

1330 STOP: EMERGING FROM AN ALLEY

A safety statute requires that the driver of a vehicle:

[Select the proper item below to complete the paragraph.]

- (a) emerging from an alley shall stop the vehicle immediately prior to moving onto the sidewalk or onto the sidewalk area extending across the path of the vehicle.
- (b) proceeding on an alley shall stop the vehicle immediately before crossing or entering an intersecting alley, whether or not the intersecting alley crosses the alley on which the vehicle is being driven.

COMMENT

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

Wis. Stat. § 346.47. Subsection (1) of the statute also requires the operator emerging from an alley to yield the right of way to both pedestrians and vehicles. See the cases cited in comment to Wis JI-Civil 1325, Stop at Stop Signs. See the statutory definition of "alley" in Wis. Stat. § 340.01(2).

The statute seems no longer to require a stop before entering a highway from a point of access other than another highway unless a sidewalk or sidewalk area is involved. See Wis. Stat. § 346.47.

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."