-308 One-way roadways and rotary traffic islands**

- 1024 (a) The (State highway commission) and local authorities with respect to highways under  
1025 their respective jurisdictions may designate any highway, roadway, part of a roadway, or  
1026 specific lanes upon which vehicular traffic shall proceed in one direction at all or such  
1027 times as shall be indicated by official traffic-control devices.  
1028 (b) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the  
1029 direction designated at all or such times as shall be indicated by official traffic-control  
1030 devices.  
1031 (c) A vehicle passing around a rotary traffic island shall be driven only to the right of such  
1032 island.  
1033

1034 **§ 11-309 Driving on roadways laned for traffic**

1035 Whenever any roadway has been divided into two or more clearly marked lanes for traffic,  
1036 the following rules, in addition to all others consistent herewith, shall apply.

- 1037 (a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall  
1038 not be moved from such lane until the driver has first ascertained that such movement  
1039 can be made with safety.  
1040 (b) Upon a roadway which is divided into three lanes and provides for two-way movement  
1041 of traffic, a vehicle shall not be driven in the center lane except when overtaking and  
1042 passing another vehicle traveling in the same direction when such center lane is clear of  
1043 traffic within a safe distance, or in preparation for making or completing a left turn; or  
1044 where such center lane is at the time allocated exclusively to traffic moving in the same  
1045 direction that the vehicle is proceeding and such allocation is designated by official  
1046 traffic-control devices.  
1047 (c) Official traffic-control devices may be erected directing specified traffic to use a  
1048 designated lane or designating those lanes to be used by traffic moving in a particular  
1049 direction regardless of the center of the roadway and drivers of vehicles shall obey the  
1050 directions of every such device.  
1051 (d) Official traffic-control devices may be installed prohibiting the changing of lanes on  
1052 sections of roadway, and drivers of vehicles shall obey the directions of every such  
1053 device.  
1054

1055 **§ 11-310 Following too closely**

- 1056 (a) The driver of a vehicle shall not follow another vehicle more closely than is reasonable  
1057 and prudent, having due regard for the speed of such vehicles and the traffic upon and  
1058 the condition of the highway.  
1059 (b) Whenever conditions permit, the driver of any truck or motor vehicle drawing another

1060 vehicle when traveling upon a roadway outside of a business or residence district and  
1061 which is following another truck or motor vehicle drawing another vehicle, shall leave  
1062 sufficient space so that an overtaking vehicle may enter and occupy such space without  
1063 danger, except that this shall not prevent a truck or motor vehicle drawing another  
1064 vehicle from overtaking and passing any vehicle or combination of vehicles.  
1065 (c) Motor vehicles being driven upon any roadway outside of a business or residence  
1066 district in a caravan or motorcade whether or not towing other vehicles shall be so  
1067 operated as to allow sufficient space between each such vehicle or combination of  
1068 vehicles so as to enable any other vehicle to enter and occupy such space without  
1069 danger. This provision shall not apply to funeral processions.  
1070

1071 **§ 11-311 Driving on divided highways**

- 1072 (a) Whenever any highway has been divided into two or more roadways by leaving an  
1073 intervening space, a physical barrier, or a clearly indicated dividing section so  
1074 constructed as to impede vehicular traffic, every vehicle shall be driven only upon the  
1075 right-hand roadway unless directed or permitted to use another roadway by official  
1076 traffic-control devices or police officers.  
1077 (b) No vehicle shall be driven over, across or within any such dividing space, barrier or  
1078 section; except a vehicle may be driven through an opening in such physical barrier or  
1079 dividing section or space or at an established cross-over or intersection unless  
1080 specifically prohibited by public authority.  
1081 (c) The driver of a vehicle may turn left across a paved dividing space unless prohibited by  
1082 an official traffic-control device.  
1083

1084 **§ 11-312 Restricted access**

1085 No person shall drive a vehicle onto or from any controlled access highway except at such  
1086 entrances and exits as are established by public authority.  
1087

1088 **§ 11-313 Restrictions on use of controlled-access roadway**

- 1089 (a) The (State highway commission) by resolution or order entered in its minutes, and local  
1090 authorities by ordinance, may regulate or prohibit the use of any controlled-access  
1091 roadway (or highway) within their respective jurisdictions by any class or kind of traffic  
1092 which is found to be incompatible with the normal and safe movement of traffic.  
1093 (b) The (State highway commission) or the local authority adopting any such prohibition  
1094 shall erect and maintain official traffic-control devices on the controlled-access highway  
1095 on which such prohibitions are applicable and when in place no person shall disobey the  
1096 restrictions stated on such devices.  
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ARTICLE IV - RIGHT OF WAY

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§ 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 ~~it~~. 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 ~~it~~. 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.

1145 If such a driver after driving past a yield sign is involved in a collision with a vehicle in  
1146 the intersection or junction of roadways or with a pedestrian in an ~~adjacent~~ associated  
1147 crosswalk, such collision shall be deemed prima facie evidence of the driver's failure to  
1148 yield right of way.

1149 (d) Except when directed to proceed by a police officer, every driver of a vehicle  
1150 approaching a stop sign located at a railroad crossing shall stop ~~before~~ before the clearly  
1151 marked stop line, but if none, before entering the crosswalk on the near side of the  
1152 crossing, or if none, then within 50 feet but not less than 15 feet from the nearest rail of  
1153 such railroad and while so stopped shall listen and look in both directions along such  
1154 track for signals indicating the approach of a train or other vehicle, and shall not proceed  
1155 until it is safe to do so. After stopping as required herein and proceeding when it is safe  
1156 to do so, the driver shall cross only in such gear of the vehicle that there will be no  
1157 necessity for manually changing gears while traversing such crossing, and the driver  
1158 shall not manually shift gears while crossing the track or tracks.

1159 (e) The driver of a vehicle approaching a yield sign located at a railroad crossing shall, in  
1160 obedience to such sign, slow down to a speed reasonable for the existing conditions, and  
1161 if required for safety to stop, shall stop at the clearly marked stop line, but if none,  
1162 before entering the crosswalk on the near side of the crossing, or if none, then within 50  
1163 feet but not less than 15 feet from the nearest rail of such railroad, and while so stopped  
1164 shall listen and look in both directions along such track for any approaching train or  
1165 other vehicle and for signals indicating the approach of a train or other vehicle, and shall  
1166 not proceed until it is safe to do so.

1167 If a full stop for safety is not required, the driver shall yield the right of way to any  
1168 train or other vehicle within the crossing or approaching so closely as to constitute an  
1169 immediate hazard during the time such driver is moving across or within the crossing. If  
1170 such driver is involved in a collision with a train or other vehicle in the crossing after  
1171 driving past the yield sign, such collision shall be deemed prima facie evidence of the  
1172 driver's failure to yield right of way.

1173 After stopping or slowing as required herein and proceeding when it is safe to do  
1174 so, the driver of any vehicle shall cross only in such gear of the vehicle that there will be  
1175 no necessity for manually changing gears while traversing such crossing, and driver  
1176 shall not manually shift gears while crossing, the track or tracks.

1177 [Approved by Council January 2014, 14A-ROR-01 (item # on NCUTCD website).]  
1178

1179 **§ 11-404 Vehicle entering roadway**

1180 The driver of a vehicle about to enter or cross a roadway from any place other than another  
1181 roadway shall yield the right of way to all vehicles approaching on such roadway.  
1182

1183 **§ 11-405 Operation of vehicles (and streetcars) on approach of authorized emergency**  
1184 **vehicles**

1185 (a) Upon the immediate approach of an authorized emergency vehicle making use of an  
1186 audible signal meeting the requirements of §12-401(d) and visual signals meeting the  
1187 requirements of § 12-214 of this code, or of a police vehicle properly and lawfully  
1188 making use of an audible signal only:

1189 1. The driver of every other vehicle shall yield the right of way and shall immediately  
1190 drive to a position parallel to, and as close as possible to, the right-hand edge or

1191 curb of the roadway clear of any intersection, and shall stop and remain in such  
1192 position until the authorized emergency vehicle has passed, except when otherwise  
1193 directed by a police officer.  
1194 2. Upon the approach of an authorized emergency vehicle, the operator of every  
1195 streetcar shall immediately stop such car clear of any intersection and keep it in  
1196 such position until the authorized emergency vehicle has passed, except when  
1197 otherwise directed by a police officer. ~~11-46~~  
1198 (b) This section shall not operate to relieve the driver of an authorized emergency vehicle  
1199 from the duty to drive with due regard for the safety of all persons using the highway.  
1200

1201 **§ 11-406 Highway construction and maintenance**

1202 (a) The driver of a vehicle shall yield the right of way to any authorized vehicle or  
1203 pedestrian actually engaged in work upon a highway within any highway construction or  
1204 maintenance area indicated by official traffic-control devices.  
1205 b) The driver of a vehicle shall yield the right of way to any authorized vehicle obviously  
1206 and actually engaged in work upon a highway whenever such vehicle displays flashing  
1207 lights meeting the requirements of §12-223.  
1208  
1209

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~~11-46~~ Subparagraph (a)2 should be omitted in states where no streetcars are in operation.

1210 **ARTICLE V - PEDESTRIANS' RIGHTS AND DUTIES**

1211

1212 **§ 11-501 Pedestrian obedience to traffic-control devices and traffic regulations**

- 1213 (a) A pedestrian shall obey the instructions of any official traffic-control device specifically  
1214 applicable to such pedestrian, unless otherwise directed by a police officer.
- 1215 (b) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in §5  
1216 11-202 and 11-203.
- 1217 (c) At all other places, pedestrians shall be accorded the privileges and shall be subject to  
1218 the restrictions stated in this chapter.
- 1219

1220 **§ 11-502 Pedestrians' right of way in crosswalks**

- 1221 (a) When traffic-control signals are not in place or not in operation, the driver of a vehicle  
1222 shall yield the right of way, slowing down or stopping if need be to yield to a pedestrian  
1223 crossing the roadway within a crosswalk when the pedestrian is upon the half of the  
1224 roadway upon which the vehicle is traveling, or when the pedestrian is approaching so  
1225 closely from the opposite half of the roadway as to be in danger.
- 1226 (b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into  
1227 the path of a vehicle which is so close as to constitute an immediate hazard.
- 1228 (c) Paragraph (a) shall not apply under the conditions stated in §11-503(b).
- 1229 (d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at  
1230 an intersection to permit a pedestrian to cross the roadway, the driver of any other  
1231 vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
- 1232

1233 **§ 11-503 Crossing at other than crosswalks**

- 1234 (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk  
1235 or within an unmarked crosswalk at an intersection shall yield the right of way to all  
1236 vehicles upon the roadway.
- 1237 (b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead  
1238 pedestrian crossing has been provided shall yield the right of way to all vehicles upon  
1239 the roadway.
- 1240 (c) Between adjacent intersections at which traffic-control signals are in operation  
1241 pedestrians shall not cross at any place except in a marked crosswalk.
- 1242 (d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official  
1243 traffic-control devices; and when authorized to cross diagonally, pedestrians shall cross  
1244 only in accordance with the official traffic-control devices pertaining to such crossing  
1245 movements.
- 1246

1247 **§ 11-504 Drivers to exercise due care**

1248 Notwithstanding other provisions of this chapter or the provisions of any local ordinance,  
1249 every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any  
1250 person propelling a human powered vehicle and shall give an audible signal when necessary, and  
1251 shall exercise proper precaution upon observing any child or any obviously confused,  
1252 incapacitated or intoxicated person.

1253

1254

1255 **§ 11-505 Pedestrians to use right half of crosswalks**  
 1256 Whenever practicable, pedestrians shall move upon the right half of crosswalks.  
 1257

1258 **§ 11-506 Pedestrians on highways**  
 1259 (a) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any  
 1260 pedestrian to walk along and upon an adjacent roadway.  
 1261 (b) Where a sidewalk is not available, any pedestrian walking along and upon a highway  
 1262 shall walk only on the shoulder, as far as practicable from the edge of the roadway.  
 1263 (c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and  
 1264 upon a highway shall walk as near as practicable to an outside edge of the roadway, and  
 1265 if on a two-way roadway, shall walk only on the left side of the roadway.  
 1266 (d) Except as otherwise provided in this chapter, any pedestrian upon a roadway shall yield  
 1267 the right of way to all vehicles upon the roadway.  
 1268

1269 **§ 11-507 Pedestrians soliciting rides or business**  
 1270 (a) No person shall stand in a roadway for the purpose of soliciting a ride.  
 1271 (b) No person shall stand on a highway for the purpose of soliciting employment, business,  
 1272 or contributions from the occupant of any vehicle.  
 1273 (c) No person shall stand on or in proximity to a street or highway for the purpose of  
 1274 soliciting the watching or guarding of any parked vehicle or any vehicle about to be  
 1275 parked on a street or highway.  
 1276

1277 **§ 11-508 Driving through safety zone prohibited**  
 1278 No vehicle shall at any time be driven through or within a safety zone.  
 1279

1280 **§ 11-509 Pedestrians' right of way on sidewalks**  
 1281 The driver of a vehicle crossing a sidewalk shall yield the right of way to any pedestrian and  
 1282 all other traffic on the sidewalk.  
 1283

1284 **§ 11-510 Pedestrians yield to authorized emergency vehicles**  
 1285 (a) Upon the immediate approach of an authorized emergency vehicle making use of an  
 1286 audible signal meeting the requirements of § 12-401(d) and visual signals meeting the  
 1287 requirements of § 12-214 of this code, or of a police vehicle properly and lawfully  
 1288 making use of an audible signal only, every pedestrian shall yield the right of way to the  
 1289 authorized emergency vehicle.  
 1290 (b) This section shall not relieve the driver of an authorized emergency vehicle from the  
 1291 duty to drive with due regard for the safety of all persons using the highway nor from  
 1292 the duty to exercise due care to avoid colliding with any pedestrian.  
 1293

1294 **§ 11-511 Blind pedestrian right of way**  
 1295 The driver of a vehicle shall yield the right of way to any blind pedestrian carrying a visible  
 1296 white cane or accompanied by a guide dog.  
 1297  
 1298

1299 **§ 11-512 Pedestrians under influence of alcohol or drugs**

1300 A pedestrian who is under the influence of alcohol or any drug to a degree which renders  
1301 such pedestrian a hazard shall not walk or be upon a highway except on a sidewalk.  
1302

1303 **§ 11-513 Bridge and railroad signals**

1304 (a) After a bridge operation signal has been given, no pedestrian shall enter or remain upon  
1305 the bridge or approach thereto beyond the bridge signal, gate or barrier.

1306 (b) No pedestrian shall pass through, around, over or under any crossing gate or barrier at a  
1307 railroad grade crossing or bridge while such gate or barrier is closed or is being opened  
1308 or closed.  
1309

**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.

- 1354 (c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an  
1355 appropriate signal to the driver of any vehicle immediately to the rear when there is  
1356 opportunity to give such signal.
- 1357 (d) The signals required on vehicles by §11-605(b) shall not be flashed on one side only of a  
1358 disabled vehicle, flashed as a courtesy or “do pass” signal to operators of other vehicles  
1359 approaching from the rear, nor be flashed on one side only of a parked vehicle except as  
1360 may be necessary for compliance with this section.

1361  
1362 **§ 11-605 Signals by hand and arm or signal lamps**

- 1363 (a) Any stop or turn signal when required shall be given either by means of the hand and  
1364 arm or by signal lamps, except as otherwise provided in paragraph (b).
- 1365 (b) Any motor vehicle in use on a highway shall be equipped with, and required signal shall  
1366 be given by, signal lamps when the distance from the center of the top of the steering  
1367 post to the left outside limit of the body, cab or load of such motor vehicle exceeds 24  
1368 inches, or when the distance from the center of the top of the steering post to the rear  
1369 limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to  
1370 any single vehicle and to any combination of vehicles.
- 1371 (c) The signals required on vehicles by subsection (b) shall not be flashed on one side only  
1372 on a disabled vehicle, flashed as a courtesy or “do pass” signal to operators of other  
1373 vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle  
1374 except as may be necessary for compliance with this section.

1375  
1376 **§ 11-606 Method of giving hand-and-arm signals**

1377 All hand-and-arm signals shall be given from the left side of the vehicle in the following  
1378 manner and such signals shall indicate as follows:

- 1379 1. *Left turn* - Hand and arm extended horizontally.
- 1380 2. *Right turn* - Hand and arm extended upward.
- 1381 3. *Stop or decrease speed* - Hand and arm extended downward.

1382 Notwithstanding the foregoing provisions, a person operating a bicycle may give a right turn  
1383 signal by extending the right hand and arm horizontally and to the right side of the bicycle.

1384  
1385

1386 **ARTICLE VII - SPECIAL STOPS REQUIRED**

1387  
1388 **§ 11-701 Obedience to signal indicating approach of train**

- 1389 (a) Whenever any person driving a vehicle approaches a railroad grade crossing under any  
1390 of the circumstances stated in this section, the driver of such vehicle shall stop within 50  
1391 feet but not less than 15 feet from the nearest rail of such railroad, and shall not proceed  
1392 until it is safe to do so. The foregoing requirements shall apply when:
- 1393 1. A clearly visible electric or mechanical signal device gives warning of the  
1394 immediate approach of a railroad train;
  - 1395 2. A crossing gate is lowered or when a human flagger gives or continues to give a  
1396 signal of the approach or passage of a railroad train;
  - 1397 3. A railroad train approaching within approximately 1,500 feet of the highway  
1398 crossing emits a signal audible from such distance, or such railroad train by reason  
1399 of its speed or nearness to such crossing is an immediate hazard;
  - 1400 4. An approaching railroad train is plainly visible and is in hazardous proximity to  
1401 such crossing.
- 1402 (b) No person shall drive any vehicle through, around or under any crossing gate or barrier  
1403 at a railroad crossing while such gate or barrier is closed or is being opened or closed.  
1404

1405 **§ 11-702 Certain vehicles must stop at all railroad grade crossings**

- 1406 (a) Except as provided in subsection (b), the driver of any vehicle described in regulations  
1407 issued pursuant to subsection (c), before crossing at grade any track or tracks of a  
1408 railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest  
1409 rail of such railroad and, while so stopped shall listen and look in both directions along  
1410 such track for any approaching train and for signals indicating the approach of a train  
1411 and shall not proceed until it is safe to do so. After stopping as required, upon  
1412 proceeding when it is safe to do so, the driver of the vehicle shall cross only in a gear of  
1413 the vehicle that will not require manually changing gears while traversing such crossing,  
1414 and the driver shall not manually shift gears while crossing the track or tracks.
- 1415 (b) This section shall not apply at:
- 1416 1. Any railroad grade crossing at which traffic is controlled by a police officer or  
1417 human flagger;
  - 1418 2. Any railroad grade crossing at which traffic is regulated by a traffic-control signal;
  - 1419 3. Any railroad grade crossing protected by crossing gates or an alternately flashing  
1420 light signal intended to give warning of the approach of a railroad train;
  - 1421 4. Any railroad grade crossing at which an official traffic control device gives notice  
1422 that the stopping requirement imposed by this section does not apply.
- 1423 (c) The (commissioner or other appropriate State official or agency) shall adopt such  
1424 regulations as may be necessary describing the vehicles which must comply with the  
1425 stopping requirements of this section. In formulating such regulations the  
1426 (commissioner or other appropriate State official or agency) shall give consideration to  
1427 the number of passengers carried by the vehicle and the hazardous nature of any  
1428 substance carried by the vehicle in determining whether such vehicle shall be required to  
1429

1430 stop. Such regulations shall correlate with and so far as possible conform to the most  
1431 recent regulation of the United States Department of Transportation.<sup>7877</sup>  
1432

1433 **§ 11-703 Moving heavy equipment at railroad grade crossings**

- 1434 (a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller,  
1435 or any equipment or structure having a normal operating speed of 10 or less miles per  
1436 hour or a vertical body or load clearance of less than one-half inch per foot of the  
1437 distance between any two adjacent axles or in any event of less than nine inches,  
1438 measured above the level surface of a roadway, upon or across any tracks at a railroad  
1439 grade crossing without first complying with this section.
- 1440 (b) Notice of any such intended crossing shall be given to a station agent of such railroad  
1441 and a reasonable time be given to such railroad to provide proper protection at such  
1442 crossing.
- 1443 (c) Before making any such crossing the person operating or moving any such vehicle or  
1444 equipment shall first stop not less than 15 feet nor more than 50 feet from the nearest rail  
1445 of the railroad tracks, and while so stopped shall listen and look in both directions along  
1446 such track for any approaching train and for signals indicating the approach of a train,  
1447 and shall not proceed until the crossing can be made safely.
- 1448 (d) No such crossing shall be made when warning is given by automatic signal or crossing  
1449 gates or a flagger or otherwise of the immediate approach of a railroad train or car. If a  
1450 flagger is provided by the railroad, movement over the crossing shall be under the  
1451 flagger's direction.

