

1135 POSITION ON HIGHWAY ON MEETING AND PASSING

A safety statute provides that upon all roadways of sufficient width, the operator of a vehicle shall drive on the right half of the roadway (and in the right-hand lane of a 3-lane highway) (except when ____).

[Define "roadway" appropriately to the facts of the case.]

Wisconsin statutes further provide that operators of vehicles proceeding in opposite directions shall pass each other to the right, and, upon roadways having width for not more than one line of traffic in each direction, each operator shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

COMMENT

This instruction and comment were approved in 1977. The instruction was revised in 2008.

Wis. Stat. §§ 346.05, and 346.06.

Wis. Stat. § 346.05 contains exceptions as to the requirements of driving in the right lane or on the right side. See Wis JI-Civil 1140.

The term "roadway" is defined in Wis. Stat. § 340.01(54) and Wis JI-Civil 1160.

The presence of a vehicle on the left side of a highway may present a jury question as to negligence, Booth v. Frankenstein, 209 Wis. 362, 366, 246 N.W. 191 (1932), or may be negligence as a matter of law, Seligman v. Hammond, 205 Wis. 199, 202, 236 N.W. 115 (1931).