

**1096 DUTY TO SOUND HORN**

A driver must use ordinary care to sound the driver's horn when a careful driver would have sounded his or her horn to warn other users of the highway of the approach of danger.

**COMMENT**

This instruction and comment were approved in 1974. Editorial changes were made in 1992 to address gender references in the instruction. The instruction was revised in 2008.

Wis. Stat. § 347.38.

This instruction is appropriate in the driver-pedestrian, bicycle rider situation. While there are no Wisconsin decisions precisely in point, we believe that the instruction properly could be given in any case where the sounding of a horn would have alerted another driver of the imminence of danger. It is not designed to cover the passing-driver accident. For this, see Wis JI-Civil 1144 and Wis. Stat. § 346.07.

See also Cook v. Wisconsin Tel. Co., 263 Wis. 56, 56 N.W.2d 494 (1952); Straub v. Schadeberg, 243 Wis. 257, 10 N.W.2d 146 (1943); Patterson v. Edgerton Sand & Gravel Co., 227 Wis. 11, 277 N.W. 636 (1938); Leckwe v. Ritter, 207 Wis. 333, 241 N.W. 339 (1932); Hanes v. Hermsen, 205 Wis. 16, 236 N.W. 646 (1931); Vanden Heuvel v. Schultz, 182 Wis. 512, 197 N.W. 186 (1924); Tombal v. Farmers Ins. Exch., 62 Wis.2d 64, 214 N.W.2d 291 (1974).