1452  
1453 **§ 11-704 Emerging from alley, driveway or building**

1454 The driver of a vehicle emerging from an alley, building, private road, or driveway within a  
1455 business or residence district shall stop such vehicle immediately prior to driving onto a sidewalk  
1456 or onto the sidewalk area extending across such alley, building entrance, private road, or  
1457 driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be  
1458 entered where the driver has a view of approaching traffic thereon.  
1459

1460 **§ 11-705 Overtaking and passing school bus**

- 1461 (a) The driver of a vehicle meeting or overtaking from either direction any school bus  
1462 meeting the color and identification requirements of §12-222(a), (b) and (c) of this code  
1463 stopped on the highway shall stop before reaching such school bus when there is in  
1464 operation on that school bus the flashing red lights specified in §12-222(a). The driver  
1465 shall not proceed until such school bus resumes motion or the flashing red lights are no  
1466 longer actuated.
- 1467 (b) The red visual signals meeting the requirements of § 12-222(a) of this code shall be  
1468 actuated by the driver of the school bus only whenever such vehicle is stopped on the  
1469 highway for the purpose of receiving or discharging school children. A school bus  
1470 driver shall not actuate said special visual signals:
- 1471 1. In business districts and on urban arterial streets designed by the (State highway  
1472 commission) or local authorities:  
1473

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<sup>7877</sup> This regulation can be found in 49 Code of Federal Regulations 392.10.

- 1474           2. At intersections or other places where traffic is controlled by traffic-control signals  
1475           or police officers; or  
1476           3. In designated school bus loading areas where the bus is entirely off the roadway.  
1477 (c) The driver of a vehicle upon a highway with separate roadways need not stop upon  
1478 meeting or passing a school bus which is on a different roadway, or when the school bus  
1479 is stopped upon a controlled- access highway in a loading zone which is a part of or  
1480 adjacent to such highway and where pedestrians are not permitted to cross the roadway.  
1481

1482 **ARTICLE VIII - SPEED RESTRICTIONS**

1483  
1484 **§ 11-801 Basic rule**

1485 No person shall drive a vehicle at a speed greater than is reasonable and prudent under the  
1486 conditions, including actual and potential hazards then existing. Consistent with the foregoing,  
1487 every person shall drive at a safe and appropriate speed when approaching and crossing an  
1488 intersection or railroad grade crossing, when approaching and going around a curve, when  
1489 approaching the crest of a hill, when traveling upon any narrow or winding roadway, and when  
1490 special hazards exist with respect to pedestrians or other traffic or by reason of weather or  
1491 highway conditions.

1492  
1493 **§ 11-802 Maximum limits**

1494 Except when a special hazard exists that requires lower speed for compliance with §11-801,  
1495 the limits hereinafter specified shall be maximum lawful speeds, and no person shall drive a  
1496 vehicle at a speed in excess of such maximum limits.

- 1497 1. Thirty miles per hour in any urban district;
- 1498 2. Fifty-five miles per hour in other locations.

1499 The maximum speed limits set forth in this section may be altered as authorized in §11-803  
1500 and §11-804.

1501  
1502 **§ 11-803 Establishment of State speed zones**

1503 Whenever the (State highway commission) shall determine upon the basis of an engineering  
1504 and traffic investigation that any maximum speed specified in §11-802 is greater or less than is  
1505 reasonable or safe under the conditions found to exist at any intersection or other place or upon  
1506 any part of the State highway system, the (commission) may specify a reasonable and safe  
1507 maximum limit, which shall be effective when appropriate signs giving notice thereof are  
1508 erected. Such a maximum speed limit may be effective at all times or at such times as are  
1509 indicated by appropriate signs; and differing limits may be established for different times of day,  
1510 different types of vehicles, varying weather conditions, and other factors bearing on safe speeds,  
1511 which shall be effective when posted upon appropriate fixed or variable signs.

1512  
1513 **§ 11-804 When local authorities may and shall alter maximum limits**

- 1514 (a) Whenever local authorities in their respective jurisdictions determine on the basis of an  
1515 engineering and traffic investigation that the maximum speed permitted under this  
1516 article is greater or less than is reasonable and safe under the conditions found to exist  
1517 upon a highway or part of a highway, the local authority may determine and declare a  
1518 reasonable and safe maximum limit thereon which:

- 1519 1. Decreases the limit at intersections; or
- 1520 2. Increases the limit within an urban district but not to more than 55 miles per hour;
- 1521 or
- 1522 3. Decreases the limit outside an urban district, but not to less than 35 miles per hour.

- 1523 (b) Local authorities in their respective jurisdictions shall determine by an engineering and  
1524 traffic investigation the proper maximum speed for all arterial streets and shall declare a  
1525 reasonable and safe maximum limit thereon which may be greater or less than the  
1526 maximum speed permitted under this code for an urban district.

- 1528 (c) Any altered limit shall be effective at all times, or during hours of darkness or at other  
1529 times as may be determined when appropriate signs giving notice thereof are erected  
1530 upon such street or highway.  
1531 (d) Any alteration of maximum limits on State highways or extensions thereof in a  
1532 municipality by local authorities shall not be effective until such alteration has been  
1533 approved by the (State highway commission).  
1534 (e) Not more than six such alterations as hereinabove authorized shall be made per mile  
1535 along a street or highway, except in the case of reduced limits at intersections, and the  
1536 difference between adjacent limits shall not be more than 10 miles per hour.  
1537

1538 **§ 11-805 Minimum speed regulation**

- 1539 (a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and  
1540 reasonable movement of traffic except when reduced speed is necessary for safe  
1541 operation or in compliance with law.  
1542 (b) Whenever the (State highway commission) or local authorities within their respective  
1543 jurisdictions determine on the basis of an engineering and traffic investigation that slow  
1544 speeds on any highway or part of a highway impede the normal and reasonable  
1545 movement of traffic, the (commission) or such local authority may establish a minimum  
1546 speed limit below which no person shall drive a vehicle except when necessary for safe  
1547 operation or in compliance with law, and that limit shall be effective when posted upon  
1548 appropriate fixed or variable signs.  
1549

1550 **§ 11-806 Special speed limitation on motor-driven cycles**

1551 No person shall operate any motor-driven cycle at any time mentioned in §12-201 at a speed  
1552 greater than 35 miles per hour unless such motor-driven cycle is equipped with a head lamp or  
1553 lamps which are adequate to reveal a person or vehicle at a distance of 300 feet ahead.  
1554

1555 **§ 11-807 Special speed limitations**

- 1556 (a) No person shall drive a vehicle which is towing a house trailer at a speed greater than a  
1557 maximum of 45 miles per hour.  
1558 (b) No person shall drive a vehicle over any bridge or other elevated structure constituting a  
1559 part of a highway at a speed which is greater than the maximum speed which can be  
1560 maintained with safety to such bridge or structure, when such structure is signposted as  
1561 provided in this section.  
1562 (c) The (State highway commission) and local authorities on highways under their  
1563 respective jurisdictions may conduct an investigation of any bridge or other elevated  
1564 structure constituting a part of a highway, and if it shall thereupon find that such  
1565 structure cannot with safety to itself withstand vehicles traveling at the speed otherwise  
1566 permissible under this chapter, the (commission) or local authority shall establish the  
1567 maximum speed of vehicles which such structure can safely withstand, and shall cause  
1568 or permit suitable signs stating such maximum speed to be erected and maintained  
1569 before each end of such structure.  
1570

1571 (d) Upon the trial of any person charged with a violation of this section, proof of the  
1572 determination of the maximum speed by the (commission) and the existence of the signs  
1573 shall constitute conclusive evidence of the maximum speed which can be maintained  
1574 with safety to such bridge or structure.  
1575

1576 **§ 11-808 Charging violations and rule in civil actions**

1577 (a) In every charge of violation of any speed regulation in this article, the complaint and the  
1578 summons or notice to appear, shall specify the speed at which the defendant is alleged to  
1579 have driven and the maximum speed applicable within the district or at the location.  
1580 (b) The provision of this article declaring maximum speed limitations shall not be construed  
1581 to relieve the plaintiff in any civil action from the burden of proving negligence on the  
1582 part of the defendant as the proximate cause of an accident.  
1583

1584 **§ 11-809 Racing on highways**

1585 (a) No person shall drive any vehicle in any race, speed competition, drag race or  
1586 acceleration contest, test of physical endurance, exhibition of speed or acceleration, or  
1587 for the purpose of making a speed record; and no person shall in any manner participate  
1588 in any such race, competition, contest, test or exhibition.  
1589 (b) Drag race is defined as the operation of two or more vehicles from a point side by side at  
1590 accelerating speeds in a competitive attempt to outdistance each other, or the operation  
1591 of one or more vehicles over a common selected course, from the same point to the same  
1592 point, for the purpose of comparing the relative speeds or power of acceleration of such  
1593 vehicle or vehicles within a certain distance or time limit.  
1594 (c) Racing is defined as the use of one or more vehicles in an attempt to: outgain,  
1595 outdistance, or prevent another vehicle from passing; to arrive at a given destination  
1596 ahead of another vehicle or vehicles; or to test the physical stamina or endurance of  
1597 drivers over long distance driving routes.  
1598 (d) Any person convicted of violating this section shall be punished as provided in §17-  
1599 101(b).  
1600 (e) This section does not apply to persons riding bicycles.  
1601

1602 **ARTICLE IX - DUI AND OTHER SERIOUS TRAFFIC OFFENSES** <sup>7978</sup>  
1603

1604 **§ 11-901 Unlawful to consume alcoholic beverages while driving a motor vehicle or to**  
1605 **possess an open container of alcoholic beverage within the passenger area of a**  
1606 **motor vehicle while on a highway**

- 1607 (a) It is unlawful for a person to consume an alcoholic beverage while driving a vehicle on a  
1608 public highway.  
1609 (b) Except as otherwise provided in this subsection, it is unlawful for a person to possess an  
1610 open container of an alcoholic beverage within the passenger area of a motor vehicle  
1611 while the motor vehicle is on a public highway. This prohibition does not apply to a  
1612 motor vehicle being used primarily for the transportation of persons for compensation or  
1613 to the living quarters of a house coach, house trailer, or recreational vehicle nor does it  
1614 apply to a vehicle operated by a chauffeur in his or her for-hire capacity.  
1615 (c) Violations of this section are punishable by a fine of not more than (\$500), or  
1616 imprisonment for not more than (30) days, or both such fine and imprisonment.  
1617

1618 **§ 11-902 Driving under the influence of alcohol or drugs; under the extreme influence of**  
1619 **alcohol; alcohol and drug abuse evaluation and treatment**

- 1620 (a) A person shall not drive any vehicle while:  
1621 1. the alcohol concentration in such person's blood or breath is 0.08 or more;  
1622 2. the alcohol concentration in such persons blood or breath as measured within (two)  
1623 hours of the time of driving is 0.08 or more;  
1624 3. under the influence of alcohol;  
1625 4. under the influence of any drug or combination of drugs to a degree which renders  
1626 such person incapable of safely driving; or,  
1627 5. under the combined influence of alcohol and any drug or drugs to a degree that  
1628 renders such person incapable of safely driving.  
1629 (b) Under the extreme influence of alcohol: a person shall not drive any vehicle while:  
1630 1. the alcohol concentration in such person's blood or breath is (0.16)<sup>8079</sup> or more; or,  
1631 2. the alcohol concentration in such person's blood or breath as measured within (two)  
1632 hours of the time of driving is (0.16) or more.  
1633 (c) A person convicted of violating subsection (a) shall be punished as follows:  
1634 1. For a first offense, a person shall be sentenced to imprisonment for not less than  
1635 (ten) days or more than (one) year or to pay a fine of not less than (\$250) nor more  
1636 than (\$1,000) or to both such imprisonment and fine. The department shall suspend  
1637 the person's license for (180) days.  
1638 2. For a second or subsequent conviction within (five) years, a person shall be  
1639 sentenced to imprisonment for not less than (90) days nor more than (one year) and  
1640

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<sup>7978</sup> 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.

<sup>8079</sup> 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.

- 1641 shall pay a fine of not less than (\$500) nor more than (\$1,000). The department  
 1642 shall revoke the person's license for (one year).<sup>8180</sup>
- 1643 (d) A person convicted of violating subsection (b) shall be punished as follows:
- 1644 1. For a first offense a person shall be sentenced to imprisonment for not less than (30)  
 1645 days and not more than (one year) with at least (30) consecutive days in jail without  
 1646 the benefit of probation or suspension of the sentence and shall pay a fine of not  
 1647 less than (\$500) nor more than (\$1000). The department shall revoke the person's  
 1648 license for (one year).<sup>8284</sup>
- 1649 2. For a second or subsequent offense within (five) years, a person shall be sentenced  
 1650 to imprisonment for not less than (120) days and not more than (one) year with at  
 1651 least (60) days to be served consecutively without the benefit of probation or  
 1652 suspension and shall pay a fine of not less than (\$1,000) nor more than (\$2,000).  
 1653 The department shall revoke the person's license for (two)<sup>8382</sup> years.
- 1654 (e)
- 1655 1. Before sentencing any person convicted of violating either subsections (a) or (b),  
 1656 the court shall conduct or order an appropriate examination or examinations to  
 1657 determine whether the person needs or would benefit from treatment for alcohol or  
 1658 other drug abuse.
- 1659 2. In addition to the penalties imposed under subsections (c) and (d) and after  
 1660 receiving the results of the examination in subparagraph (1) under this subsection,  
 1661 or upon a hearing and determination that the person is an habitual user of alcohol or  
 1662 other drugs, the court may order supervised treatment on an outpatient basis, or  
 1663 upon additional determinations that the person constitutes a danger to self or others  
 1664 and that adequate treatment facilities are available, the court may order such person  
 1665 committed for treatment at a facility or institution approved by the (state department  
 1666 of health).
- 1667 3. Any person subject to this subsection may be examined by a physician of such  
 1668 person's own choosing. The court shall consider the results of any such  
 1669 examination.
- 1670 4. Upon application for a driver's license by any person under an order of commitment  
 1671 or supervised treatment pursuant to subparagraph (2) under this subsection, the  
 1672 results of the examination referred to in subparagraph (1) of this subsection and a

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<sup>8180</sup> 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.

<sup>8284</sup> See footnote ~~8081~~.

<sup>8382</sup> 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.

- 1673 report of the progress of the treatment ordered shall be forwarded by the applicant  
1674 to the department for consideration by the health advisory board.
- 1675 5. The department may after receiving the advice of the health advisory board issue a  
1676 license to such person with conditions and restrictions that are consistent with the  
1677 progress of the person's rehabilitation and the protection of the public.
- 1678 (f) A court may order a person convicted of a violation of either subsections (a) or (b), who  
1679 has had his or her license restored, to only operate motor vehicles that are equipped with  
1680 a certified ignition interlock device.
- 1681 (g) The fact that any person charged with violating either subsections (a) or (b) is or has  
1682 been legally entitled to use alcohol or any drug shall not constitute a defense against any  
1683 charge of violating this section.
- 1684 (h) A sentencing judge may permit any jail sentence or any portion of a jail sentence  
1685 imposed for violating either subsections (a) or (b) and punished under either subsections  
1686 (c) or (d) to be served under a home detention program.
- 1687 (i) A person convicted of violating either subsections (a) or (b) may be ordered by the court  
1688 to perform community service, to pay restitution to any victims, and to pay the costs  
1689 associated with an incarceration, a home detention program, an alcohol-drug abuse  
1690 evaluation or a treatment program.

1691  
1692 **§ 11-903 Chemical and other tests**

- 1693 (a) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to  
1694 have been committed by any person driving under the influence of alcohol or drugs,  
1695 evidence of the concentration of alcohol or drugs in a person at the time alleged, as  
1696 determined by analysis of the person's blood, urine, breath or other bodily substance,  
1697 shall be admissible by any party to such action or proceeding. Where such a test is made  
1698 the following provisions shall apply:
- 1699 1. Chemical analyses of the person's blood, urine, breath, or other bodily substance to  
1700 be considered valid under the provisions of this section shall have been performed  
1701 according to methods approved by the (state department of health) and by an  
1702 individual possessing a valid permit issued by the (state department of health) for  
1703 this purpose. The (state department of health) is authorized to approve satisfactory  
1704 techniques or methods, to ascertain the qualifications and competence of individuals  
1705 to conduct such analyses, and to issue permits that shall be subject to termination or  
1706 revocation at the discretion of the (state department of health).
- 1707 2. When a person submits to a blood test at the request of a law enforcement officer,  
1708 only a qualified person<sup>8483</sup> may withdraw blood for the purpose of determining the  
1709 alcoholic or drug content therein. This limitation shall not apply to the taking of  
1710 breath specimens.
- 1711 3. Upon the request of the person who submitted to a chemical test or tests at the  
1712 request of a law enforcement officer, the results of such test or tests shall be made  
1713 available to the person or such person's attorney.
- 1714 (b) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to  
1715 have been committed by a person driving under the influence of alcohol, if the

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<sup>8483</sup> The state shall determine the definition of qualified person.

1716 concentration of alcohol in the person's blood or breath at the time alleged as shown by  
1717 analysis of the person's blood or breath was less than 0.08, such fact shall not give rise  
1718 to any presumption that the person was not under the influence of alcohol, but may be  
1719 considered with other competent evidence in determining that issue. This provision  
1720 shall not be construed as limiting the introduction of any other competent evidence  
1721 bearing upon the question whether the person was under the influence of drugs.  
1722 (c) If a person under arrest refuses to submit to a chemical test under the provisions of this  
1723 section, evidence of such refusal shall be admissible by any party in any civil or criminal  
1724 action or proceeding arising out of acts alleged to have been committed while the person  
1725 was driving under the influence of alcohol or drugs.  
1726

1727 **§ 11-904 Implied Consent and Administrative License Suspension, including duties of**  
1728 **the officer and opportunity for a hearing**

- 1729 (a) Any person who operates a vehicle upon the highways of this State shall be deemed to  
1730 have given consent to a test or tests of such operator's blood or breath, for the purpose of  
1731 determining the operator's alcohol concentration, and to a test or tests of such operator's  
1732 blood, urine, or other bodily substances for purpose of detecting the presence of drugs.  
1733 The test or tests shall be administered at the direction of a law enforcement officer who  
1734 has arrested that person for, or has probable cause to believe, that the person has  
1735 operated a vehicle under the influence of alcohol and/or drugs or other controlled  
1736 substances, or in the case of a person under the age of 21 years, that such person has  
1737 operated a vehicle while having any measurable amount of alcohol in his or her system.  
1738 (b) Any person who is dead, unconscious or who is otherwise in a condition rendering one  
1739 incapable of refusal, shall be deemed not to have withdrawn the consent provided by  
1740 paragraph (a) of this section and the test or tests may be administered, subject to the  
1741 provisions of section 11-903.  
1742 (c) A person requested to submit to a test as provided above shall be warned by the law  
1743 enforcement officer requesting the test that a refusal to submit to or the failure to  
1744 complete the test will result in the immediate suspension of such person's license to  
1745 operate a motor vehicle for (one year).  
1746 (d) If the person refuses testing or fails to complete it, or submits to a test required under  
1747 subsection (a) which discloses an alcohol concentration of 0.08 or more, or if the officer  
1748 otherwise makes the determination based on probable cause that the person operated a  
1749 vehicle under the influence of alcohol and/or drugs or other controlled substances, on  
1750 behalf of the Department of Motor vehicles the officer directing administration of the  
1751 test or making such determination shall serve on the person immediate notice of the  
1752 Department's intention to suspend the person's license to operate a motor vehicle. Such  
1753 officer also shall submit a sworn report to the Department certifying one of the  
1754 following:  
1755 1. the test was requested pursuant to subsection (a) and the person refused to submit to  
1756 testing or failed to complete it:  
1757 2. the person submitted to a test that disclosed an alcohol concentration of 0.08 or  
1758 more;  
1759 3. the officer made an arrest based on probable cause that the person operated a  
1760 vehicle under the influence of alcohol or drugs or other controlled substances.  
1761 (e) Upon receipt of the sworn report of a law enforcement officer submitted under

1762 subsection (d), the department shall suspend the driver's license of the person for a  
1763 period of:  
1764 1. (one year) for refusal to take the requested test or the failure to complete it;  
1765 2. (180 days) if the person submitted to testing required under subsection (a) which  
1766 disclosed an alcohol concentration of 0.08 or more;  
1767 3. (180 days) if the officer made the arrest based on probable cause that the person  
1768 operated a vehicle under the influence of alcohol and/or drugs or other controlled  
1769 substances.

1770 (f) On behalf of the department, the law enforcement officer submitting the sworn report  
1771 under subsection (d) shall serve immediate notice of the suspension on the person, and  
1772 the suspension shall be effective (30) days after the date of service. If the person has a  
1773 valid license, the officer shall take the driver's license of the person and issue a  
1774 temporary license valid for the notice period. The officer shall send the license to the  
1775 department along with the sworn report under subsection (d). If approved by the  
1776 Department of Motor Vehicles, a citation or notice of suspension issued by the officer  
1777 also may serve as the temporary license certificate.

1778 In cases where the law enforcement officer has not served notice, the department  
1779 shall give reasonable notice as provided in section (*insert reference to appropriate state*  
1780 *notice provision*) and the suspension shall be effective (30) days after the date of service.  
1781 If the address shown in the law enforcement officer's report differs from that shown on  
1782 the department records, the notice shall be mailed to both addresses.

