

**1320 SPEED: CAMOUFLAGE**

This rule, however, does not apply to situations where the object or obstruction ahead, although within the range of the driver's (headlights) (vision), may not reasonably be discovered because it blends with the color of the roadway or surroundings. When I refer to an object or obstruction that may not reasonably be discovered, I mean an object or obstruction that may not be seen by a driver exercising ordinary care with respect to lookout in time to enable the driver to stop before reaching it.

**COMMENT**

This instruction was approved by the Committee in 1960. The comment was updated in 1982 and was reviewed without change in 1989. Editorial changes were made in 1992 to address gender references in the instruction. No substantive changes were made to the instruction.

The camouflage instruction is found in Zoellner v. Kaiser, 237 Wis. 299, 303, 296 N.W. 611, 613 (1941); Butts v. Ward, 227 Wis. 387, 393, 279 N.W. 6, 8-9 (1938); and Mann v. Reliable Transit Co., 217 Wis. 465, 470, 259 N.W. 415, 416-17 (1935). See also Schroeder v. Kuntz, 263 Wis. 590, 593-94, 58 N.W.2d 445, 447 (1953).

Expressions in some of the cases indicate that the camouflage doctrine may bear upon negligence with respect to lookout rather than speed. It is clear, however, that the camouflage doctrine bears upon the question of speed and is in modification of the doctrine of Lauson v. Fond du Lac, 141 Wis. 57, 60-61, 123 N.W. 629, 631 (1909). Although these cases cover only the blending of objects with roads, it is considered that the principle also applies to the blending of objects with other surroundings.