

1300 SPEED: IMPEDING TRAFFIC

The statutes regulating the speed of motor vehicles, in addition to regulating maximum speeds, also provide that no person shall drive a motor vehicle at a speed so slow as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation (or is necessary to comply with the law). To comply with this statute, a driver is required to use ordinary care under circumstances then and there existing.

COMMENT

This instruction was approved by the Committee in 1960. The instruction was revised in 2008. The comment was updated in 1982.

The phrase in parentheses is to be used where special speed restrictions apply or traffic is being controlled by an officer. See Wis. Stat. § 346.59(1).

This instruction was approved in Bentzler v. Braun, 34 Wis.2d 362, 375, 149 N.W.2d 626 (1967). Where appropriate, the following sentence may be added: "The statute does not apply to a vehicle until it has been on the highway a sufficient time to attain a normal speed." Bentzler v. Braun, supra at 376.

In Werner Transp. Co. v. Barts, 57 Wis.2d 714, 723, 205 N.W.2d 394 (1973), the court stated that Wis. Stat. § 346.59 is a safety statute "which invokes the rule of negligence per se."