1783 (g) A license suspension under this section shall become effective (30) days after the date of  
1784 service of the notice of suspension. Any person whose license is suspended under this  
1785 section may make a written request for a hearing. The request shall state the grounds  
1786 upon which the person seeks to have the suspension rescinded. The filing of the request  
1787 shall not stay the suspension. The hearing shall be held within (20) days after filing of  
1788 the request in the county in which the alleged offense occurred, unless the person and  
1789 the department agree to a different location. The hearing shall be recorded and be  
1790 conducted by the department's designated agent.<sup>8584</sup> The hearing may be conducted  
1791 upon a review of the law enforcement officer's own reports, provided however that the  
1792 person may subpoena the officer. The department may issue subpoenas to compel the  
1793 attendance of witnesses. The scope of the hearing shall be limited to the issues of:  
1794 1. whether the law enforcement officer requested the test;  
1795 2. whether the person was warned as required by subsection (c);  
1796 3. whether the person was driving a vehicle;  
1797 4. whether the person refused to submit to the testing or failed to complete it; and  
1798 5. whether a properly administered test or tests disclosed an alcohol concentration of  
1799 0.08 or more.

1800  
1801 **§ 11-905 Zero tolerance - Applicable to persons under age 21: implied consent to**  
1802 **testing; administrative license revocation for refusal to submit to chemical test**  
1803 **or having BAC of .02 or more; notice to persons under the age of 21 years**  
1804 **prior to licensure; duties of officer if test refused or failed.**

---

<sup>8584</sup> 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.

- 1805 (a) Notwithstanding any other provision of law, it is unlawful for a person under the age of  
1806 21 years who has an alcohol concentration of 0.02 or more, as measured by a  
1807 preliminary alcohol screening test or a test authorized by section 11-903, to drive a  
1808 vehicle. The penalty for a person under the age of 21 years driving with an alcohol  
1809 concentration of 0.02 or more is suspension of the driving privilege for (180 days).
- 1810 (b) If a law enforcement officer detains a person under 21 years of age who is driving a  
1811 vehicle, and the officer has reasonable cause to believe that the person has any  
1812 measurable amount of alcohol in his or her system and a preliminary alcohol screening  
1813 device is immediately available, the officer shall request that the person take a  
1814 preliminary alcohol screening test to determine the possible presence and amount of  
1815 alcohol in the person. If a preliminary alcohol screening is not immediately available,  
1816 the officer may request that the person submit to chemical testing of his or her blood or  
1817 breath pursuant to the requirements of sections 11-903.
- 1818 (c) Any person under the age of 21 years who drives a vehicle, or his or her parent or  
1819 guardian on behalf of such person under age 21, is deemed to have given consent to a  
1820 preliminary alcohol screening test or any test authorized by section 11-903 or 11-904 for  
1821 the purpose of determining the presence of alcohol in the person, if such person was  
1822 lawfully detained for an alleged violation of subsection (a). Any person under age 21  
1823 who is dead, unconscious or who is otherwise in a condition rendering such person  
1824 incapable of refusal, shall be deemed to have provided the consent authorized by this  
1825 subsection and the test or tests may be administered.
- 1826 (d) A person under the age of 21 years requested to submit to a test as provided by this  
1827 section shall be told by the law enforcement officer requesting the test that a refusal to  
1828 submit to or the failure to complete a preliminary alcohol screening test or a test  
1829 authorized by section 11-903 or 11-904, as requested by the officer, will result in the  
1830 suspension of such person's license to operate a motor vehicle for (one year).
- 1831 (e) If the person refuses to take or fails to complete the preliminary alcohol screening test,  
1832 or refuses to take or fails to complete a chemical test if a preliminary alcohol screening  
1833 device is not immediately available, or if the person takes the preliminary alcohol  
1834 screening test and that test reveals a blood alcohol concentration of 0.02 percent or  
1835 more, or if the person takes a chemical test pursuant to the provisions of section 11-903  
1836

1837 revealing a blood alcohol concentration of 0.02 or more, the officer shall proceed as  
 1838 follows:<sup>8685</sup>

- 1839 1. Acting on behalf of the Department, the officer shall serve the person with a notice  
 1840 of an order of suspension of the person's driving privilege.
- 1841 2. The officer shall take possession of any driver's license issued by this State which  
 1842 is held by the person. On behalf of the Department, when the officer takes  
 1843 possession of a valid driver's license, the officer shall issue a temporary driver's  
 1844 license. The temporary driver's license may be an endorsement on the notice of the  
 1845 order of suspension and shall be valid for 30 days from the date of issuance.
- 1846 3. Within 5 business days after the day the notice of suspension is served, the officer  
 1847 shall forward to the Department a copy of the completed notice of order of  
 1848 suspension, the driver's license if taken into possession pursuant to paragraph (2),  
 1849 and any other reports which may be required by law or regulation.

1850 (f) Before issuing a driver's license or permit to any person under 21 years of age, the  
 1851 Department of Motor Vehicles shall inform the applicant of, and the applicant shall sign  
 1852 a statement acknowledging notification of, the following information:

- 1853 1. It is unlawful for anyone under the age of 21 to drive with an alcohol concentration  
 1854 of 0.02 or greater, as measured by a preliminary alcohol-screening test or other  
 1855 chemical test,
- 1856 2. The penalty for driving with an alcohol concentration of 0.02 or greater is a  
 1857 suspension of the driving privilege for (180 days).
- 1858 3. For a person under the age of 21, a refusal to take or a failure to complete a  
 1859 preliminary alcohol screening test or other chemical test for the purpose of  
 1860 determining the person's level of alcohol concentration shall result in a (one year)  
 1861 suspension of the driving privilege.

1862 (g) A license suspension under this section shall become effective (30) days after the date of  
 1863 service of the notice of suspension. Any person whose license is suspended under this  
 1864 section may make a written request for a hearing. The request shall state the grounds  
 1865 upon which the person seeks to have the suspension rescinded. The filing of the request  
 1866 shall not stay the suspension. The hearing shall be held within 20 days after filing of the  
 1867 request in the county in which the alleged offense occurred, unless the person and the  
 1868 department agree to a different location. The hearing shall be recorded, and be  
 1869 conducted by the department's designated agent. The hearing may be conducted upon a  
 1870 review of the law enforcement officer's own reports; provided, however, that the person  
 1871 may subpoena the officer. The department may issue subpoenas to compel the

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<sup>8685</sup> 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.

1872 attendance of witnesses, The scope of the hearing shall be limited to the issues of:  
1873 1. whether the law enforcement officer requested the test;  
1874 2. whether the person was warned as required by subsection (d);  
1875 3. whether the person was driving a vehicle;  
1876 4. whether the person refused to submit to the testing or failed to complete it;  
1877 5. whether a properly administered test or tests disclosed an alcohol concentration of  
1878 0.02 or more.

1879 (h) Notwithstanding any other provision of law, the Department of Motor Vehicles of this  
1880 state may require anyone under the age of 21 years who has had his or her license  
1881 suspended pursuant to this section, as one requirement to have the license reissued, to  
1882 attend a course or participate in counseling designed to discourage those under the age  
1883 of 21 years from drinking alcohol.

1884  
1885 **§ 11-906 Preliminary Alcohol Screening Test**

1886 When a law enforcement officer has articulable grounds to suspect that a person may have  
1887 been violating section 11-902, or that a person under age 21 may have been driving with a  
1888 measurable alcohol concentration, the officer may request that the suspect submit to a  
1889 preliminary alcohol screening test of the suspect's breath to determine such person's alcohol  
1890 concentration using a device approved for that purpose by the (State Department of Health).  
1891 Nothing in this section precludes the officer from further requesting or requiring additional  
1892 testing pursuant to any section of this Act or any other provision of law.

1893  
1894 **§ 11-907 Chemical test of drivers in serious personal injury or fatal crashes**

1895 Notwithstanding the provisions of any other law, when the driver of a vehicle is involved in a  
1896 crash resulting in death or serious personal injury of another person, and there is reason to  
1897 believe that the driver was driving under the influence of alcohol or drugs, the driver may be  
1898 compelled by a police officer to submit to a test or tests of his or her blood, breath or urine to  
1899 determine the person's alcohol concentration or the presence of other drugs.

1900  
1901 **§ 11-908 Limits on Plea Bargaining**

1902 When the prosecution agrees to a plea of guilty or nolo contendere to a charge of a violation  
1903 other than §11-902(a), in satisfaction of or as a substitute for an original charge or a violation of 11-  
1904 902(a), the prosecution shall state for the record a factual basis for the satisfaction or substitution,  
1905 including whether or not there had been consumption of any alcoholic beverage or ingestion or  
1906 administration of any other drug, or both, by the defendant in connection with the offense.

1907  
1908 **§ 11-909 Reckless driving**

1909 (a) Any person who drives any vehicle in willful or wanton disregard for the safety of  
1910 persons or property is guilty of reckless driving.  
1911 (b) Every person convicted of reckless driving shall be punished upon a first conviction by  
1912 imprisonment for a period of not less than five days nor more than 90 days, or by a fine  
1913 of not less than \$25 nor more than (\$500), or by both such fine and imprisonment, and  
1914

1915 on a second or subsequent conviction shall be punished by imprisonment for not less  
1916 than 10 days nor more than six months, or by a fine of not less than \$50 nor more than  
1917 (\$500), or by both such fine and imprisonment.  
1918

1919 **§ 11-910 Homicide by vehicle**

1920 (a) Whoever shall unlawfully and unintentionally cause the death of another person, while  
1921 engaged in a violation of any state law or municipal ordinance applying to the operation  
1922 or use of a vehicle or to the regulation of traffic, shall be guilty of homicide by vehicle  
1923 when such violation is the proximate cause of that death.

1924 (b) Any person convicted of homicide by vehicle shall be fined not less than \$500 nor more  
1925 than \$2,000, or shall be imprisoned in the county jail not less than three months nor  
1926 more than one year, or may be so fined and so imprisoned, or shall be imprisoned in the  
1927 penitentiary for a term not less than one year nor more than five years.  
1928

1929 **§ 11-911 Fleeing or attempting to elude a police officer**

1930 (a) Any driver of a motor vehicle who willfully fails or refuses to bring his or her vehicle to  
1931 a stop, or who otherwise flees or attempts to elude a pursuing police vehicle when given  
1932 a visual or audible signal to bring the vehicle to a stop, shall be guilty of a misdemeanor.  
1933 The signal given by the police officer may be by hand, voice, emergency light or siren.  
1934 The officer giving such signal shall be in uniform, prominently displaying the officer's  
1935 badge of office, and the officer's vehicle shall be appropriately marked, showing it to be  
1936 an official police vehicle.

1937 (b) Every person convicted of fleeing or attempting to elude a police officer shall be  
1938 punished by imprisonment for not less than 30 days nor more than six months, or by a  
1939 fine of not less than \$100 nor more than \$500, or by both such fine and imprisonment.  
1940  
1941

1942 **ARTICLE X - STOPPING, STANDING AND PARKING**

1943  
1944 **§ 11-1001 Stopping, standing or parking outside business or residence districts**

- 1945 (a) Outside a business or residence district no person shall stop, park or leave standing any  
1946 vehicle, whether attended or unattended, upon the roadway when it is practicable to stop,  
1947 park or so leave such vehicle off the roadway, but in every event an unobstructed width  
1948 of the highway opposite a standing vehicle shall be left for the free passage of other  
1949 vehicles and a clear view of such stopped vehicle shall be available from a distance of  
1950 200 feet in each direction upon such highway.
- 1951 (b) This section, § 11-1003 and § 11-1004 shall not apply to the driver of any vehicle which  
1952 is disabled in such manner and to such extent that it is impossible to avoid stopping and  
1953 temporarily leaving the vehicle in such position.

1954  
1955 **§ 11-1002 Officers authorized to remove vehicles**

- 1956 (a) Whenever any police officer finds a vehicle in violation of any of the provisions of §11-  
1957 1001 the officer is hereby authorized to move such vehicle, or require the driver or other  
1958 person in charge of the vehicle to move it off the roadway.
- 1959 (b) Any police officer is hereby authorized to remove or cause to be removed to a place of  
1960 safety any unattended vehicle illegally left standing upon any highway, bridge,  
1961 causeway, or in any tunnel, in such position or under such circumstances as to obstruct  
1962 the normal movement of traffic.
- 1963 (c) Any police officer is hereby authorized to remove or cause to be removed to the nearest  
1964 garage or other place of safety any vehicle found upon a highway when:
- 1965 1. Report has been made that such vehicle has been stolen or taken without the  
1966 consent of its owner, or
  - 1967 2. The person or persons in charge of such vehicle are unable to provide for its  
1968 custody or removal, or
  - 1969 3. When the person driving or in control of such vehicle is arrested for an alleged  
1970 offense for which the officer is required by law to take the person arrested before a  
1971 proper magistrate without unnecessary delay.

1972  
1973 **§ 11-1003 Stopping, standing, or parking prohibited in specified places**

- 1974 (a) Except when necessary to avoid conflict with other traffic, or in compliance with law or  
1975 the directions of a police officer or official traffic-control device, no person shall:
- 1976 1. Stop, stand, or park a vehicle:
    - 1977 A. On the roadway side of any vehicle stopped or parked at the edge or curb of a  
1978 street;
    - 1979 B. On a sidewalk;
    - 1980 C. Within an intersection;
    - 1981 D. On a crosswalk;
    - 1982 E. Between a safety zone and the adjacent curb or within 30 feet of points on the  
1983 curb immediately opposite the ends of a safety zone, unless a different length  
1984 is indicated by signs or markings;
    - 1985 F. Alongside or opposite any street excavation or obstruction when stopping,  
1986 standing, or parking would obstruct traffic;

- 1988 G. Upon any bridge or other elevated structure upon a highway or within a
- 1989 highway tunnel;
- 1990 H. On any railroad tracks;
- 1991 I. On any controlled-access highway;
- 1992 J. In the area between roadways of a divided highway, including crossovers;
- 1993 K. On highways and elsewhere throughout the state in any parking space
- 1994 designated by the International Access Symbol without displaying an
- 1995 authorized disabled parking registration plate, removable windshield placard,
- 1996 or temporary removable windshield placard as defined in § 3-901.
- 1997 L. At any place where official traffic-control devices prohibit stopping.
- 1998 2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or
- 1999 discharge a passenger or passengers:
- 2000 A. In front of a public or private driveway;
- 2001 B. Within 15 feet of a fire hydrant;
- 2002 C. Within 20 feet of a crosswalk at an intersection;
- 2003 D. Within 30 feet of any flashing signal, stop sign, yield sign or traffic-control
- 2004 signal located at the side of a roadway;
- 2005 E. Within 20 feet of the driveway entrance to any fire station and on the side of a
- 2006 street opposite the entrance to any fire station within 75 feet of the entrance
- 2007 (when properly signposted);
- 2008 F. At any place where official traffic control devices prohibit standing.
- 2009 3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and
- 2010 while actually engaged in loading or unloading property or passengers:
- 2011 A. Within 50 feet of the nearest rail of a railroad crossing;
- 2012 B. At any place where official traffic control devices prohibit parking.
- 2013 (b) No person shall move a vehicle not lawfully under such person's control into any such
- 2014 prohibited area or away from a curb such a distance as is unlawful.
- 2015

**§ 11-1004 Additional parking regulations**

- 2017 (a) Except as otherwise provided in this section, every vehicle stopped or parked upon a
- 2018 two-way roadway shall be so stopped or parked with the right-hand wheels parallel to
- 2019 and within 12 inches of the right-hand curb or as close as practicable to the right edge of
- 2020 the right-hand shoulder.
- 2021 (b) Except when otherwise provided by local ordinance, every vehicle stopped or parked
- 2022 upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the
- 2023 roadway, in the direction of authorized traffic movement, with its right-hand wheels
- 2024 within 12 inches of the right-hand curb or as close as practicable to the right edge of the
- 2025 right-hand shoulder, or with its left-hand wheels within 12 inches of the left-hand curb
- 2026 or as close as practicable to the left edge of the left-hand shoulder.
- 2027 (c) Local authorities may permit angle parking on any roadway, except that angle parking
- 2028 shall not be permitted on any Federal-aid or State highway unless the (State highway
- 2029 commission or State highway engineer) has determined that the roadway is of sufficient
- 2030 width to permit angle parking without interfering with the free movement of traffic.
- 2031 (d) The (State highway commission) with respect to highways under its jurisdiction may
- 2032 place official traffic control devices prohibiting, limiting, or restricting the stopping,
- 2033 standing or parking of vehicles on any highway where in its opinion such stopping,

2034 standing or parking is dangerous to those using the highway or where the stopping,  
2035 standing or parking of vehicles would unduly interfere with the free movement of traffic  
2036 thereon. No person shall stop, stand or park any vehicle in violation of the restrictions  
2037 indicated by such devices.  
2038

2039 **§ 11-1005 Disabled Parking with International Symbol of Access**

- 2040 (a) Disabled parking registration plates, removable windshield placards, or temporary  
2041 removable windshield placards, in accordance with Section 3-901, et seq. displaying the  
2042 International Symbol of Access, shall be the only recognized means of identifying  
2043 vehicles permitted to utilize parking spaces reserved for persons with disabilities.
- 2044 (b) Removable windshield placards and temporary removable windshield placards shall be  
2045 displayed in such a manner that they may be viewed from the front and rear of the  
2046 vehicle by hanging from the front windshield rearview mirror of a vehicle utilizing a  
2047 parking space reserved for persons with disabilities. When there is no rearview mirror,  
2048 the placard shall be displayed on the dashboard.
- 2049 (c) Disabled parking registration plates, removable windshield placards, and temporary  
2050 removable windshield placards, issued by the authority of other states and countries for  
2051 the purpose of identifying vehicles permitted to utilize parking spaces reserved for  
2052 persons with disabilities shall be recognized and accorded all rights and privileges as  
2053 such identification devices issued under the authority of this state.  
2054  
2055

2056 **ARTICLE XI - MISCELLANEOUS RULES**

2057  
2058 **§ 11-1101-Unattended motor vehicle**

2059 No person driving or in charge of a motor vehicle shall permit it to stand unattended without  
2060 first stopping the engine, locking the ignition, removing the key from the ignition, effectively  
2061 setting the brake thereon, and when standing upon any grade, turning the front wheels to the curb  
2062 or side of the highway.

2063  
2064 **§ 11-1102 Limitations on backing**

- 2065 (a) The driver of a vehicle shall not back the vehicle unless such movement can be made  
2066 with safety and without interfering with other traffic.  
2067 (b) The driver of a vehicle shall not back the vehicle upon any shoulder or roadway of any  
2068 controlled-access highway.  
2069

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

2071 No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent  
2072 or duly authorized temporary driveway. This section shall not apply to any vehicle moved  
2073 exclusively by human power nor to any motorized wheelchair.  
2074

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

- 2076 (a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat  
2077 such a number of persons, as to obstruct the view of the driver to the front or sides of the  
2078 vehicle or as to interfere with the driver's control over the driving mechanism of the  
2079 vehicle.  
2080 (b) No passenger in a vehicle (or streetcar) shall ride in such position as to interfere with the  
2081 driver's (or streetcar operator's) view ahead or to the sides, or to interfere with such  
2082 person's control over the driving mechanism of the vehicle (or streetcar.)  
2083 (c) No person shall drive a vehicle while a child or any other person or an animal is so  
2084 positioned as to be between the body of the driver and the steering wheel.  
2085

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

2087 No person shall open any door on a motor vehicle unless and until it is reasonably safe to do  
2088 so and can be done without interfering with the movement of other traffic, nor shall any person  
2089 leave a door open on a side of a vehicle adjacent to moving traffic for a period of time longer  
2090 than necessary to load or unload passengers.  
2091

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

2093 No person or persons shall occupy a house trailer while it is being moved upon a highway.  
2094

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

2096 The driver of a motor vehicle traveling through defiles or canyons or on mountain highways  
2097 shall hold such motor vehicle under control and as near the right-hand edge of the roadway as  
2098 reasonably possible and, except when driving entirely to the right of the center of the roadway,  
2099 shall give audible warning with the horn of such motor vehicle upon approaching any curve  
2100 where the view is obstructed within a distance of 200 feet along the highway.  
2101

2102 § 11-1108 **Coasting prohibited**  
2103 (a) The driver of any motor vehicle when traveling upon a down grade shall not coast with  
2104 the gears or transmission of such vehicle in neutral.

2105 (b) The driver of a truck or bus when traveling upon a down grade shall not coast with the  
2106 clutch disengaged.

2107  
2108 § 11-1109 **Following fire apparatus prohibited**  
2109 The driver of any vehicle other than one on official business shall not follow any fire  
2110 apparatus traveling in response to a fire alarm closer than 500 feet or stop within 500 feet of any  
2111 fire apparatus stopped in answer to a fire alarm.

2112  
2113 § 11-1110 **Crossing fire hose**  
2114 No vehicle shall be driven over any unprotected hose of a fire department when laid down on  
2115 any street, private road or driveway to be used at any fire or alarm of fire, without the consent of  
2116 the fire department official in command.

