

1280 SKIDDING

Skidding of a motor vehicle may occur without fault of the driver and having begun, it may continue without fault for a considerable space and time. On the other hand, the skidding may have been precipitated by the negligence of the driver, or the driver may have controlled the vehicle negligently after the skid began.

You may consider the driver's knowledge of the road conditions; if the slippery condition appeared suddenly without warning, the driver would be excused from a charge of negligence. On the other hand, where the icy or slippery condition of a road increases the danger of travel, and the driver is, or ought to be, aware of the condition, then the driver is required to exercise a degree of care commensurate with the conditions.

You may consider the speed of the skidding vehicle prior to or at the time of skidding, or the manner in which (the driver) controlled the car prior to skidding, or after the skidding commenced, in determining whether (the driver) was negligent.

COMMENT

This instruction and comment were approved in 1977. The instruction was updated in 2008. The comment was reviewed without change in 1989. Editorial changes were made in 1992 to address gender references in the instruction.

If wrong-side driving is involved, see Wis JI-Civil 1140, Position on Highway on Meeting and Passing: Violation Excused.

This instruction is a correct statement of the law; it is not erroneous as being, in effect, an instruction on unavoidable accident. Abbott v. Truck Ins. Exch. Co., 33 Wis.2d 671, 677, 148 N.W.2d 116 (1967).

Voigt v. Voigt, 22 Wis.2d 573, 126 N.W.2d 543 (1964), requires the sudden skidding driver (or the insurer if driver is killed) to show the driver was free from negligence in invading the wrong lane.

In regard to ordinary care on slippery streets with respect to speed prior to skid and control before and during skid, see Coenen v. Van Handel, 269 Wis. 6, 10, 68 N.W.2d 435 (1955); Van Matre v. Milwaukee Elec. Ry. & Transp. Co., 268 Wis. 399, 67 N.W.2d 831 (1955); Zeinemann v. Gasser, 251 Wis. 238, 29 N.W.2d 49 (1947).

Skidding cases are collected in Poole v. State Farm Mut. Auto. Ins. Co., 7 Wis.2d 65, 68-69, 95 N.W.2d 799 (1959).