

**1325 STOP AT STOP SIGNS**

A safety statute provides that the driver of a vehicle approaching an official stop sign at an intersection shall cause the vehicle to stop before entering the intersection.

The stop required shall be made in the following manner:

[Select the proper item or items below to complete the instruction.]

- (a) If there is a clearly marked stop line, the driver shall stop the vehicle immediately before crossing this line.
- (b) If there is no clearly marked stop line, the driver shall stop the vehicle immediately before entering the nearest crosswalk.
- (c) If there is neither a clearly marked stop line nor a marked or unmarked crosswalk at the intersection, the driver shall stop the vehicle before entering the intersection at a point from which the driver can efficiently observe traffic on the intersecting roadway.

[Note: If you use (a) or (b) above, then use paragraph (d).]

- (d) If the driver cannot efficiently observe traffic on the intersecting roadway from the stop made at the stop line or crosswalk, the driver shall, before entering the intersection, again stop the vehicle at a point as will enable the driver to efficiently observe the traffic on the intersecting roadway.

**COMMENT**

The instruction and comment were originally published in their present form in 1960. The instruction was revised in 1992 and 2008.

**Safety Statute.** Wis. Stat. § 346.46. This statute is a safety statute. Totsky v. Riteway Bus Service, Inc., 233 Wis.2d 371, 607 N.W.2d 637 (2000). The violation of Wis. Stat. 346.46(1) is negligence per se, but violation can be excused through application of the emergency doctrine. Totsky, supra; Wis JI-Civil 1105A.

**Definitions.** Statutory definitions of "intersection," "roadway," "highway," "crosswalk," "stop," and "through highway," if needed, are set forth in Wis. Stat. § 340.01.

**Driver or Operator.** This instruction applies to either an operator or a driver of a motor vehicle. If "operator" is more appropriate to the evidence, then substitute "operator" for "driver."

If an issue arises as to an "official" stop sign, see Wis. Stat. §§ 349.07 and 349.08 for authority to designate through highways and for the type of sign.

**Lookout and Right of Way.** For related duties as to lookout and right of way, see Bowers v. Treuthardt, 5 Wis.2d 271, 275, 92 N.W.2d 878, 881 (1958); Lewis v. Leiterman, 4 Wis.2d 592, 598-99, 91 N.W.2d 89, 92-93 (1958); Plog v. Zolper, 1 Wis.2d 517, 527-28, 85 N.W.2d 492, 498 (1957); Wis JI-Civil 1065, Lookout: Entering or Crossing Through Highway.