2117  
2118 § 11-1111 **Putting glass, etc., on highway prohibited**  
2119 (a) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks,  
2120 wire, cans or any other substance likely to injure any person, animal or vehicle.  
2121 (b) Any person who drops, or permits to be dropped or thrown, upon any highway any  
2122 destructive or injurious material shall immediately remove the same or cause it to be  
2123 removed.  
2124 (c) Any person removing a wrecked or damaged vehicle from a highway shall remove any  
2125 glass or other injurious substance dropped upon the highway from such vehicle.

2126  
2127 § 11-1112 **Stop when traffic obstructed**  
2128 No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade  
2129 crossing unless there is sufficient space on the other side of the intersection, crosswalk or  
2130 railroad grade crossing to accommodate the vehicle such driver is operating without obstructing  
2131 the passage of other vehicles, pedestrians or railroad trains, notwithstanding any traffic-control  
2132 signal indication to proceed.

2133  
2134 § 11-1113 **Snowmobile operation limited**  
2135 (a) No person shall operate a snowmobile on any controlled-access highway.  
2136 (b) No person shall operate a snowmobile on any other highway except when crossing the  
2137 highway at a right angle, when use of the highway by other motor vehicles is impossible  
2138 because of snow, or when such operation is authorized by the authority having  
2139 jurisdiction over the highway.

2140  
2141 § 11-1114 **Railroad trains not to block crossings**  
2142 No person or government agency shall operate any train in such a manner as to prevent  
2143 vehicular use of any roadway for a period of time in excess of five consecutive minutes except:  
2144 1. When necessary to comply with signals affecting the safety of the movement of trains;  
2145 2. When necessary to avoid striking any object or person on the track;  
2146 3. When the train is disabled;  
2147 4. When the train is in motion and engaged in switching operations;

- 2148 5. When there is no vehicular traffic waiting to use the crossing; or  
2149 6. When necessary to comply with a governmental safety regulation.

2150

2151 **§ 11-1115 Eye protection devices**

2152 Every person operating a motor vehicle that is not equipped with a windshield in position to  
2153 deflect objects which would hit such person's face shall wear an eye-protection device of a type  
2154 approved by the commissioner. This section shall not apply to a person operating a motorcycle.

2155

2156 **§ 11-1116 Rights and duties - motorized wheelchairs**

2157 Every person operating a motorized wheelchair shall have all of the rights and all of the  
2158 duties applicable to a pedestrian contained in Chapter 11 except to those provisions which by  
2159 their nature can have no application.

2160

2161 **§ 11-1117 Funeral and other processions**

- 2162 (a) No driver of a vehicle (or operator of a streetcar) shall drive between the vehicles  
2163 comprising a funeral or other authorized procession while they are in motion and when  
2164 such vehicles are conspicuously designated as required in this section. This provision  
2165 shall not apply at intersections where traffic is controlled by traffic-control signals or  
2166 police officers.
- 2167 (b) Each driver in a funeral or other procession shall drive as near to the right-hand edge of  
2168 the roadway as practicable and shall follow the vehicle ahead as close as is practicable  
2169 and safe.
- 2170 (c) A funeral composed of a procession of vehicles shall be identified as such by the  
2171 display, visible through the windshield or upon the outside of each vehicle, of a pennant,  
2172 placard, or other identifying marking, and by turning on the headlights of each vehicle in  
2173 the procession.

2174

2175 **§ 11-1118 Carrying passengers unsecured in rear**

- 2176 (a) No person, driving a truck with a gross weight of (10,000) pounds or less, commonly  
2177 known as a pickup truck, or driving a flatbed motortruck of any weight, shall transport  
2178 any minor under the age of (18) in the back of the truck; and no minor under the age of  
2179 (18) years shall ride in the back of the truck.
- 2180 (b) Subdivision (a) does not apply if any of the following conditions are met:
- 2181 1. The space in the back of the truck is enclosed to a height of 46 inches extending  
2182 vertically from the floor.
  - 2183 2. The vehicle has installed any means of preventing the minor from being discharged  
2184 from the back.
  - 2185 3. The minor in the back of the truck is secured to the vehicle in a manner that will  
2186 prevent the minor from being thrown, falling, or jumping from the vehicle.
- 2187 (c) This section does not apply to the transportation of employees, as that term is defined in  
2188 the pertinent labor code of the state; and nothing in this section permits transportation of  
2189 employees in a manner inconsistent with state or federal laws or regulations.

2190

2191 **ARTICLE XII - OPERATION OF BICYCLES, OTHER HUMAN-POWERED**  
2192 **VEHICLES, AND MOPEDS**

2193  
2194 **§ 11-1201 Effect of regulations**

- 2195 (a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act  
2196 required in this article.  
2197 (b) The parent of any child and the guardian of any ward shall not authorize or knowingly  
2198 permit any such child or ward to violate any of the provisions of this article.  
2199

2200 **§ 11-1202 Traffic laws apply to persons on bicycles and other human powered vehicles**

2201 Every person propelling a vehicle by human power or riding a bicycle shall have all of the  
2202 rights and all of the duties applicable to the driver of any other vehicle under chapters 10 and 11,  
2203 except as to special regulations in this article and except as to those provisions which by their  
2204 nature can have no application.  
2205

2206 **§ 11-1203 Riding on bicycles**

2207 No bicycle shall be used to carry more persons at one time than the number for which it is  
2208 designed or equipped, except that an adult rider may carry a child securely attached to adult rider  
2209 in a backpack or sling.  
2210

2211 **§ 11-1204 Clinging to vehicles**

- 2212 (a) No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach  
2213 the same or himself or herself to any (streetcar or) vehicle upon a roadway.  
2214 (b) This section shall not prohibit attaching a bicycle trailer or bicycle semitrailer to a  
2215 bicycle if that trailer or semitrailer has been designed for such attachment.  
2216

2217 **§ 11-1205 Position on roadway**

- 2218 (a) Any person operating a bicycle or a moped upon a roadway at less than the normal  
2219 speed of traffic at the time and place and under the conditions then existing shall ride as  
2220 close as practicable to the right-hand curb or edge of the roadway except under any of  
2221 the following situations:  
2222 1. When overtaking and passing another bicycle or vehicle proceeding in the same  
2223 direction.  
2224 2. When preparing for a left turn at an intersection or into a private road or driveway.  
2225 3. When reasonably necessary to avoid conditions including but not limited to: fixed  
2226 or moving objects; parked or moving vehicles; bicycles; pedestrians; animals;  
2227 surface hazards; or substandard width lanes that make it unsafe to continue along  
2228 the right-hand curb or edge. For purposes of this section, a "substandard width  
2229 lane" is a lane that is too narrow for a bicycle and a motor vehicle to travel safely  
2230 side by side within the lane.  
2231 4. When riding in the right-turn-only lane.  
2232 (b) Any person operating a bicycle or a moped upon a one-way highway with two or more  
2233 marked traffic lanes may ride as near the left-hand curb or edge of such roadway as  
2234 practicable.  
2235  
2236

2237 **§ 11-1206 Riding two abreast**

2238 Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths  
2239 or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast shall  
2240 not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride  
2241 within a single lane.

2242  
2243 **§ 11-1207 Carrying articles**

2244 No person operating a bicycle shall carry any package, bundle or article which prevents the  
2245 use of both hands in the control and operation of the bicycle. A person operating a bicycle shall  
2246 keep at least one hand on the handlebars at all times.

2247  
2248 **§ 11-1208 Left turns**

- 2249 (a) A person riding a bicycle or a moped intending to turn left shall follow a course  
2250 described in §11-601 or in subsection (b).
- 2251 (b) A person riding a bicycle or a moped intending to turn left shall approach the turn as  
2252 close as practicable to the right curb or edge of the roadway. After proceeding across  
2253 the intersecting roadway to the far corner of the curb or intersection of the roadway  
2254 edges, the bicyclist or moped driver shall stop, as much as practicable out of the way of  
2255 traffic. After stopping the bicyclist or moped driver shall yield to any traffic proceeding  
2256 in either direction along the roadway the bicyclist had been using. After yielding, and  
2257 complying with any official traffic control device or police officer regulating traffic on  
2258 the highway along which he or she intends to proceed, the bicyclist or moped driver may  
2259 proceed in the new direction.
- 2260 (c) Notwithstanding the foregoing provisions, the state highway commission and local  
2261 authorities in their respective jurisdictions may cause official traffic-control devices to  
2262 be placed and thereby require and direct that a specific course be traveled by turning  
2263 bicycles or mopeds, and when such devices are so placed, no person shall turn a bicycle  
2264 or a moped other than as directed and required by such devices.

2265  
2266 **§ 11-1209 Bicycles and human powered vehicles on sidewalks**

- 2267 (a) A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and  
2268 along a crosswalk, shall yield the right of way to any pedestrian and shall give audible  
2269 signal before overtaking and passing such pedestrian.
- 2270 (b) A person shall not ride a bicycle upon and along a sidewalk, or across a roadway upon  
2271 and along a crosswalk, where such use of bicycles is prohibited by official traffic-control  
2272 devices.
- 2273 (c) A person propelling a vehicle by human power upon and along a sidewalk, or across a  
2274 roadway upon and along a crosswalk, shall have all the rights and duties applicable to a  
2275 pedestrian under the same circumstances.

2276  
2277 **§ 11-1210 Bicycle parking**

- 2278 (a) A person may park a bicycle on a sidewalk unless prohibited or restricted by an official  
2279 traffic control device.
- 2280 (b) A bicycle parked on a sidewalk shall not impede the normal and reasonable movement  
2281 of pedestrian or other traffic.

2282

- 2283 (c) A bicycle may be parked on the roadway at any angle to the curb or edge of the roadway  
2284 at any location where parking is allowed.  
2285 (d) A bicycle may be parked on the roadway abreast of another bicycle or bicycles near the  
2286 side of the roadway at any location where parking is allowed.  
2287 (e) A person shall not park a bicycle on a roadway in such a manner as to obstruct the  
2288 movement of a legally parked motor vehicle.  
2289 (f) In all other respects, bicycles parked anywhere on a highway shall conform with the  
2290 provisions of article X regulating the parking of vehicles.  
2291

2292 **§ 11-1211 Bicycle racing**

- 2293 (a) By agreement with the approving authority, participants in an approved bicycle highway  
2294 racing event may be exempted from compliance with any traffic laws otherwise  
2295 applicable thereto, provided that traffic control is adequate to assure the safety of all  
2296 highway users.  
2297 (b) Bicycle racing on a highway shall not be unlawful when a racing event has been  
2298 approved by state or local authorities on any highway under their respective  
2299 jurisdictions. Approval of bicycle highway racing events shall be granted only under  
2300 conditions which assure reasonable safety for all race participants, spectators and other  
2301 highway users, and which prevent unreasonable interference with traffic flow which  
2302 would seriously inconvenience other highway users.  
2303

2304 **§ 11-1212 Mopeds in bicycle lanes**

2305 Upon any roadway where motor vehicles are permitted, a person may drive a moped in any  
2306 lane designated for the use of bicycles.  
2307

2308 **ARTICLE XIII - SPECIAL RULES FOR MOTORCYCLES**

2309  
2310 **§ 11-1301 Traffic laws apply to persons operating motorcycles**

2311 Every person operating a motorcycle shall be granted all of the rights and shall be subject to  
2312 all of the duties applicable to the driver of any other vehicle under this code, except as to special  
2313 regulations in this article and except as to those provisions of this code which by their nature can  
2314 have no application.

2315  
2316 **§ 11-1302 Riding on motorcycles**

- 2317 (a) A person operating a motorcycle shall ride only upon the permanent and regular seat  
2318 attached thereto, and such operator shall not carry any other person nor shall any other  
2319 person ride on a motorcycle unless such motorcycle is designed to carry more than one  
2320 person, in which event a passenger may ride upon the permanent and regular seat if  
2321 designed for two persons, or upon another seat firmly attached to the motorcycle at the  
2322 rear or side of the operator.
- 2323 (b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward,  
2324 with one leg on each side of the motorcycle.
- 2325 (c) No person shall operate a motorcycle while carrying any package, bundle, or other  
2326 article which prevents such person from keeping both hands on the handlebars.
- 2327 (d) No operator shall carry any person, nor shall any person ride, in a position that will  
2328 interfere with the operation or control of the motorcycle or the view of the operator.

2329  
2330 **§ 11-1303 Operating motorcycles on roadways laned for traffic**

- 2331 (a) All motorcycles, other than mopeds, are entitled to full use of a lane and no motor  
2332 vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a  
2333 lane. This subsection shall not apply to motorcycles operated two abreast in a single  
2334 lane.
- 2335 (b) The operator of a motorcycle shall not overtake and pass in the same lane occupied by  
2336 the vehicle being overtaken. This subsection shall not apply to a motorcyclist passing a  
2337 bicycle, to the driver of a moped, nor to a police officer in the performance of the  
2338 officer's duties.
- 2339 (c) No person shall operate a motorcycle between lanes of traffic or between adjacent lines  
2340 or rows of vehicles. This subsection shall not apply to police officers in the performance  
2341 of their duties.
- 2342 (d) Motorcycles shall not be operated more than two abreast in a single lane.

2343  
2344 **§ 11-1304 Clinging to other vehicles**

2345 No person riding upon a motorcycle shall attach himself or herself, or the motorcycle to any  
2346 other vehicle (or streetcar) on a roadway.

2347  
2348 **§ 11-1305 Footrests and handlebars**

- 2349 (a) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be  
2350 equipped with footrests for such passenger.
- 2351 (b) No person shall operate any motorcycle with handlebars more than 15 inches in height  
2352 above that portion of the seat occupied by the operator.
- 2353

- 2354 **§ 11-1306 Equipment for motorcycle riders**  
2355 (a) No person shall operate or ride upon a motorcycle unless such person is wearing  
2356 protective headgear which complies with standards established by the commissioner.  
2357 (b) No person shall operate a motorcycle unless such person is wearing an eye-protective  
2358 device of a type approved by the commissioner, except when the motorcycle is equipped  
2359 with a windscreen.  
2360 (c) This section shall not apply to persons riding within an enclosed cab or on a golf cart.  
2361 (d) The commissioner is hereby authorized to approve or disapprove protective headgear  
2362 and eye-protective devices, and to issue and enforce regulations establishing standards  
2363 and specifications for the approval thereof. The commissioner shall publish lists of all  
2364 protective headgear and eye-protective devices by name and type which have been so  
2365 approved.  
2366

- 2367 **§ 11-1307 Headlamps on motorcycles during operation**  
2368 (a) No person shall operate a motorcycle unless the headlamps are lighted at all times  
2369 during operation. Motorcycles may be driven to the nearest repair facility for headlamp  
2370 repair except during hours of darkness.  
2371 (b) Except at times when headlamps are required to be lighted as provided by §12-201, the  
2372 headlamps of motorcycles may be modulated whenever the motorcycle is in operation  
2373 during daylight hours.  
2374 (c) Subsection (a) shall not apply to motorcycles manufactured prior to \_\_\_\_\_ (date).  
2375  
2376

ARTICLE XIV – STREETCARS <sup>8786</sup>

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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.

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<sup>8786</sup> This article should be omitted in states where no streetcars are in operation.

2418 **ARTICLE XV - VICTIMS OF A TRAFFIC-RELATED OFFENSES**<sup>8887</sup>  
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2420 **§ 11-1501 Definitions**

- 2421 (a) "Catastrophic injury" means an injury to any person which consists of a physical  
2422 condition that creates a substantial risk of death, serious personal disfigurement, or  
2423 protracted loss or impairment of the function of any bodily member or organ.  
2424 (b) "Victim" means a person who has been catastrophically injured as a result of a traffic-  
2425 related offense committed by another person, or the spouse, parent, child, sibling or  
2426 representative of a person killed or catastrophically injured as a result of a traffic-related  
2427 offense committed by another person.  
2428

2429 **§ 11-1502 Rights of victims**

2430 Victims shall have the following rights:

- 2431 (a) To speedy prosecution of the offense. In any criminal justice proceeding, the police, the  
2432 prosecutor, and the court shall take appropriate action to ensure speedy prosecution of  
2433 the defendant. Victims shall be informed by the prosecuting attorney of any motions  
2434 which would result in delay of the prosecution and be allowed to object in writing.  
2435 (b) Upon request by the victim, to be informed by the police investigating the case of the  
2436 status of the investigation, and by the prosecuting attorney prior to any critical decisions  
2437 concerning the case including the charging decision, diversion, dismissal, or other  
2438 disposition.  
2439 (c) To be present at any time the defendant has the right to be present during all criminal  
2440 justice proceedings related to an offense unless the court determines that exclusion is  
2441 necessary to protect the confidentiality of juvenile or similar proceedings. If a victim is  
2442 unable to attend the court proceedings, the court may designate a representative of the  
2443 victim who has the same right to be present as the victim would have had.  
2444 (d) To make victim impact statements to the court including information about the financial,  
2445 emotional, psychological, and physical effects of the crime on the victim, the  
2446 circumstances surrounding the crime, the manner in which it was perpetrated, and the  
2447 victim's opinion of any recommended sentence of the convicted offender. A victim may  
2448 present an impact statement to the court either orally or in writing.  
2449 (e) To an order of restitution if the order is authorized by the laws of this state.  
2450

2451 **§ 11-1503 Law Enforcement Agency**

- 2452 (a) At the time of the initial contact between any law enforcement agency and the victim,  
2453 the law enforcement agency investigating the case shall provide the victim a written  
2454 statement of rights which shall include the following information:  
2455 1. A statement and explanation of the victim's rights as enumerated by Section 11-  
2456 1502 of this code;  
2457 2. The availability of victim assistance, medical and emergency services;  
2458

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

- 2459 3. The availability of victim compensation benefits, including the name, office  
2460 address, and telephone number of the contact person(s) responsible for  
2461 administering the program; and  
2462 4. The office addresses and telephone numbers of appropriate victim support and  
2463 services groups.  
2464 (b) As soon as available, the police shall provide to the victim the following:  
2465 1. The office address and telephone number of the prosecutor's office;  
2466 2. The case number and the names, office addresses, and telephone numbers of the law  
2467 enforcement officers assigned to investigate the case; and  
2468 3. If known, whether the suspect has been taken into custody, and if taken into  
2469 custody, whether released and any conditions attached to the release.  
2470

2471 **§ 11-1504 Prosecutor**

- 2472 (a) Upon request by the victim for information concerning the criminal court proceedings, a  
2473 prosecuting attorney shall inform the victim of the following:  
2474 1. A statement and explanation of the victim's rights as enumerated by Section 11-1502.  
2475 2. The actual assignment of the case, including case number, and the court to which it is  
2476 assigned;  
2477 3. The date, time, and location of any criminal proceedings relative to the offense;  
2478 4. The availability of crime victim compensation benefits, including the name, office  
2479 address, and telephone numbers of contact persons responsible for administering the  
2480 program;  
2481 5. The availability of any transportation services to court proceedings;  
2482 6. Whether the defendant has a right to review the presentence reports and impact  
2483 statements;  
2484 7. Whether the defendant has the right to attend and make a statement at the sentencing  
2485 hearing;  
2486 8. The time and place of any hearing for the reconsideration of the sentence imposed; and  
2487 9. The right to receive information from corrections officials concerning imprisonment  
2488 and release.  
2489 10. If the defendant appeals, the prosecutor shall inform the victim of the status of the  
2490 case on appeal and the decision of the appellate court upon disposition.  
2491 (b) The prosecutor shall notify the victim in writing of the date, time, and location of the  
2492 sentencing hearing and advise the victim of the opportunity to present a victim's impact  
2493 statement or to appear at the sentencing proceeding.  
2494

2495 **§ 11-1505 Probation Department**

2496 The Probation Department, in preparing any pre-sentence report on the defendant, must  
2497 attempt to consult with the victim and must include a written victim impact statement as part of  
2498 the pre-sentence report if the victim chooses to submit one. If the victim cannot be located or  
2499 declines to cooperate, the probation officer must include a notation to that effect in the report.  
2500

2501 **§ 11-1506 Court**

2502 The Court shall orally inform victims present at the sentencing hearing of their right to  
2503 present victim impact statements.  
2504

2505 **Article XVI - "Safe Streets Act" - Vehicle Immobilization resulting from continuing to**  
2506 **drive when the driver's license is suspended or revoked for DWI or DUI**

