

1141 PASSING: VEHICLES PROCEEDING IN SAME DIRECTION

[Insert appropriate paragraphs of Wis JI-Civil 1055.]

A safety statute provides that upon any roadway where traffic is permitted to move in both directions simultaneously, the driver of a vehicle shall not drive to the left of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction, unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be done in safety.

To comply with the statute, the driver must, before making such movement, exercise reasonable care to make an efficient lookout. A driver must not only exercise ordinary care to determine the presence and location of other vehicles that may be approaching from the opposite direction, but must also exercise reasonable judgment in calculating the time required to overtake and pass the vehicle in front, as well as the distance away and speed of any vehicle approaching from the opposite direction.

COMMENT

This instruction and comment were approved in 1977. The instruction was revised in 2002 and 2008. Editorial changes were made in 1992 to address gender references in the instruction.

Wis. Stat. § 346.09(1).

On lookout generally, see Plog v. Zolper, 1 Wis.2d 517, 85 N.W.2d 492 (1957), and Grana v. Summerford, 12 Wis.2d 517, 107 N.W.2d 463 (1961). Leckwee v. Gibson, 90 Wis.2d 275, 288, 280 N.W.2d 186 (1979).