

1112 OPERATION OF AUTOMOBILE FOLLOWING ANOTHER

The driver of a motor vehicle should not follow another vehicle more closely than is reasonable and prudent.

In determining whether a driver was following the vehicle ahead more closely than was reasonable and prudent, you should consider the speed and location of both vehicles, the amount of traffic, the condition of the highway, and the visibility at the time.

COMMENT

The instruction and comment were originally published in 1966 and revised in 1984. The instruction was reviewed without change in 2008. The comment was updated in 1989. An editorial correction was made in 2015 to replace the term, "guilty of."

Wis. Stat. § 346.14(1).

The second paragraph is taken substantially from Hibner v. Lindauer, 18 Wis.2d 451, 456, 118 N.W.2d 873 (1963). See also Northland Ins. Co. v. Avis Rent-a-Car, 62 Wis.2d 643, 215 N.W.2d 437 (1974).

The trial court committed no error in instructing the jury in regard to negligence as to lookout and refusing to instruct on following too closely, where the evidence revealed that the factor resulting in the impact was failure to keep a proper and reasonably constant lookout, and there was no evidence from which one could have concluded that the truck driver could not have stopped in time or avoided the collision had he not been negligent as to lookout. Milwaukee & Suburban Transp. Corp. v. Royal Transit Co., 29 Wis.2d 620, 139 N.W.2d 595 (1966).

In Millonig v. Bakken, 112 Wis.2d 445, 458n.2, 334 N.W.2d 80 (1983), the plaintiff unsuccessfully argued that, under the facts presented at trial, the jury should have been given Wis JI-Civil 1055, Lookout, and Wis JI-Civil 1285, Speed, instead of Wis JI-Civil 1112.

In Northland Ins. Co. v. Avis Rent-A-Car, *supra* at 649, the court noted that Wis. Stat. § 346.14(1), "the tailgating statute," protects not only the preceding vehicle and its occupants but also all other cars and persons who are causally affected by the negligence of tailgating.

The court, in Northland Ins. Co. v. Avis Rent-A-Car, also addressed itself to multiple rear-end collisions, stating:

We do not think that because one person is negligent in his driving that other people on the highway are justified in driving negligently. We agree with Mr. Justice Fowler in his dissent to the Bourestom Case, 231 Wis. 666, 285 N.W. 426 (1934), when he said, page 676:

The purpose of holding a trailing driver to a proper distance is to keep him in position to stop or so control his car as to prevent him from doing injury because of the action of the car ahead, whatever be the cause of that action, and regardless of whether that action results from something being in the road ahead of the preceding car as a result of negligence of a third person or independent of negligence of anybody. 62 Wis.2d at 648.