2507  
2508 **§ 11-1601 Vehicle Immobilization**

- 2509 (a) For purposes of this Article, vehicle "immobilization" means rendering a motor vehicle  
2510 inoperable. The Department is authorized to immobilize a motor vehicle utilizing, at its  
2511 discretion, any of the following methods:
- 2512 1. taking possession of the vehicle as provided in state or local impoundment  
2513 procedures;
  - 2514 2. immobilizing the vehicle on private property designated by the vehicle owner by  
2515 any method approved by the Department; or
  - 2516 3. taking possession of the vehicle's registration & tags.
- 2517 (b) A motor vehicle is subject to immobilization for (30) days if it is driven on a highway in  
2518 this state by a driver:
- 2519 1. whose driver's license is suspended or revoked pursuant to a conviction under  
2520 section 6-207, section 11-902 or section 11-903;
  - 2521 2. who is driving in violation of the terms of a limited license imposed as a condition  
2522 of reinstatement of a license suspended or revoked under section 6-207, section 11-  
2523 902 or section 11-903.
- 2524 (c) A motor vehicle is subject to immobilization for (60) days if it is driven on a highway in  
2525 this state by a driver:
- 2526 1. whose driver's license is suspended or revoked pursuant to a second conviction  
2527 within the previous [five] years under section 6-207, section 11-902 or section 11-  
2528 903; or
  - 2529 2. who is driving in violation of the terms of a limited license imposed as a condition  
2530 of reinstatement of a license suspended or revoked for the second time within the  
2531 previous [five] years under section 6-207, section 11-902 or section 11-903;
- 2532 (d) Notwithstanding subsections (b) and (c), with the written consent of the registered  
2533 owner(s) a vehicle immobilized pursuant to subsection (b) or (c) may be released with  
2534 an installed compulsory ignition interlock system meeting the requirements of section  
2535 (2), for the period of time specified for vehicle immobilization, to any person who :
- 2536 (1) demonstrates that he or she:
    - 2537 (i) currently resides in the household of the registered owner(s) of such vehicle  
2538 and resided in that household at the time of immobilization; and
    - 2539 (ii) that the vehicle is the only vehicle available to that person's household which  
2540 may be operated with a private passenger vehicle license;
  - 2541 (2) submits proof that he or she is properly licensed and that the immobilized vehicle is  
2542 properly registered; and
  - 2543 (3) submits proof of payment of the cost of installation and regulated monitoring of that  
2544 vehicle interlock system for one year, and payment of any towing, storage or  
2545 administrative charges resulting from the immobilization of that vehicle.
- 2546  
2547

2548 **§ 11-1602 Certification of ignition interlock systems**

- 2549 (a) The [Department of Motor Vehicles]<sup>8988</sup> shall certify or cause to be certified vehicle  
2550 ignition interlock devices required by this Article, publish a list of approved devices, and  
2551 conduct or regulate the operation of a vehicle ignition interlock program, including  
2552 imposing charges on the motorist for compulsory system installation and monitoring.  
2553 (b) No model of vehicle ignition interlock device shall be certified unless it meets the  
2554 accuracy requirements and specifications provided in the guidelines adopted by the  
2555 National Highway Traffic Safety Administration.  
2556 (c) The [Department of Motor Vehicles] shall utilize information from an independent  
2557 laboratory to certify ignition interlock devices on or off the premises of the manufacturer  
2558 or manufacturer's agent, in accordance with the guidelines. The cost of certification  
2559 shall be borne by the manufacturers of interlock ignition devices. If the certification of a  
2560 device is suspended or revoked, the manufacturer of the device shall be responsible for,  
2561 and shall bear the cost of, the removal of the device and the replacement of a certified  
2562 device of the manufacturer or another manufacturer.  
2563 (d) All manufacturers of vehicle ignition interlock devices that meet the requirements of the  
2564 National Highway Traffic Safety Administration and are certified in a manner approved  
2565 by the [Department of Motor Vehicles], who intend to market the devices in this state,  
2566 first shall apply to the [Department of Motor Vehicles] on forms provided by that  
2567 department. The application shall be accompanied by a fee in an amount not to exceed  
2568 the amount necessary to cover the costs incurred by the [Department of Motor Vehicles]  
2569 in carrying out this section.  
2570 (e) The [Department of Motor Vehicles] shall ensure that standard forms and procedures are  
2571 developed for documenting decisions and compliance, and communicating results to  
2572 relevant agencies and parties.  
2573 (f) The [Department of Motor Vehicles] may delegate a private contractor to act as the  
2574 agent of the state in carrying out any of the requirements of this section.  
2575

2576 **§ 11-1603 Use of a Vehicle by an Unlicensed Driver: Owner's Duty**

2577 No owner of a motor vehicle may knowingly allow another person to drive the vehicle upon  
2578 a highway unless the owner determines that the person possesses a valid driver's license that  
2579 authorizes the person to operate the vehicle. For purposes of this section, an owner is required  
2580 only to make a reasonable effort or inquiry to determine whether the prospective driver possesses  
2581 a valid driver's license before allowing him or her to operate the owner's vehicle. An owner is  
2582 not required to inquire of the department whether the prospective driver possesses a valid driver's  
2583 license.  
2584

2585 **§ 11-1604 Immobilization Exceptions and Safeguards**

- 2586 (a) If a driver is unable to produce a valid driver's license on the demand of a police officer  
2587 enforcing the provisions of the Motor Vehicle Code, the vehicle may be immobilized for  
2588 up to thirty days, regardless of ownership, unless the police officer is reasonably able, by  
2589 other means, to verify that the driver is properly licensed. Prior to immobilizing a  
2590 vehicle, a police officer shall attempt to verify the license status of a driver who claims

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

- 2591 to be properly licensed but is unable to produce the license on demand of the police  
 2592 officer.
- 2593 (b) A police officer shall not immobilize a vehicle pursuant to this section if the license of  
 2594 the driver expired within the preceding 30 days and the driver otherwise would have  
 2595 been properly licensed.
- 2596 (c) A police officer may exercise discretion in a situation where the driver without a valid  
 2597 license is an employee in the course of employment driving a vehicle registered to the  
 2598 employer. A police officer also may exercise discretion in a situation where the driver  
 2599 without a valid license is the employee of a bona fide business establishment or is a  
 2600 person otherwise controlled by such an establishment and it reasonably appears that an  
 2601 owner of the vehicle, or an agent of the owner, relinquished possession of the vehicle to  
 2602 the business establishment solely for servicing or parking of the vehicle or other  
 2603 reasonably similar situations, and where the vehicle was not to be driven except as  
 2604 directly necessary to accomplish that business purpose. In that event, if the vehicle can  
 2605 be returned to or be retrieved by the business establishment or registered owner, the  
 2606 police officer may release and not immobilize the vehicle.
- 2607 (d) If the driver of a vehicle immobilized pursuant to subsection (a) was a registered owner  
 2608 of the vehicle at the time of impoundment, the impounding agency shall authorize  
 2609 release of the vehicle if, within three days of such immobilization, the driver of the  
 2610 vehicle at the time of immobilization presents his or her valid driver's license, including  
 2611 a valid temporary driver's license or permit, to the responsible agency. The vehicle shall  
 2612 then be released to a registered owner of record at the time of immobilization, or an  
 2613 agent of that owner authorized in writing, upon payment of towing and storage charges  
 2614 related to the immobilization, and any reasonable administrative charges, providing that  
 2615 the person claiming the vehicle is properly licensed and the vehicle is properly  
 2616 registered.

2617  
 2618 **§ 11-1605 Consumer Protection**

- 2619 (a) A vehicle immobilized pursuant to the circumstances described in subsection 11-604(c)  
 2620 shall be released to a registered owner whether or not the driver of the vehicle at the time  
 2621 of such immobilization presented a valid driver's license. No processing charges shall  
 2622 be imposed on such registered owner if he or she properly redeems the vehicle within 15  
 2623 days of its immobilization.
- 2624 (b) Any owner of a vehicle who suffers any loss due to vehicle immobilization may recover  
 2625 the amount of the loss from the culpable driver whose actions caused the  
 2626 immobilization. If possession of a vehicle has been tendered to a business establishment  
 2627 in good faith, and an unlicensed, suspended or revoked driver employed or otherwise  
 2628 directed by that business establishment committed the violation which caused the  
 2629 vehicle to be immobilized, a registered owner of the vehicle may recover damages for  
 2630 the loss of use of the vehicle from the business establishment.
- 2631 (c) Within 10 days of a vehicle immobilization, a registered or legal owner of record at the  
 2632 time the vehicle was immobilized may request a hearing to determine the validity of that  
 2633 vehicle immobilization.
- 2634 (1) The responsible agency, if requested to do so not later than 10 days after the date  
 2635 the vehicle was immobilized, shall provide the opportunity for a hearing to  
 2636 determine the validity of the vehicle immobilization to the persons who were the

- 2637 registered or legal owners of the vehicle at the time of its immobilization.
- 2638 (2) The post immobilization hearing shall be conducted not later than two days after the
- 2639 date it was requested. The responsible agency may authorize its own officer or
- 2640 employee to conduct the hearing if the hearing officer is not the same person who
- 2641 directed the storage of the vehicle. Failure of either the registered or legal owner to
- 2642 request a hearing as provided in paragraph (1) or to attend a scheduled hearing shall
- 2643 satisfy the post immobilization hearing requirement.
- 2644 (3) The responsible agency employing the person who directed the vehicle
- 2645 immobilization is responsible for all costs incurred for any towing, storage or
- 2646 administrative charges if it is determined that the vehicle was improperly
- 2647 immobilized.
- 2648 (4) Towing and storage charges for any vehicle immobilized pursuant to this Act shall
- 2649 not exceed the normal towing and storage rates for other vehicle towing and storage
- 2650 conducted by the towing company or agency in the normal course of business.
- 2651 (5) The burden of proof in the hearing shall be on the immobilizing agency, by a
- 2652 preponderance of the evidence. All questions that may arise shall be decided and
- 2653 all other proceedings shall be conducted as in an ordinary civil action. A judgment
- 2654 upholding vehicle immobilization does not require as a condition precedent the
- 2655 conviction of a defendant for the offense which made the vehicle subject to
- 2656 immobilization.
- 2657

2658 **§ 11-1606 Disposition of Abandoned Vehicles**

2659 Any immobilized vehicle unclaimed under this act which is determined to be abandoned

2660 under the laws of this state may be disposed of at the discretion of the [Department of Motor

2661 Vehicles].

2662

2663 **§ 11-1607 Administration**

- 2664 (a) The [Department of Motor Vehicles] may prescribe standard forms and procedures for
- 2665 implementation of this Article to be used by jurisdictions throughout the state.
- 2666 (b) In computing any period of time prescribed or allowed by this Article, if the time period
- 2667 to be computed is 15 days or less, Saturdays, Sundays and holidays shall not be counted.
- 2668 If the time period to be computed is greater than 15 days, Saturdays, Sundays and
- 2669 holidays shall be counted.
- 2670

2671 **§ 11-1608 Notice of License suspension or revocation - OPTIONAL**

- 2672 (a) *It shall be conclusively presumed that a person has knowledge of the suspension or*
- 2673 *revocation if notice has been sent by certified mail by the department to the most recent*
- 2674 *address officially reported by the person pursuant to procedures established by the*
- 2675 *department, and the return receipt has been signed and returned to the department. It is*
- 2676 *the responsibility of every license holder to report changes of address to the department*
- 2677 *within [10 days] of the change of address.*
- 2678

- 2679 (b)  
2680 1. *In the event the certified mail is not delivered, the department shall attempt to*  
2681 *provide personal service by using a process server for service of any person whose*  
2682 *driving privilege was suspended or revoked.*  
2683 2. *At the time of license reinstatement, the department shall recover an amount equal*  
2684 *to its total cost of providing notices pursuant to this subsection, in addition to any*  
2685 *finest or fees otherwise authorized by law.*

2686 [Note: This section is listed as “11-608” in the 2000 UVC. However, it should be listed as “11-  
2687 1608”. That technical correction has been shown.]



# National Committee on Uniform Traffic Control Devices

13236 North 7th Street, Suite 4-259, Phoenix, Arizona 85022  
Phone/Text: 231-4-NCUTCD (231-462-8823)  
E-mail: secretary@ncutcd.org Website: https://ncutcd.org

Item No. 21B-ROR-03

## NCUTCD Proposal for Rules of the Road

- 1
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- 3
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- 5
- 6 **TECHNICAL COMMITTEE:** Rules of Road Joint Task Force
- 7 **ITEM NUMBER:** 21B-ROR-03
- 8 **TOPIC:** Omission of existing Chapter 11 Articles not
- 9 applicable to the NCUTCD Rules of the Road
- 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, 01-05-2022
- 14 • Approved by NCUTCD Council: 01-14-2022
- 15

16 *This is a proposal to omit three articles included in Chapter 11, Rules of the Road, of the 2000*  
17 *Uniform Vehicle Code (UVC) from the NCUTCD Rules of the Road document. These three*  
18 *articles (IX, XV, and XVI) do not address traffic control devices or their applications. This*  
19 *proposal has been developed by a joint task force of the NCUTCD and has been approved by*  
20 *the NCUTCD Council.*

### SUMMARY:

23 The Rules of the Road are to be posted on the NCUTCD webpage for the information of users  
24 thereof. The Rules of the Road were previously published by the National Committee of  
25 Uniform Laws and Ordinances (NCUTLO). They suspended operations in July 2008 with the  
26 last published Uniform Vehicle Code (UVC) dated 2000. The NCUTCD determined that they  
27 would maintain the Rules of the Road, Chapter 11, UVC to update it with changes to the  
28 MUTCD providing a Rules of the Road publication that is consistent with the MUTCD for the  
29 information and use of those jurisdictions that want to update their vehicle laws to be compatible  
30 with the MUTCD. This proposal is one step in the process to establish the NCUTCD Rules of  
31 the Road.

### DISCUSSION:

34 The UVC, including the Rules of the Road (ROR) chapter, needs to be updated to reflect  
35 revisions to the MUTCD since that time. Updating the Rules of the Road chapter and related  
36 definitions will be addressed in separate proposals. This proposal is to omit  
37 Article IX - DUI and Other Serious Traffic Offenses, Article XV - Victims of a Traffic-Related  
38 Offenses, and Article XVI - "Safe Streets Act" - Vehicle Immobilization Resulting from  
39 Continuing to Drive When the Driver's License is Suspended or Revoked for DWI or DUI from

40 the NCUTCD Rules of the Road. It also includes omission of references in Section 11-102 to  
41 sections 11-901, 11-902, 11-907, and 11-908.

42  
43 **RECOMMENDED RULES OF THE ROAD CHANGES:**

44 Text from Chapter 11 of the 2000 UVC that is proposed to be omitted from the NCUTCD Rules  
45 of the Road is shown in ~~red strikethrough~~. There is no proposed new text or previously approved  
46 changes in this recommendation. In some cases, background comments may be provided with  
47 the text. These comments are **[enclosed in brackets and have light blue highlighting]**.

48  
49 **§ 11-102 Required obedience to traffic laws**

- 50 (a) It is unlawful, and unless otherwise declared in this chapter with respect to particular  
51 offenses, it is a (misdemeanor) (violation) for any person to do any act forbidden or fail  
52 to perform any act required in this chapter.
- 53 (b) ~~OPTIONAL~~ Any person who violates section 11-809, ~~11-901, 11-902, 11-907, or 11-~~  
54 ~~908~~ shall be guilty of a misdemeanor.<sup>72</sup> **[Proposed to be omitted since all 11-9xx**  
55 **sections are included in Article IX which is proposed for omission.]**
- 56 (c) ~~OPTIONAL~~ Any person who violates any other section in this chapter shall be guilty of  
57 an infraction.<sup>72</sup>

58  
59  
60 ~~**ARTICLE IX—DUI AND OTHER SERIOUS TRAFFIC OFFENSES**~~<sup>78</sup>

61  
62 ~~**§ 11-901—Unlawful to consume alcoholic beverages while driving a motor vehicle or to**~~  
63 ~~**possess an open container of alcoholic beverage within the passenger area of a**~~  
64 ~~**motor vehicle while on a highway**~~

- 65 (a) ~~It is unlawful for a person to consume an alcoholic beverage while driving a vehicle on a~~  
66 ~~public highway.—~~
- 67 (b) ~~Except as otherwise provided in this subsection, it is unlawful for a person to possess an~~  
68 ~~open container of an alcoholic beverage within the passenger area of a motor vehicle~~  
69 ~~while the motor vehicle is on a public highway. This prohibition does not apply to a~~  
70 ~~motor vehicle being used primarily for the transportation of persons for compensation or~~  
71 ~~to the living quarters of a house coach, house trailer, or recreational vehicle nor does it~~  
72 ~~apply to a vehicle operated by a chauffeur in his or her for hire capacity.—~~
- 73 (c) ~~Violations of this section are punishable by a fine of not more than (\$500), or~~  
74 ~~imprisonment for not more than (30) days, or both such fine and imprisonment.—~~

75  
76 ~~**§ 11-902—Driving under the influence of alcohol or drugs; under the extreme influence of**~~  
77 ~~**alcohol; alcohol and drug abuse evaluation and treatment**~~

- 78 (a) ~~A person shall not drive any vehicle while:~~  
79 ~~1.—the alcohol concentration in such person's blood or breath is 0.08 or more;~~  
80 ~~2.—the alcohol concentration in such persons blood or breath as measured within (two)-~~  
81 ~~hours of the time of driving is 0.08 or more;~~

---

<sup>78</sup> ~~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.—~~



110 suspension and shall pay a fine of not less than (\$1,000) nor more than (\$2,000).—  
111 The department shall revoke the person's license for (two)<sup>82</sup> years.—

112 (e)—

- 113 1.— Before sentencing any person convicted of violating either subsections (a) or (b),  
114 the court shall conduct or order an appropriate examination or examinations to  
115 determine whether the person needs or would benefit from treatment for alcohol or  
116 other drug abuse.—
  - 117 2.— In addition to the penalties imposed under subsections (c) and (d) and after  
118 receiving the results of the examination in subparagraph (1) under this subsection,  
119 or upon a hearing and determination that the person is an habitual user of alcohol or  
120 other drugs, the court may order supervised treatment on an outpatient basis, or  
121 upon additional determinations that the person constitutes a danger to self or others  
122 and that adequate treatment facilities are available, the court may order such person  
123 committed for treatment at a facility or institution approved by the (state department  
124 of health).—
  - 125 3.— Any person subject to this subsection may be examined by a physician of such  
126 person's own choosing. The court shall consider the results of any such  
127 examination.—
  - 128 4.— Upon application for a driver's license by any person under an order of commitment  
129 or supervised treatment pursuant to subparagraph (2) under this subsection, the  
130 results of the examination referred to in subparagraph (1) of this subsection and a  
131 report of the progress of the treatment ordered shall be forwarded by the applicant  
132 to the department for consideration by the health advisory board.—
  - 133 5.— The department may after receiving the advice of the health advisory board issue a  
134 license to such person with conditions and restrictions that are consistent with the  
135 progress of the person's rehabilitation and the protection of the public.—
- 136 (f) A court may order a person convicted of a violation of either subsections (a) or (b), who  
137 has had his or her license restored, to only operate motor vehicles that are equipped with  
138 a certified ignition interlock device.—
- 139 (g) The fact that any person charged with violating either subsections (a) or (b) is or has  
140 been legally entitled to use alcohol or any drug shall not constitute a defense against any  
141 charge of violating this section.—
- 142 (h) A sentencing judge may permit any jail sentence or any portion of a jail sentence  
143 imposed for violating either subsections (a) or (b) and punished under either subsections  
144 (c) or (d) to be served under a home detention program.—
- 145 (i) A person convicted of violating either subsections (a) or (b) may be ordered by the court  
146 to perform community service, to pay restitution to any victims, and to pay the costs  
147 associated with an incarceration, a home detention program, an alcohol drug abuse  
148 evaluation or a treatment program.—

---

82— 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.—

151 **§ 11-903—Chemical and other tests**

152 (a) ~~Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to~~  
153 ~~have been committed by any person driving under the influence of alcohol or drugs,~~  
154 ~~evidence of the concentration of alcohol or drugs in a person at the time alleged, as~~  
155 ~~determined by analysis of the person's blood, urine, breath or other bodily substance,~~  
156 ~~shall be admissible by any party to such action or proceeding. Where such a test is made~~  
157 ~~the following provisions shall apply:~~

158 1. ~~Chemical analyses of the person's blood, urine, breath, or other bodily substance to~~  
159 ~~be considered valid under the provisions of this section shall have been performed~~  
160 ~~according to methods approved by the (state department of health) and by an~~  
161 ~~individual possessing a valid permit issued by the (state department of health) for~~  
162 ~~this purpose. The (state department of health) is authorized to approve satisfactory~~  
163 ~~techniques or methods, to ascertain the qualifications and competence of individuals~~  
164 ~~to conduct such analyses, and to issue permits that shall be subject to termination or~~  
165 ~~revocation at the discretion of the (state department of health).—~~

166 2. ~~When a person submits to a blood test at the request of a law enforcement officer,~~  
167 ~~only a qualified person<sup>83</sup> may withdraw blood for the purpose of determining the~~  
168 ~~alcoholic or drug content therein. This limitation shall not apply to the taking of~~  
169 ~~breath specimens.—~~

170 3. ~~Upon the request of the person who submitted to a chemical test or tests at the~~  
171 ~~request of a law enforcement officer, the results of such test or tests shall be made~~  
172 ~~available to the person or such person's attorney.—~~

173 (b) ~~Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to~~  
174 ~~have been committed by a person driving under the influence of alcohol, if the~~  
175 ~~concentration of alcohol in the person's blood or breath at the time alleged as shown by~~  
176 ~~analysis of the person's blood or breath was less than 0.08, such fact shall not give rise~~  
177 ~~to any presumption that the person was not under the influence of alcohol, but may be~~  
178 ~~considered with other competent evidence in determining that issue. This provision~~  
179 ~~shall not be construed as limiting the introduction of any other competent evidence~~  
180 ~~bearing upon the question whether the person was under the influence of drugs.—~~

181 (c) ~~If a person under arrest refuses to submit to a chemical test under the provisions of this~~  
182 ~~section, evidence of such refusal shall be admissible by any party in any civil or criminal~~  
183 ~~action or proceeding arising out of acts alleged to have been committed while the person~~  
184 ~~was driving under the influence of alcohol or drugs.—~~

