

**1355 DEVIATION FROM TRAFFIC LANE: CLEARLY INDICATED LANES**

A safety statute provides that the driver of a vehicle shall drive as nearly as practicable entirely within a single lane and not deviate from the lane in which the driver is driving without first determining that the movement can be made with safety to other vehicles approaching from the rear.

A driver of the vehicle who is changing his or her lane of travel is required to use ordinary care to make an efficient lookout. This means the driver must use ordinary care to determine the presence, location, distance, and speed of any vehicle that might be affected by the change of lanes. After having made these observations, the driver must also use reasonable judgment in calculating the time required to safely deviate from a traffic lane without interfering with other vehicles.

**COMMENT**

The instruction and comment were originally published in 1966 and revised in 1980 and 1984. The instruction was revised in 1992 and 2008. Editorial changes were made in 1992 to address gender references in the instruction.

Wis. Stat. §§ 346.13(1), 346.34(1). See also Westfall v. Kottke, 110 Wis.2d 86, 108, 328 N.W.2d 481 (1983).

See also Wis JI-Civil 1350, Turn or Movement: Signal Required, and Wis JI-Civil 1114, Duty of Preceding Driver to Following: Lookout.

This instruction is to be given only when there are clearly indicated lanes. If lanes are not clearly indicated, the proper instruction is Wis JI-Civil 1354. Committee Notes, 1957, 40 W.S.A. at 331.

The provisions of this statute apply to the entire roadway. Schweidler v. Caruso, 269 Wis. 438, 447, 69 N.W.2d 611, 616 (1955); Green Bay-Wausau Lines, Inc. v. Mangel, 257 Wis. 92, 95-96, 42 N.W.2d 493, 495 (1950); J.W. Cartage Co. v. Laufenberg, 251 Wis. 301, 304, 28 N.W.2d 925, 926 (1947).

An additional verdict question on lookout would be duplication. Grana v. Summerford, 12 Wis.2d 517, 523, 107 N.W.2d 463 (1961).