

1076 LOOKOUT: GUEST'S DUTY TO WARN

If a guest sees a situation ahead on the highway that presents a likely danger to safety, and if the guest notices or it is apparent to the guest that the driver does not see it or is oblivious to it, or if the driver sees it and takes no precaution or measure to avoid the danger, then it becomes the duty of the guest to warn the driver of the danger. Failure on the part of the guest to warn the host under such circumstances constitutes a failure to exercise ordinary care for the guest's safety.

COMMENT

This instruction was approved in 1974. The comment was reviewed without change in 1989. Editorial changes were made in 1992 to address gender references in the instruction. No substantive changes were made to the instruction.

This instruction supplements Wis JI-Civil 1075 and is intended for use in conjunction with or in addition to 1075 when circumstances require a positive duty of a guest to warn. Teas v. Eisenlord, 215 Wis. 455, 253 N.W. 795 (1934); Howe v. Corry, 172 Wis. 537, 179 N.W. 791 (1920); Wappler v. Schench, 178 Wis. 532, 190 N.W. 555 (1922).