185  
186 **§ 11-904—Implied Consent and Administrative License Suspension, including duties of**  
187 **the officer and opportunity for a hearing**

188 (a) ~~Any person who operates a vehicle upon the highways of this State shall be deemed to~~  
189 ~~have given consent to a test or tests of such operator's blood or breath, for the purpose of~~  
190 ~~determining the operator's alcohol concentration, and to a test or tests of such operator's~~  
191 ~~blood, urine, or other bodily substances for purpose of detecting the presence of drugs.—~~  
192 ~~The test or tests shall be administered at the direction of a law enforcement officer who~~  
193

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<sup>83</sup> ~~The state shall determine the definition of qualified person.—~~

194 has arrested that person for, or has probable cause to believe, that the person has  
195 operated a vehicle under the influence of alcohol and/or drugs or other controlled  
196 substances, or in the case of a person under the age of 21 years, that such person has  
197 operated a vehicle while having any measurable amount of alcohol in his or her system.—

198 ~~(b) Any person who is dead, unconscious or who is otherwise in a condition rendering one  
199 incapable of refusal, shall be deemed not to have withdrawn the consent provided by  
200 paragraph (a) of this section and the test or tests may be administered, subject to the  
201 provisions of section 11-903.—~~

202 ~~(c) A person requested to submit to a test as provided above shall be warned by the law  
203 enforcement officer requesting the test that a refusal to submit to or the failure to  
204 complete the test will result in the immediate suspension of such person's license to  
205 operate a motor vehicle for (one year).—~~

206 ~~(d) If the person refuses testing or fails to complete it, or submits to a test required under  
207 subsection (a) which discloses an alcohol concentration of 0.08 or more, or if the officer  
208 otherwise makes the determination based on probable cause that the person operated a  
209 vehicle under the influence of alcohol and/or drugs or other controlled substances, on  
210 behalf of the Department of Motor vehicles the officer directing administration of the  
211 test or making such determination shall serve on the person immediate notice of the  
212 Department's intention to suspend the person's license to operate a motor vehicle. Such  
213 officer also shall submit a sworn report to the Department certifying one of the  
214 following:~~

215 ~~1. the test was requested pursuant to subsection (a) and the person refused to submit to  
216 testing or failed to complete it;~~

217 ~~2. the person submitted to a test that disclosed an alcohol concentration of 0.08 or  
218 more;~~

219 ~~3. the officer made an arrest based on probable cause that the person operated a  
220 vehicle under the influence of alcohol or drugs or other controlled substances.—~~

221 ~~(e) Upon receipt of the sworn report of a law enforcement officer submitted under  
222 subsection (d), the department shall suspend the driver's license of the person for a  
223 period of:~~

224 ~~1. (one year) for refusal to take the requested test or the failure to complete it;~~

225 ~~2. (180 days) if the person submitted to testing required under subsection (a) which  
226 disclosed an alcohol concentration of 0.08 or more;~~

227 ~~3. (180 days) if the officer made the arrest based on probable cause that the person  
228 operated a vehicle under the influence of alcohol and/or drugs or other controlled  
229 substances.—~~

230 ~~(f) On behalf of the department, the law enforcement officer submitting the sworn report  
231 under subsection (d) shall serve immediate notice of the suspension on the person, and  
232 the suspension shall be effective (30) days after the date of service. If the person has a  
233 valid license, the officer shall take the driver's license of the person and issue a  
234 temporary license valid for the notice period. The officer shall send the license to the  
235 department along with the sworn report under subsection (d). If approved by the  
236 Department of Motor Vehicles, a citation or notice of suspension issued by the officer  
237 also may serve as the temporary license certificate.~~

238 ~~In cases where the law enforcement officer has not served notice, the department  
239 shall give reasonable notice as provided in section (insert reference to appropriate state~~

240 ~~notice provision) and the suspension shall be effective (30) days after the date of service.~~  
241 ~~If the address shown in the law enforcement officer's report differs from that shown on~~  
242 ~~the department records, the notice shall be mailed to both addresses.—~~

- 243 ~~(g) A license suspension under this section shall become effective (30) days after the date of~~  
244 ~~service of the notice of suspension.—Any person whose license is suspended under this~~  
245 ~~section may make a written request for a hearing. The request shall state the grounds~~  
246 ~~upon which the person seeks to have the suspension rescinded.—The filing of the request~~  
247 ~~shall not stay the suspension.—The hearing shall be held within (20) days after filing of~~  
248 ~~the request in the county in which the alleged offense occurred, unless the person and~~  
249 ~~the department agree to a different location.—The hearing shall be recorded and be~~  
250 ~~conducted by the department's designated agent.<sup>84</sup>—The hearing may be conducted upon~~  
251 ~~a review of the law enforcement officer's own reports, provided however that the person~~  
252 ~~may subpoena the officer.—The department may issue subpoenas to compel the~~  
253 ~~attendance of witnesses.—The scope of the hearing shall be limited to the issues of:~~  
254 ~~1.—whether the law enforcement officer requested the test;~~  
255 ~~2.—whether the person was warned as required by subsection (c);~~  
256 ~~3.—whether the person was driving a vehicle;~~  
257 ~~4.—whether the person refused to submit to the testing or failed to complete it; and~~  
258 ~~5.—whether a properly administered test or tests disclosed an alcohol concentration of~~  
259 ~~0.08 or more.—~~

260  
261 ~~§ 11-905 — Zero tolerance—Applicable to persons under age 21: implied consent to~~  
262 ~~testing; administrative license revocation for refusal to submit to chemical test~~  
263 ~~or having BAC of .02 or more; notice to persons under the age of 21 years~~  
264 ~~prior to licensure; duties of officer if test refused or failed.—~~

- 265 ~~(a) Notwithstanding any other provision of law, it is unlawful for a person under the age of~~  
266 ~~21 years who has an alcohol concentration of 0.02 or more, as measured by a~~  
267 ~~preliminary alcohol screening test or a test authorized by section 11-903, to drive a~~  
268 ~~vehicle.—The penalty for a person under the age of 21 years driving with an alcohol~~  
269 ~~concentration of 0.02 or more is suspension of the driving privilege for (180) days.—~~  
270 ~~(b) If a law enforcement officer detains a person under 21 years of age who is driving a~~  
271 ~~vehicle, and the officer has reasonable cause to believe that the person has any~~  
272 ~~measurable amount of alcohol in his or her system and a preliminary alcohol screening~~  
273 ~~device is immediately available, the officer shall request that the person take a~~  
274 ~~preliminary alcohol screening test to determine the possible presence and amount of~~  
275 ~~alcohol in the person.—If a preliminary alcohol screening is not immediately available,~~  
276 ~~the officer may request that the person submit to chemical testing of his or her blood or~~  
277 ~~breath pursuant to the requirements of sections 11-903.—~~  
278 ~~(c) Any person under the age of 21 years who drives a vehicle, or his or her parent or~~  
279 ~~guardian on behalf of such person under age 21, is deemed to have given consent to a~~  
280 ~~preliminary alcohol screening test or any test authorized by section 11-903 or 11-904 for~~  
281 ~~the purpose of determining the presence of alcohol in the person, if such person was~~  
282 ~~lawfully detained for an alleged violation of subsection (a).—Any person under age 21~~

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<sup>84</sup>—~~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.—~~

283 who is dead, unconscious or who is otherwise in a condition rendering such person  
284 incapable of refusal, shall be deemed to have provided the consent authorized by this  
285 subsection and the test or tests may be administered.—  
286 (d) A person under the age of 21 years requested to submit to a test as provided by this  
287 section shall be told by the law enforcement officer requesting the test that a refusal to  
288 submit to or the failure to complete a preliminary alcohol screening test or a test  
289 authorized by section 11-903 or 11-904, as requested by the officer, will result in the  
290 suspension of such person's license to operate a motor vehicle for (one year).—  
291 (e) If the person refuses to take or fails to complete the preliminary alcohol screening test,  
292 or refuses to take or fails to complete a chemical test if a preliminary alcohol screening  
293 device is not immediately available, or if the person takes the preliminary alcohol  
294 screening test and that test reveals a blood alcohol concentration of 0.02 percent or  
295 more, or if the person takes a chemical test pursuant to the provisions of section 11-903  
296 revealing a blood alcohol concentration of 0.02 or more, the officer shall proceed as  
297 follows:<sup>85</sup>  
298 1.—Acting on behalf of the Department, the officer shall serve the person with a notice  
299 of an order of suspension of the person's driving privilege.—  
300 2.—The officer shall take possession of any driver's license issued by this State which  
301 is held by the person. On behalf of the Department, when the officer takes  
302 possession of a valid driver's license, the officer shall issue a temporary driver's  
303 license. The temporary driver's license may be an endorsement on the notice of the  
304 order of suspension and shall be valid for 30 days from the date of issuance.—  
305 3.—Within 5 business days after the day the notice of suspension is served, the officer  
306 shall forward to the Department a copy of the completed notice of order of  
307 suspension, the driver's license if taken into possession pursuant to paragraph (2),  
308 and any other reports which may be required by law or regulation.—  
309 (f) Before issuing a driver's license or permit to any person under 21 years of age, the  
310 Department of Motor Vehicles shall inform the applicant of, and the applicant shall sign  
311 a statement acknowledging notification of, the following information:  
312 1.—It is unlawful for anyone under the age of 21 to drive with an alcohol concentration  
313 of 0.02 or greater, as measured by a preliminary alcohol screening test or other  
314 chemical test;  
315 2.—The penalty for driving with an alcohol concentration of 0.02 or greater is a  
316 suspension of the driving privilege for (180 days).—  
317

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<sup>85</sup>—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.

318 3.—For a person under the age of 21, a refusal to take or a failure to complete a  
319 preliminary alcohol screening test or other chemical test for the purpose of  
320 determining the person’s level of alcohol concentration shall result in a (one year)-  
321 suspension of the driving privilege.—

322 (g) ~~A license suspension under this section shall become effective (30) days after the date of~~  
323 ~~service of the notice of suspension. Any person whose license is suspended under this~~  
324 ~~section may make a written request for a hearing. The request shall state the grounds~~  
325 ~~upon which the person seeks to have the suspension rescinded. The filing of the request~~  
326 ~~shall not stay the suspension. The hearing shall be held within 20 days after filing of the~~  
327 ~~request in the county in which the alleged offense occurred, unless the person and the~~  
328 ~~department agree to a different location. The hearing shall be recorded, and be~~  
329 ~~conducted by the department’s designated agent. The hearing may be conducted upon a~~  
330 ~~review of the law enforcement officer’s own reports; provided, however, that the person~~  
331 ~~may subpoena the officer. The department may issue subpoenas to compel the~~  
332 ~~attendance of witnesses. The scope of the hearing shall be limited to the issues of:~~  
333 1. ~~whether the law enforcement officer requested the test;~~  
334 2. ~~whether the person was warned as required by subsection (d);~~  
335 3. ~~whether the person was driving a vehicle;~~  
336 4. ~~whether the person refused to submit to the testing or failed to complete it;~~  
337 5. ~~whether a properly administered test or tests disclosed an alcohol concentration of~~  
338 ~~0.02 or more.—~~

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

344  
345 **§ 11-906 — Preliminary Alcohol Screening Test**

346 ~~When a law enforcement officer has articulable grounds to suspect that a person may have~~  
347 ~~been violating section 11-902, or that a person under age 21 may have been driving with a~~  
348 ~~measurable alcohol concentration, the officer may request that the suspect submit to a~~  
349 ~~preliminary alcohol screening test of the suspect’s breath to determine such person’s alcohol~~  
350 ~~concentration using a device approved for that purpose by the (State Department of Health).—~~  
351 ~~Nothing in this section precludes the officer from further requesting or requiring additional~~  
352 ~~testing pursuant to any section of this Act or any other provision of law.—~~

353  
354 **§ 11-907 — Chemical test of drivers in serious personal injury or fatal crashes**

355 ~~Notwithstanding the provisions of any other law, when the driver of a vehicle is involved in a~~  
356 ~~crash resulting in death or serious personal injury of another person, and there is reason to~~  
357 ~~believe that the driver was driving under the influence of alcohol or drugs, the driver may be~~  
358 ~~compelled by a police officer to submit to a test or tests of his or her blood, breath or urine to~~  
359 ~~determine the person’s alcohol concentration or the presence of other drugs.—~~

360  
361 **§ 11-908 — Limits on Plea Bargaining**

362 ~~When the prosecution agrees to a plea of guilty or nolo contendere to a charge of a violation~~  
363 ~~other than §11-902(a), in satisfaction of or as a substitute for an original charge or a violation of 11-~~

364 ~~902(a), the prosecution shall state for the record a factual basis for the satisfaction or substitution,~~  
365 ~~including whether or not there had been consumption of any alcoholic beverage or ingestion or~~  
366 ~~administration of any other drug, or both, by the defendant in connection with the offense.—~~  
367

368 **~~§ 11-909—Reckless driving~~**

369 ~~(a) Any person who drives any vehicle in willful or wanton disregard for the safety of~~  
370 ~~persons or property is guilty of reckless driving.—~~

371 ~~(b) Every person convicted of reckless driving shall be punished upon a first conviction by~~  
372 ~~imprisonment for a period of not less than five days nor more than 90 days, or by a fine~~  
373 ~~of not less than \$25 nor more than (\$500), or by both such fine and imprisonment, and~~  
374 ~~on a second or subsequent conviction shall be punished by imprisonment for not less~~  
375 ~~than 10 days nor more than six months, or by a fine of not less than \$50 nor more than~~  
376 ~~(\$500), or by both such fine and imprisonment.—~~  
377

378 **~~§ 11-910—Homicide by vehicle~~**

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

383 ~~(b) Any person convicted of homicide by vehicle shall be fined not less than \$500 nor more~~  
384 ~~than \$2,000, or shall be imprisoned in the county jail not less than three months nor~~  
385 ~~more than one year, or may be so fined and so imprisoned, or shall be imprisoned in the~~  
386 ~~penitentiary for a term not less than one year nor more than five years.—~~  
387

388 **~~§ 11-911—Fleeing or attempting to elude a police officer~~**

389 ~~(a) Any driver of a motor vehicle who willfully fails or refuses to bring his or her vehicle to~~  
390 ~~a stop, or who otherwise flees or attempts to elude a pursuing police vehicle when given~~  
391 ~~a visual or audible signal to bring the vehicle to a stop, shall be guilty of a misdemeanor.~~  
392 ~~The signal given by the police officer may be by hand, voice, emergency light or siren.—~~  
393 ~~The officer giving such signal shall be in uniform, prominently displaying the officer's~~  
394 ~~badge of office, and the officer's vehicle shall be appropriately marked, showing it to be~~  
395 ~~an official police vehicle.—~~

396 ~~(b) Every person convicted of fleeing or attempting to elude a police officer shall be~~  
397 ~~punished by imprisonment for not less than 30 days nor more than six months, or by a~~  
398 ~~fine of not less than \$100 nor more than \$500, or by both such fine and imprisonment.—~~  
399

400 **ARTICLE XV—VICTIMS OF A TRAFFIC-RELATED OFFENSES<sup>87</sup>**

401  
402 **§ 11-1501—Definitions**

- 403 (a) ~~"Catastrophic injury" means an injury to any person which consists of a physical~~  
404 ~~condition that creates a substantial risk of death, serious personal disfigurement, or~~  
405 ~~protracted loss or impairment of the function of any bodily member or organ.—~~  
406 (b) ~~"Victim" means a person who has been catastrophically injured as a result of a traffic-~~  
407 ~~related offense committed by another person, or the spouse, parent, child, sibling or~~  
408 ~~representative of a person killed or catastrophically injured as a result of a traffic-related~~  
409 ~~offense committed by another person.—~~

410  
411 **§ 11-1502—Rights of victims**

412 ~~Victims shall have the following rights:~~

- 413 (a) ~~To speedy prosecution of the offense. In any criminal justice proceeding, the police, the~~  
414 ~~prosecutor, and the court shall take appropriate action to ensure speedy prosecution of~~  
415 ~~the defendant. Victims shall be informed by the prosecuting attorney of any motions~~  
416 ~~which would result in delay of the prosecution and be allowed to object in writing.—~~  
417 (b) ~~Upon request by the victim, to be informed by the police investigating the case of the~~  
418 ~~status of the investigation, and by the prosecuting attorney prior to any critical decisions~~  
419 ~~concerning the case including the charging decision, diversion, dismissal, or other~~  
420 ~~disposition.—~~  
421 (c) ~~To be present at any time the defendant has the right to be present during all criminal~~  
422 ~~justice proceedings related to an offense unless the court determines that exclusion is~~  
423 ~~necessary to protect the confidentiality of juvenile or similar proceedings. If a victim is~~  
424 ~~unable to attend the court proceedings, the court may designate a representative of the~~  
425 ~~victim who has the same right to be present as the victim would have had.—~~  
426 (d) ~~To make victim impact statements to the court including information about the financial,~~  
427 ~~emotional, psychological, and physical effects of the crime on the victim, the~~  
428 ~~circumstances surrounding the crime, the manner in which it was perpetrated, and the~~  
429 ~~victim's opinion of any recommended sentence of the convicted offender. A victim may~~  
430 ~~present an impact statement to the court either orally or in writing.—~~  
431 (e) ~~To an order of restitution if the order is authorized by the laws of this state.—~~

432  
433 **§ 11-1503—Law Enforcement Agency**

- 434 (a) ~~At the time of the initial contact between any law enforcement agency and the victim,~~  
435 ~~the law enforcement agency investigating the case shall provide the victim a written~~  
436 ~~statement of rights which shall include the following information:~~  
437 ~~1.—A statement and explanation of the victim's rights as enumerated by Section 11-~~  
438 ~~1502 of this code;~~  
439 ~~2.—The availability of victim assistance, medical and emergency services;~~  
440

---

<sup>87</sup> ~~Drafter should cross-reference or harmonize these provisions pertaining to victims' rights with other similar statutory requirements.—~~

- 441 3.—The availability of victim compensation benefits, including the name, office  
442 address, and telephone number of the contact person(s) responsible for  
443 administering the program; and  
444 4.—The office addresses and telephone numbers of appropriate victim support and  
445 services groups.—  
446 (b) As soon as available, the police shall provide to the victim the following:  
447 1.—The office address and telephone number of the prosecutor's office;  
448 2.—The case number and the names, office addresses, and telephone numbers of the law  
449 enforcement officers assigned to investigate the case; and  
450 3.—If known, whether the suspect has been taken into custody, and if taken into  
451 custody, whether released and any conditions attached to the release.—  
452

#### 453 **§ 11-1504—Prosecutor**

- 454 (a) Upon request by the victim for information concerning the criminal court proceedings, a  
455 prosecuting attorney shall inform the victim of the following:  
456 1.—A statement and explanation of the victim's rights as enumerated by Section 11-1502.  
457 2.—The actual assignment of the case, including case number, and the court to which it is  
458 assigned;  
459 3.—The date, time, and location of any criminal proceedings relative to the offense;  
460 4.—The availability of crime victim compensation benefits, including the name, office  
461 address, and telephone numbers of contact persons responsible for administering the  
462 program;  
463 5.—The availability of any transportation services to court proceedings;  
464 6.—Whether the defendant has a right to review the presentence reports and impact  
465 statements;  
466 7.—Whether the defendant has the right to attend and make a statement at the sentencing  
467 hearing;  
468 8.—The time and place of any hearing for the reconsideration of the sentence imposed;  
469 and  
470 9.—The right to receive information from corrections officials concerning imprisonment  
471 and release.—  
472 10.—If the defendant appeals, the prosecutor shall inform the victim of the status of the  
473 case on appeal and the decision of the appellate court upon disposition.—  
474 (b) The prosecutor shall notify the victim in writing of the date, time, and location of the  
475 sentencing hearing and advise the victim of the opportunity to present a victim's impact  
476 statement or to appear at the sentencing proceeding.—  
477

#### 478 **§ 11-1505—Probation Department**

479 The Probation Department, in preparing any pre-sentence report on the defendant, must  
480 attempt to consult with the victim and must include a written victim impact statement as part of  
481 the pre-sentence report if the victim chooses to submit one. If the victim cannot be located or  
482 declines to cooperate, the probation officer must include a notation to that effect in the report.—  
483

#### 484 **§ 11-1506—Court**

485 The Court shall orally inform victims present at the sentencing hearing of their right to  
486 present victim impact statements.—  
487

488 ~~Article XVI—"Safe Streets Act"—Vehicle Immobilization resulting from continuing to~~  
489 ~~drive when the driver's license is suspended or revoked for DWI or DUI~~

490  
491 ~~§ 11-1601—Vehicle Immobilization~~

492 ~~(a) For purposes of this Article, vehicle "immobilization" means rendering a motor vehicle~~  
493 ~~inoperable. The Department is authorized to immobilize a motor vehicle utilizing, at its~~  
494 ~~discretion, any of the following methods:~~

- 495 ~~1. taking possession of the vehicle as provided in state or local impoundment~~  
496 ~~procedures;~~  
497 ~~2. immobilizing the vehicle on private property designated by the vehicle owner by~~  
498 ~~any method approved by the Department; or~~  
499 ~~3. taking possession of the vehicle's registration & tags.—~~

