

1107 RACING

A safety statute provides that no driver of a motor vehicle shall participate in a race upon any highway.

A "race" is an intentional contest of speed or acceleration between two or more vehicles.

In determining whether (the drivers of the vehicles involved) were participating in a race, you should consider the conduct of the drivers as a whole, including speed of the vehicles, the relative position of the vehicles on the highway and with respect to each other, and whether there was an intention by them to compete.

Failure to comply with this safety statute is negligence.

COMMENT

This instruction and comment were approved by the Committee in 1981 and revised in 2008.

The first paragraph refers to Wis. Stat. § 346.94(2).

Madison v. Geier, 27 Wis.2d 687, 135 N.W.2d 761 (1964).

In a race, the participants share equally the responsibility for damage done by any participant. Ogle v. Avina, 33 Wis.2d 125, 146 N.W.2d 422 (1966).