500 ~~(b) A motor vehicle is subject to immobilization for (30) days if it is driven on a highway in~~  
501 ~~this state by a driver:~~

- 502 ~~1. whose driver's license is suspended or revoked pursuant to a conviction under~~  
503 ~~section 6-207, section 11-902 or section 11-903;~~  
504 ~~2. who is driving in violation of the terms of a limited license imposed as a condition~~  
505 ~~of reinstatement of a license suspended or revoked under section 6-207, section 11-~~  
506 ~~902 or section 11-903.—~~

507 ~~(c) A motor vehicle is subject to immobilization for (60) days if it is driven on a highway in~~  
508 ~~this state by a driver:~~

- 509 ~~1. whose driver's license is suspended or revoked pursuant to a second conviction~~  
510 ~~within the previous [five] years under section 6-207, section 11-902 or section 11-~~  
511 ~~903; or~~  
512 ~~2. who is driving in violation of the terms of a limited license imposed as a condition~~  
513 ~~of reinstatement of a license suspended or revoked for the second time within the~~  
514 ~~previous [five] years under section 6-207, section 11-902 or section 11-903;~~

515 ~~(d) Notwithstanding subsections (b) and (c), with the written consent of the registered~~  
516 ~~owner(s) a vehicle immobilized pursuant to subsection (b) or (c) may be released with~~  
517 ~~an installed compulsory ignition interlock system meeting the requirements of section~~  
518 ~~(2), for the period of time specified for vehicle immobilization, to any person who:~~

- 519 ~~(1) demonstrates that he or she:~~  
520 ~~(i) currently resides in the household of the registered owner(s) of such vehicle~~  
521 ~~and resided in that household at the time of immobilization; and~~  
522 ~~(ii) that the vehicle is the only vehicle available to that person's household which~~  
523 ~~may be operated with a private passenger vehicle license;~~  
524 ~~(2) submits proof that he or she is properly licensed and that the immobilized vehicle is~~  
525 ~~properly registered; and~~  
526 ~~(3) submits proof of payment of the cost of installation and regulated monitoring of that~~  
527 ~~vehicle interlock system for one year, and payment of any towing, storage or~~  
528 ~~administrative charges resulting from the immobilization of that vehicle.—~~

529  
530

531 **~~§ 11-1602—Certification of ignition interlock systems~~**

- 532 (a) ~~The [Department of Motor Vehicles]<sup>88</sup> shall certify or cause to be certified vehicle~~  
533 ~~ignition interlock devices required by this Article, publish a list of approved devices, and~~  
534 ~~conduct or regulate the operation of a vehicle ignition interlock program, including~~  
535 ~~imposing charges on the motorist for compulsory system installation and monitoring.—~~  
536 (b) ~~No model of vehicle ignition interlock device shall be certified unless it meets the~~  
537 ~~accuracy requirements and specifications provided in the guidelines adopted by the~~  
538 ~~National Highway Traffic Safety Administration.—~~  
539 (c) ~~The [Department of Motor Vehicles] shall utilize information from an independent~~  
540 ~~laboratory to certify ignition interlock devices on or off the premises of the manufacturer~~  
541 ~~or manufacturer's agent, in accordance with the guidelines. The cost of certification~~  
542 ~~shall be borne by the manufacturers of interlock ignition devices. If the certification of a~~  
543 ~~device is suspended or revoked, the manufacturer of the device shall be responsible for,~~  
544 ~~and shall bear the cost of, the removal of the device and the replacement of a certified~~  
545 ~~device of the manufacturer or another manufacturer.—~~  
546 (d) ~~All manufacturers of vehicle ignition interlock devices that meet the requirements of the~~  
547 ~~National Highway Traffic Safety Administration and are certified in a manner approved~~  
548 ~~by the [Department of Motor Vehicles], who intend to market the devices in this state,~~  
549 ~~first shall apply to the [Department of Motor Vehicles] on forms provided by that~~  
550 ~~department. The application shall be accompanied by a fee in an amount not to exceed~~  
551 ~~the amount necessary to cover the costs incurred by the [Department of Motor Vehicles]~~  
552 ~~in carrying out this section.—~~  
553 (e) ~~The [Department of Motor Vehicles] shall ensure that standard forms and procedures are~~  
554 ~~developed for documenting decisions and compliance, and communicating results to~~  
555 ~~relevant agencies and parties.—~~  
556 (f) ~~The [Department of Motor Vehicles] may delegate a private contractor to act as the~~  
557 ~~agent of the state in carrying out any of the requirements of this section.—~~

558  
559 **~~§ 11-1603—Use of a Vehicle by an Unlicensed Driver: Owner's Duty~~**

560 ~~No owner of a motor vehicle may knowingly allow another person to drive the vehicle upon~~  
561 ~~a highway unless the owner determines that the person possesses a valid driver's license that~~  
562 ~~authorizes the person to operate the vehicle. For purposes of this section, an owner is required~~  
563 ~~only to make a reasonable effort or inquiry to determine whether the prospective driver possesses~~  
564 ~~a valid driver's license before allowing him or her to operate the owner's vehicle. An owner is~~  
565 ~~not required to inquire of the department whether the prospective driver possesses a valid driver's~~  
566 ~~license.—~~

567  
568 **~~§ 11-1604—Immobilization Exceptions and Safeguards~~**

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

---

<sup>88</sup> ~~States should substitute the appropriate agency throughout Section 11-1602 should the responsible~~  
~~agency in their state differ from the above.—~~

- 574 to be properly licensed but is unable to produce the license on demand of the police  
575 officer.—
- 576 (b) A police officer shall not immobilize a vehicle pursuant to this section if the license of  
577 the driver expired within the preceding 30 days and the driver otherwise would have  
578 been properly licensed.—
- 579 (c) A police officer may exercise discretion in a situation where the driver without a valid  
580 license is an employee in the course of employment driving a vehicle registered to the  
581 employer. A police officer also may exercise discretion in a situation where the driver  
582 without a valid license is the employee of a bona fide business establishment or is a  
583 person otherwise controlled by such an establishment and it reasonably appears that an  
584 owner of the vehicle, or an agent of the owner, relinquished possession of the vehicle to  
585 the business establishment solely for servicing or parking of the vehicle or other  
586 reasonably similar situations, and where the vehicle was not to be driven except as  
587 directly necessary to accomplish that business purpose. In that event, if the vehicle can  
588 be returned to or be retrieved by the business establishment or registered owner, the  
589 police officer may release and not immobilize the vehicle.—
- 590 (d) If the driver of a vehicle immobilized pursuant to subsection (a) was a registered owner  
591 of the vehicle at the time of impoundment, the impounding agency shall authorize  
592 release of the vehicle if, within three days of such immobilization, the driver of the  
593 vehicle at the time of immobilization presents his or her valid driver's license, including  
594 a valid temporary driver's license or permit, to the responsible agency. The vehicle shall  
595 then be released to a registered owner of record at the time of immobilization, or an  
596 agent of that owner authorized in writing, upon payment of towing and storage charges  
597 related to the immobilization, and any reasonable administrative charges, providing that  
598 the person claiming the vehicle is properly licensed and the vehicle is properly  
599 registered.—

600  
601 **§ 11-1605—Consumer Protection**

- 602 (a) A vehicle immobilized pursuant to the circumstances described in subsection 11-604(c)  
603 shall be released to a registered owner whether or not the driver of the vehicle at the time  
604 of such immobilization presented a valid driver's license. No processing charges shall  
605 be imposed on such registered owner if he or she properly redeems the vehicle within 15  
606 days of its immobilization.—
- 607 (b) Any owner of a vehicle who suffers any loss due to vehicle immobilization may recover  
608 the amount of the loss from the culpable driver whose actions caused the  
609 immobilization. If possession of a vehicle has been tendered to a business establishment  
610 in good faith, and an unlicensed, suspended or revoked driver employed or otherwise  
611 directed by that business establishment committed the violation which caused the  
612 vehicle to be immobilized, a registered owner of the vehicle may recover damages for  
613 the loss of use of the vehicle from the business establishment.—
- 614 (c) Within 10 days of a vehicle immobilization, a registered or legal owner of record at the  
615 time the vehicle was immobilized may request a hearing to determine the validity of that  
616 vehicle immobilization.—
- 617 (1) The responsible agency, if requested to do so not later than 10 days after the date  
618 the vehicle was immobilized, shall provide the opportunity for a hearing to  
619 determine the validity of the vehicle immobilization to the persons who were the

- 620 registered or legal owners of the vehicle at the time of its immobilization.—  
621 (2) The post immobilization hearing shall be conducted not later than two days after the  
622 date it was requested. The responsible agency may authorize its own officer or  
623 employee to conduct the hearing if the hearing officer is not the same person who  
624 directed the storage of the vehicle. Failure of either the registered or legal owner to  
625 request a hearing as provided in paragraph (1) or to attend a scheduled hearing shall  
626 satisfy the post immobilization hearing requirement.—  
627 (3) The responsible agency employing the person who directed the vehicle  
628 immobilization is responsible for all costs incurred for any towing, storage or  
629 administrative charges if it is determined that the vehicle was improperly  
630 immobilized.—  
631 (4) Towing and storage charges for any vehicle immobilized pursuant to this Act shall  
632 not exceed the normal towing and storage rates for other vehicle towing and storage  
633 conducted by the towing company or agency in the normal course of business.—  
634 (5) The burden of proof in the hearing shall be on the immobilizing agency, by a  
635 preponderance of the evidence. All questions that may arise shall be decided and  
636 all other proceedings shall be conducted as in an ordinary civil action. A judgment  
637 upholding vehicle immobilization does not require as a condition precedent the  
638 conviction of a defendant for the offense which made the vehicle subject to  
639 immobilization.—  
640

641 **§ 11-1606 — Disposition of Abandoned Vehicles**

642 Any immobilized vehicle unclaimed under this act which is determined to be abandoned  
643 under the laws of this state may be disposed of at the discretion of the [Department of Motor  
644 Vehicles].—  
645

646 **§ 11-1607 — Administration**

- 647 (a) The [Department of Motor Vehicles] may prescribe standard forms and procedures for  
648 implementation of this Article to be used by jurisdictions throughout the state.—  
649 (b) In computing any period of time prescribed or allowed by this Article, if the time period  
650 to be computed is 15 days or less, Saturdays, Sundays and holidays shall not be counted.  
651 If the time period to be computed is greater than 15 days, Saturdays, Sundays and  
652 holidays shall be counted.—  
653

654 **§ 11-608 — Notice of License suspension or revocation — OPTIONAL**

- 655 (a) *It shall be conclusively presumed that a person has knowledge of the suspension or*  
656 *revocation if notice has been sent by certified mail by the department to the most recent*  
657 *address officially reported by the person pursuant to procedures established by the*  
658 *department, and the return receipt has been signed and returned to the department. It is*  
659 *the responsibility of every license holder to report changes of address to the department*  
660 *within [10 days] of the change of address.—*  
661 (b) —  
662 1. *In the event the certified mail is not delivered, the department shall attempt to*  
663 *provide personal service by using a process server for service of any person whose*  
664 *driving privilege was suspended or revoked.—*  
665 2. *At the time of license reinstatement, the department shall recover an amount equal*

666  
667

~~*to its total cost of providing notices pursuant to this subsection, in addition to any fines or fees otherwise authorized by law.*~~



39 definitions that are inconsistent between the UVC version and the MUTCD version that warrant  
40 further consideration on wording. This proposal is just for NCUTCD Rules of the Road  
41 definitions. Revisions to the Rules of the Road text will be addressed in separate proposals.  
42

43 **RECOMMENDED RULES OF THE ROAD CHANGES:**

44 The following presents the proposed changes to definitions that are used in and/or are related to  
45 the Rules of the Road portion of the UVC within the context of the current Rules of the Road  
46 language. Proposed additions are shown in blue underline and proposed deletions are shown in  
47 ~~red strikethrough~~. In some cases, background comments may be provided with the text. These  
48 comments are enclosed in brackets and have light blue highlighting.  
49

50 **Chapter 1 – Definitions**

51  
52 ~~§1-101 Definition of words and phrases~~

53 The following words and phrases when used in this code shall, for the purpose of this code, have  
54 the meanings respectively ascribed to them in this chapter, except when the context otherwise  
55 requires interpretation. ~~and except where another definition set forth in another chapter of this~~  
56 ~~code and applicable to that chapter or a designated part thereof is applicable.~~  
57

58 1. Agency - an organization with the responsibility for providing, maintaining, and/or  
59 operating a public or private road system. [This is not included in the 2000 UVC definitions but  
60 is used within Chapter 11 (ROR). This definition is included as a new definition in the NPA.  
61 This is the definition from the NPA. This term is used in the Rules of the Road.]  
62

63 ~~§1-1022.~~ Alcohol - any substance or substances containing any form of alcohol. [Used in 11-  
64 512 & various 11-9xx sections (DUI Article).]  
65

66 ~~§1-103 — Alcohol beverage~~ [Not applicable to Rules of the Road. Only used (as “alcoholic  
67 beverage) in various omitted 11-9xx sections (DUI Article).]  
68

69 ~~§1-104 — Alcohol concentration~~ [Not applicable to Rules of the Road. Only used in various  
70 omitted 11-9xx sections (DUI Article).]  
71

72 ~~§1-1053.~~ Alley - A street or highway intended to provide access to the rear or side of lots or  
73 buildings in urban districts and not intended for the purpose of through vehicular traffic.  
74

75 ~~§1-106 — Any measurable and detectable amount of alcohol~~ [Not applicable to Rules of  
76 the Road. Only used in various omitted 11-9xx sections (DUI Article).]  
77

78 ~~§1-1074. Arterial Highway (Sstreet) - Any U.S. or State numbered route, controlled access~~  
79 ~~highway, or other major radial or circumferential street or highway designated by local~~  
80 ~~authorities within their respective jurisdictions as part of a major arterial system of streets or~~  
81 ~~highways.~~ a general term denoting a highway primarily used by through traffic, usually on a  
82 continuous route or a highway designated as part of an arterial system. [The edits shown to the  
83 existing UVC definition are per the NC docket response. This definition is unchanged from the  
84 2009 MUTCD.]

85  
86 ~~§1-1085.~~ **Authorized emergency vehicle** - Such fire department vehicles, police vehicles  
87 and ambulances as are publicly owned, and such other publicly or privately owned vehicles as  
88 are designated by the commissioner of motor vehicles (or other appropriate state official). ~~under~~  
89 ~~§15-111 of this code.~~ [The proposed deletion in the text is because Section 15-111 in the 2000  
90 UVC will not be included in the Rules of the Road document.]  
91  
92 ~~§1-1096.~~ **Bicycle** – ~~Every vehicle propelled solely by human power upon which any person~~  
93 ~~may ride, having two tandem wheels and except scooters and similar devices.~~ a pedal-powered  
94 vehicle upon which the human operator sits. [The edits shown to the existing UVC definition are  
95 per the NC docket response. This definition is unchanged from the 2009 MUTCD.]  
96  
97 ~~§1-1107.~~ **Bus** – ~~Every motor vehicle with a manufacturer's rated seating capacity of 11 or~~  
98 ~~more passengers including the driver.~~ a self-propelled rubber tired vehicle designed to carry a  
99 substantial number of passengers commonly operated on streets and highways. [The edits shown  
100 to the existing UVC definition are per the NC docket response. Note that the neither the NPA  
101 nor Section 1A.13 of the 2009 MUTCD includes a definition of "bus".]  
102  
103 ~~§1-1118.~~ **Business district** - The territory contiguous to and including a highway when  
104 within any 600 feet along such highway there are buildings in use for business or industrial  
105 purposes, including but not limited to hotels, banks, or office buildings, railroad stations and  
106 public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively  
107 on both sides of the highway.  
108  
109 ~~§1-112~~ — ~~Cancellation of driver's license~~ [Not used in Rules of the Road.]  
110  
111 ~~§1-113~~ — ~~Child Passenger Restraint System~~ [Not used in Rules of the Road.]  
112  
113 ~~§1-1149.~~ **Commissioner**<sup>+</sup> - The commissioner of motor vehicles of this State. Note: If the  
114 term "commissioner" is not appropriate in a particular state, then the appropriate term and  
115 definition should be substituted. [The "note" is a footnote in the 2000 UVC. It is recommended  
116 to include it as a note with the text rather than as a footnote.]  
117  
118 ~~§1-115~~ — ~~Component part~~ [Not used in Rules of the Road.]  
119  
120 ~~§1-11610.~~ **Controlled-access highway** - Every highway, street or roadway in respect to which  
121 owners or occupants of abutting land and other persons have no legal right of access to or from  
122 the same except at such points only and in such manner as may be determined by the public  
123 authority having jurisdiction over such highway, street or roadway.  
124  
125 ~~§1-117~~ — ~~Conviction~~ [Not applicable to Rules of the Road. Only used in various omitted 11-  
126 9xx sections (DUI Article) and omitted 11-16xx sections (Safe Streets Act article).]  
127  
128 ~~§1-11811.~~ **Crosswalk** –  
129 (a) That part of a roadway at an intersection included within the connections of the lateral lines  
130 of the sidewalks on opposite sides of the highway measured from the curbs or, in the

131 absence of curbs, from the edges of the traversable roadway; and in the absence of a  
132 sidewalk on one side of the roadway, ~~that the~~ part of a roadway included within the  
133 extension of the lateral lines of the ~~existing~~ sidewalk at right angles to the centerline.  
134 (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated ~~as a~~ for  
135 pedestrian crossing by pavement marking lines ~~or other markings~~ on the surface, which  
136 might be supplemented by contrasting pavement texture, style, or color. [The edits shown  
137 to the existing UVC definition are per the NC docket response. This definition is unchanged  
138 from the 2009 MUTCD.]

139  
140 ~~§1-120 Dealer~~ [Not used in Rules of the Road.]

141  
142 ~~§1-118~~12. **Department** - The department of motor vehicles of this State.

143  
144 ~~§1-121 Disclose~~ [Not applicable to Rules of the Road. Only used in various omitted 11-  
145 9xx sections (DUI Article).]

146  
147 ~~§1-122~~13. **Divided highway** - A highway divided into two or more roadways by leaving an  
148 intervening space or by a physical barrier or by clearly indicated dividing section so constructed  
149 as to impede vehicular traffic.

150  
151 ~~§1-123~~14. **Drive** - To operate or be in physical control of a vehicle.

152  
153 ~~§1-124 Driveway towaway operation~~ [Not used in Rules of the Road.]

154  
155 ~~§1-125~~15. **Driven** - To have operated or been in physical control of a vehicle.

156  
157 ~~§1-126~~16. **Driver** - Every person who drives or is in actual physical control of a vehicle.

158  
159 ~~§1-127 Driver's license~~ [Not applicable to Rules of the Road. Only used in various  
160 omitted 11-9xx sections (DUI Article) and omitted 11-16xx sections (Safe Streets Act article).]

161  
162 ~~§1-128~~17. **Driving** - Operating or being in physical control of a vehicle.

163  
164 18. **Driveway-** an access from a roadway to a building, site, or abutting property. [This  
165 is not included in the 2000 UVC definitions. This definition is per the NC docket response. This  
166 definition is unchanged from the NPA but is not included in Section 1A.13 of the 2009 MUTCD.  
167 This term is used in the Rules of the Road.]

168  
169 ~~§1-129~~19. **Drug** - A controlled substance as defined by State or federal law or any other drug  
170 or psychoactive substance capable of impairing a person's physical or mental faculties or any  
171 combination of these substances. [Only used in 11-512 & various 11-9xx sections (DUI  
172 Article).]

173  
174 ~~§1-130 Essential Parts~~ [Not used in Rules of the Road.]

175  
176 ~~§1-131 Established place of business~~ [Not used in Rules of the Road.]

177  
178 ~~§1-132~~ — ~~Explosives~~ [Not used in Rules of the Road.]

179  
180 ~~§1-133~~ — ~~Farm tractor~~ [Not used in Rules of the Road.]

181  
182 ~~§1-134~~ — ~~Flammable liquid~~ [Not used in Rules of the Road.]

183  
184 ~~§1-135~~ — ~~Foreign vehicle~~ [Not used in Rules of the Road.]

185  
186 20. **Flagger** - a person who actively controls the flow of vehicular traffic into and/or  
187 through a temporary traffic control zone using hand-signaling devices or an Automated Flagger  
188 Assistance Device (AFAD). [This is not included in the 2000 UVC definitions. This definition  
189 is per the NC docket response. This definition is unchanged from the 2009 MUTCD. This term  
190 is used in the Rules of the Road.]

191  
192 21. **Grade Crossing**- the general area where a highway and a railroad and/or light rail  
193 transit route cross at the same level, within which are included the tracks, highway, and traffic  
194 control devices for traffic traversing that area. [This is not included in the 2000 UVC definitions.  
195 This definition is per the NC docket response. This definition is unchanged from the 2009  
196 MUTCD. This term is used in the Rules of the Road.]

197  
198 ~~§1-136~~22. **Gross weight** – The weight of a vehicle without load plus the weight of any load  
199 thereon.

200  
201 ~~§1-137~~ — ~~Hazardous material~~ [Not used in Rules of the Road.]

202  
203 ~~§1-138~~23. **Highway** - ~~The entire width between the boundary lines of every way publicly~~  
204 ~~maintained when any part thereof is open to the use of the public for purpose of vehicular~~  
205 ~~travel.~~ a general term for denoting a public way for purposes of vehicular travel, including the  
206 entire area within the right-of-way. [The edits shown to the existing UVC definition are per the  
207 NC docket response. This definition is unchanged from the 2009 MUTCD.]

208  
209 ~~§1-139~~24. **House trailer** –  
210 (a) A trailer or semitrailer which is designed, constructed and equipped as a dwelling place,  
211 living abode or sleeping (either permanently or temporarily) and is equipped for use as a  
212 conveyance on streets and highways, or  
213 (b) A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use  
214 as a house trailer, as defined in paragraph (a), but which is used instead permanently or  
215 temporarily for the advertising, sales, display or promotion of merchandise or services, or  
216 for any other commercial purpose except the transportation of property for hire or the  
217 transportation of property for distribution by a private carrier.

218  
219 ~~§1-140~~25. **Human-powered vehicle** - Every vehicle designed to be moved solely by human  
220 power.

221  
222 ~~§1-141~~ — ~~Identifying number~~ [Not used in Rules of the Road.]

223  
224 ~~§1-142~~ — ~~Implement of husbandry~~ [Not used in Rules of the Road.]

225  
226 ~~§1-143~~ — ~~Imprisonment~~ [Not applicable to Rules of the Road. Only used in omitted 11-9xx  
227 (DUI Article) and omitted 11-15xx (Victims of a Traffic Related Offenses Article) sections.]

228  
229 ~~§1-144~~ — ~~Incarceration~~ [Not applicable to Rules of the Road. Only used in one omitted 11-  
230 9xx section (DUI Article).]

231  
232 ~~§1-145~~ — ~~Individual record~~ [Not used in Rules of the Road.]

233  
234 ~~§1-146~~26. **Intersection -**

235 (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if  
236 none, then the lateral boundary lines of the roadways of two highways which join one  
237 another at, or approximately at, right angles, or the area within which vehicles traveling  
238 upon different highways ~~joining that join~~ at any other angle ~~may might~~ come into conflict.

239 (b) ~~Where a highway includes two roadways (30) feet or more apart, then every crossing of~~  
240 ~~each roadway of such divided highway by an intersecting highway shall be regarded as a~~  
241 ~~separate intersection. In the event such intersecting highway also includes two roadways~~  
242 ~~(30) feet or more apart, then every crossing of two roadways of such highways shall be~~  
243 ~~regarded as a separate intersection. The junction of an alley, driveway, or side roadway with~~  
244 ~~a public roadway or highway shall not constitute an intersection, unless the public roadway~~  
245 ~~or highway at said junction is controlled by a traffic control device.~~

246 (c) ~~The junction of an alley with a street or highway shall not constitute an intersection. If a~~  
247 ~~highway includes two roadways, separated by a median, then every crossing of each~~  
248 ~~roadway of such divided highway by an intersecting highway shall be a separate intersection~~  
249 ~~if the opposing left-turn paths cross and there is sufficient interior storage for the design~~  
250 ~~vehicle.~~

251 (d) At a location controlled by a traffic control signal, regardless of the distance between the  
252 separate intersections as defined in (c) above:

253 (1) If a stop line, yield line, or crosswalk has not been designated on the roadway (within  
254 the median) between the separate intersections, the two intersections and the roadway  
255 (median) between them shall be considered as one intersection;

256 (2) Where a stop line, yield line, or crosswalk is designated on the roadway on the  
257 intersection approach, the area within the crosswalk and/or beyond the designated stop  
258 line or yield line shall be part of the intersection; and

259 (3) Where a crosswalk is designated on a roadway on the departure from the intersection,  
260 the intersection shall include the area extending to the far side of such crosswalk.

261 [The edits shown to the existing UVC definition are per the NC docket response. This definition  
262 is unchanged from the NPA but the NPA does contain revisions to the definition in the 2009  
263 MUTCD.]

264  
265 ~~§1-142~~7. **Laned roadway -** A roadway which is divided into two or more clearly marked  
266 lanes for vehicular traffic.

269 ~~§148. License or License to operate a motor vehicle~~ [Not applicable to Rules of the  
270 Road. Only used in various omitted 11-9xx sections (DUI Article).]  
271  
272 ~~§1-149 Lienholder~~ [Not used in Rules of the Road.]  
273  
274 §1-15028. **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~~ [Not applicable to Rules of the Road. Only used in omitted Section 11-1608  
278 (Safe Streets Act article). Note: The section number is listed as 11-608 in the published UVC  
279 but should be 11-1608.]  
280  
281 ~~§1-152 Manufacturer~~ [Not applicable to Rules of the Road. Only used in omitted Section  
282 11-1602 (Safe Streets Act article).]  
283  
284 ~~§1-153 Metal tires~~ [Not used in Rules of the Road.]  
285  
286 §1-15429. **Moped** – A motor-driven cycle with a motor which produces not to exceed two-  
287 brake horsepower and which is not capable of propelling the vehicle at a speed in excess of 30  
288 mph on level ground. If an internal combustion engine is used, the displacement shall not exceed  
289 50 cubic centimeters, and the moped shall have a power drive system that functions directly or  
290 automatically without clutching or shifting by the operator after the drive system is engaged.  
291  
292 ~~§1-155 Motor home~~ [Not used in Rules of the Road.]  
293  
294 §1-15630. **Motor vehicle** - Every vehicle which is self-propelled, and every vehicle which is  
295 propelled by electric power ~~obtained from overhead trolley wires~~ but not operated upon rails,  
296 except vehicles moved solely by human power and motorized wheelchairs. [This definition is  
297 not included in the NC docket response, the NPA, or Section 1A.13 of the 2009 MUTCD.]  
298  
299 §1-15831. **Motor-Driven Cycle**- Every motorcycle, motor scooter or motorized bicycle  
300 having an engine with less than 150 cubic centimeters displacement or with five brake  
301 horsepower or less.  
302  
303 §1-15732. **Motorcycle** - Every motor vehicle having a seat or saddle for the use of the rider  
304 and designed to travel on not more than three wheels in contact with the ground but excluding a  
305 tractor.  
306  
307 §1-15933. **Motorized wheelchair** - Any self-propelled vehicle designed for, and used by, a  
308 person with disabilities that is incapable of a speed in excess of eight miles per hour.  
309  
310 ~~§1-160 Nonresident~~ [Not used in Rules of the Road.]  
311  
312 ~~§1-161 Nonresident's operating privilege~~ [Not used in Rules of the Road.]  
313  
314 ~~§1-162 Odometer~~ [Not used in Rules of the Road.]

314  
315 ~~§1-163~~**34. Official traffic-control device** - ~~All signs, signals, markings and devices not~~  
316 ~~inconsistent with this code placed or erected by authority of a public body or official having~~  
317 ~~jurisdiction, for the purpose of regulating, warning or guiding traffic.~~all signs, signals, markings,  
318 channelization devices, or other devices that use colors, shapes, symbols, words, sounds, and/or  
319 tactile information for the primary purpose of communicating a regulatory, warning, or guidance  
320 message to road users on a street, highway, pedestrian facility, bikeway, pathway, or site  
321 roadway open to public travel. [The edits shown to the existing UVC definition are per the NC  
322 docket response for “traffic control device” (including of the deletion of the hyphen between  
323 “traffic” and “control”. It is intended for “traffic control” to be unhyphenated when used in this  
324 context. What is shown is unchanged from the NPA. However, there were additional sentences  
325 (not shown above) in the NPA that the NC docket response recommended including in a  
326 different MUTCD section rather than within the definition as they are descriptive but not  
327 definitive in nature. The NPA text does contain revisions to the definition in the 2009 MUTCD.]

328  
329 ~~§1-164~~ — ~~Open alcoholic beverage container~~ [Not used in Rules of the Road.]

330  
331 ~~§1-165~~**35. Park or parking** - The standing of a vehicle, whether occupied or not, otherwise  
332 than temporarily for the purpose of and while actually engaged in loading or unloading property  
333 or passengers.

334  
335 ~~§1-166~~ — ~~Passenger area~~ [Not applicable to Rules of the Road. Only used in omitted Section  
336 11-901 (DUI Article).]

337  
338 ~~§1-167~~ — ~~Passenger car~~ [Not used in Rules of the Road.]

339  
340 ~~§1-168~~**36. Pedestrian** – ~~Any person afoot.~~A person on foot, in a wheelchair, on skates, or on  
341 a skateboard. [Council approved June 2012, 12A-UVC-01 (item # on NCUTCD website). The  
342 prior NC action revised the UVC definition to match the 2009 MUTCD. That definition is also  
343 included in the NPA and the NC docket response.]

344  
345 ~~§1-169~~**37. Person** – Every natural person, firm, co-partnership, association or corporation.

346  
347 ~~§1-170~~**37a Person with disabilities** - Persons who, as determined by a licensed physician:

- 348 (a) cannot walk two hundred feet without stopping to rest;
- 349 (b) cannot walk without the use of, or assistance from, a brace, cane, crutch, another person,  
350 prosthetic device, wheelchair, or other assistance device;
- 351 (c) restricted by lung disease to such an extent that the person's forced (respiratory) expiratory  
352 volume for one second, when measured by spirometry, is less than one liter, or the arterial  
353 oxygen tension is less than sixty nun of Hg on room air at rest;
- 354 (d) use portable oxygen;
- 355 (e) have a cardiac condition to the extent that the person’s functional limitations are classified  
356 in severity as Class III or Class IV according to standards set by the American Heart  
357 Association; or
- 358 (f) are severely limited in their ability to walk due to an arthritic, neurological, or orthopedic  
359 condition.

360  
361 ~~§1-171~~ ~~Personal identification card~~ [Not used in Rules of the Road.]  
362  
363 ~~§1-172~~ ~~Personal information~~ [Not used in Rules of the Road.]  
364  
365 ~~§1-173~~ ~~Pneumatic tire~~ [Not used in Rules of the Road.]  
366  
367 ~~§1-174~~37b **Pole trailer** - Every vehicle without motive power designed to be drawn by another  
368 vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or  
369 otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly  
370 shaped loads such as poles, pipes or structural members capable, generally, of sustaining  
371 themselves as beams between the supporting connections.  
372  
373 ~~§1-175~~38. **Police officer** - Every officer authorized to direct or regulate traffic or to make  
374 arrests or issue citations for violations of traffic laws or ordinances.  
375  
376 ~~§1-176~~ ~~Preliminary alcohol screening test~~ [Not applicable to Rules of the Road. Only  
377 used in various omitted 11-9xx sections (DUI Article).]  
378  
379 ~~§1-177~~39. **Private road or driveway** - Every way or place in private ownership and used for  
380 vehicular travel by the owner and those having express or implied permission from the owner,  
381 but not by other persons.  
382  
383 ~~§1-178~~40. **Railroad** – A carrier of persons or property upon cars (other than streetcars),  
384 operating upon stationary rails.  
385  
386 ~~§1-179~~41. **Railroad sign or signal** - Any sign, signal or device erected by authority of a  
387 public body or official or by a railroad and intended to give notice of the presence of railroad  
388 tracks or the approach of a railroad train.  
389  
390 ~~§1-180~~42. **Railroad train** – A steam engine, electric or other motor, with or without cars  
391 coupled thereto, operated upon rails (except streetcars).  
392  
393 ~~§1-181~~ ~~Reconstructed vehicle~~ [Not used in Rules of the Road.]  
394  
395 ~~§1-182~~ ~~Registration~~ [Not used in Rules of the Road.]  
396  
397 ~~§1-183~~43. **Residence district** - The territory contiguous to and including a highway not  
398 comprising a business district when the property on such highway for a distance of 300 feet or  
399 more is in the main improved with residences, or residences and buildings in use for business.  
400  
401 ~~§1-184~~ ~~Revocation of driver's license~~ [Not applicable to Rules of the Road. Only used in  
402 various omitted 11-9xx sections (DUI Article) and 11-16xx sections (Safe Streets Act article).]  
403  
404

405 ~~§1-18544.~~ **Right of way** [Assignment] - ~~The right of one vehicle or pedestrian to proceed in a~~  
406 ~~lawful manner in preference to another vehicle or pedestrian approaching under such~~  
407 ~~circumstances of direction, speed and proximity as to give rise to danger of collision unless one~~  
408 ~~grants precedence to the other. the permitting of vehicles and/or pedestrians to proceed in a~~  
409 ~~lawful manner in preference to other vehicles or pedestrians, including by the display of a sign or~~  
410 ~~signal indications.~~ [The edits shown to the existing UVC definition are per the NPA and NC  
411 docket response with the addition of “including” since there are cases where no sign or signal  
412 indication may be in place to establish the right-of-way. The NPA definition is unchanged from  
413 the 2009 MUTCD.]

414  
415 ~~§1-18645.~~ **Roadway** - that portion of a highway improved, designed or ordinarily used for  
416 vehicular travel, exclusive of the sidewalk, berm or shoulder even though such sidewalk, berm or  
417 shoulder is used by persons riding bicycles or other human powered vehicles. In the event a  
418 highway includes two or more separate roadways the term "roadway" as used herein shall refer  
419 to any such roadway separately but not to all such roadways collectively.

420  
421 ~~§1-187~~ — ~~Safety Belt~~ [Not used in Rules of the Road.]

422  
423 ~~§1-18846.~~ **Safety zone** - The area or space officially set apart within a roadway for the  
424 exclusive use of pedestrians and which is protected or is so marked or indicated by official traffic  
425 control devices as to be plainly visible at all times as set apart as a safety zone.

426  
427 ~~§1-18947.~~ **School bus** - Every bus that is used to transport children to or from school or in  
428 connection with school activities, but not including buses operated by common carriers in urban  
429 transportation who incidentally accept school children as passengers.

430  
431 ~~§1-190~~ — ~~Security agreement~~ [Not used in Rules of the Road.]

432  
433 ~~§1-191~~ — ~~Security interest~~ [Not used in Rules of the Road.]

434  
435 ~~§1-19248.~~ **Semitrailer** - Every vehicle with or without motive power, other than a pole trailer,  
436 designed for carrying persons or property and for being drawn by a motor vehicle and so  
437 constructed that some part of its weight and that of its load rests upon or is carried by another  
438 vehicle.

439  
440 **49.** **Shoulder** – a longitudinal area contiguous with the traveled way used for  
441 accommodation of stopped vehicles for emergency use and for lateral support of base and  
442 surface courses, and that is graded for emergency stopping. A shoulder might be paved or  
443 unpaved. A paved shoulder might be open to travel by some vehicles, or by all vehicles at  
444 certain times, and might also be used by pedestrians. [This definition is not included in the 2000  
445 UVC definitions. This definition is per the NC docket response and it does include edits to the  
446 text in the NPA. Section 1A.13 of the 2009 MUTCD does not include a definition of “shoulder”.  
447 This term is used in various Sections in the Rules of the Road.]

448  
449 ~~§1-19350.~~ **Sidewalk** - That portion of a street between the curb lines, or the lateral lines of a  
450 roadway, and the adjacent property lines; or on easements of private property that is paved or

451 improved and intended for use by pedestrians. [The edits shown to the existing UVC definition  
452 are per the NC docket response. This definition is unchanged from the 2009 MUTCD.]

453  
454 **50a** Site Roadways Open to Public Travel – Roadways and bikeways on sites of  
455 shopping centers, office parks, airports, schools, universities, sports arenas, recreational parks,  
456 and other similar business, governmental, and/or recreation facilities that are publicly or  
457 privately owned but where the public is allowed to travel without full-time access restrictions.  
458 Two types of roadways are not included in this definition: (1) roadways where access is  
459 restricted at all times by gates and/or guards to residents, employees or other specifically  
460 authorized persons; and (2) private highway-rail grade crossings. Site roadways open to public  
461 travel do not include parking areas, including the driving aisles within those parking areas.

462  
463 ~~§1-194~~ ~~— Solid rubber tire~~ [Not used in Rules of the Road.]

464  
465 ~~§1-195~~ ~~— Special mobile equipment~~ [Not used in Rules of the Road.]

466  
467 ~~§1-196~~ ~~— Specially constructed vehicles~~ [Not used in Rules of the Road.]

468  
469 ~~§1-197~~51. **Stand or standing** - The halting of a vehicle, whether occupied or not, otherwise  
470 than temporarily for the purpose of and while actually engaged in receiving or discharging  
471 passengers.

472  
473 ~~§1-198~~52. **State** - A state, territory or possession of the United States, the District of  
474 Columbia, the Commonwealth of Puerto Rico or a province of Canada.

475  
476 ~~§1-199~~53. **Stop** - When required means complete cessation from movement.

477  
478 ~~§1-200~~54. **Stop or stopping** - When prohibited means any halting even momentarily of a  
479 vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in  
480 compliance with the directions of a police officer or official traffic-control device. [Edited to  
481 show “traffic-control” as unhyphenated for consistency with decision related to review and  
482 revision to definition of “official traffic-control device.”]

483  
484 ~~§1-201~~55. **Street** - see Highway. ~~The entire width between boundary lines of every way~~  
485 ~~publicly maintained when any part thereof is open to the use of the public for purposes of~~  
486 ~~vehicular travel.~~ [The definition of “highway” and “street” are separate and identical in the 2000  
487 UVC. It is proposed to omit the definition text from “street” and refer the user to the definition  
488 of “highway” as is done in the MUTCD. The 2000 UVC definition of “highway” (and therefore  
489 of “street” also) is shown to be modified per the NC docket response. This docket response  
490 definition is unchanged from the 2009 MUTCD.]

491  
492 ~~§1-202~~56. **Streetcar** - A car other than a railroad train for transporting persons or property and  
493 operated upon rails principally within a municipality.

494  
495

496 ~~§1-203~~ — ~~Suspension of driver's license~~ [Not applicable to Rules of the Road. Only used in  
497 various omitted 11-9xx sections (DUI Article) and omitted 11-16xx sections (Safe Streets Act  
498 article).]

499  
500 ~~§1-204~~ — ~~Tank vehicle~~ [Not used in Rules of the Road.]

501  
502 ~~§1-205~~57. **Through highway** - Every highway or portion thereof on which vehicular traffic is  
503 given preferential right of way, and at the entrances to which vehicular traffic from intersecting  
504 highways is required by law to yield the right of way to vehicles on such through highway in  
505 obedience to a stop sign, yield sign, or other official traffic-control device, when such signs or  
506 devices are erected as provided in this code. [Edited to show “traffic-control” as unhyphenated  
507 for consistency with decision related to review and revision to definition of “official traffic-  
508 control device.”]

509  
510 ~~§1-206~~ — ~~Trackless trolley coach~~ [Not used in Rules of the Road.]

511  
512 ~~§1-207~~58. **Traffic** - Pedestrians, bicyclists, ridden or herded animals, vehicles, streetcars and  
513 other conveyances either singly or together while using ~~any highway~~ for purposes of travel any  
514 highway or site roadway open to public travel. [The edits shown to the existing UVC definition  
515 are per the NC docket response. This definition is unchanged from the NPA but the NPA does  
516 contain revisions to the definition in the 2009 MUTCD.]

517  
518 ~~§1-208~~59. **Traffic control signal (traffic signal)** - ~~Any device, whether manually, electrically~~  
519 ~~or mechanically operated, by which traffic is alternately~~ a highway traffic signal placed at  
520 intersections, movable bridges, fire stations, midblock crosswalks, alternating one-way  
521 section of a single lane road, private driveways, or other locations that require conflicting  
522 traffic to be directed to stop and permitted to proceed in an orderly manner.

523  
524 ~~§1-209~~60. **Trailer** - Every vehicle with or without motive power, other than a pole trailer,  
525 designed for carrying persons or property and for being drawn by a motor vehicle and so  
526 constructed that no part of its weight rests upon the towing vehicle.

527  
528 ~~§1-210~~ — ~~Transporter~~ [Not used in Rules of the Road.]

529  
530 ~~§1-211~~61. **Truck** - Every motor vehicle designed, used or maintained primarily for the  
531 transportation of property.

532  
533 ~~§1-212~~ — ~~Truck camper~~ [Not used in Rules of the Road.]

534  
535 ~~§1-213~~ — ~~Truck tractor~~ [Not used in Rules of the Road.]

536  
537 ~~§1-214~~62. **Urban district** - The territory contiguous to and including any street which is built  
538 up with structures devoted to business, industry or dwelling houses situated at intervals of less  
539 than 100 feet for a distance of a quarter of a mile or more.

540  
541

542 ~~§1-215~~63. **Vehicle** - Every device in, upon, or by which any person or property ~~is or may~~ can  
543 be transported or drawn upon a highway, ~~excepting devices used exclusively upon stationary~~  
544 ~~rails or tracks, except trains and light rail transit operating in exclusive or semi-exclusive~~  
545 alignments. [The edits shown to the existing UVC definition are per the NC docket response.  
546 This definition is unchanged from the 2009 MUTCD.]

547  
548 ~~§1-216~~ — ~~Vehicle identification number~~ [Not used in Rules of the Road.]  
549