**05.01 DRIVER OF MOTOR VEHICLE – GENERAL DUTY OF CARE**

A driver of a motor vehicle is negligent if the driver does not use reasonable care 1) to keep a lookout for other travelers or obstacles within or approaching the vehicle's line of travel and 2) to control the speed and movement of the vehicle.

# Use Note

This instruction should be preceded by Instruction 03.03A defining negligence.

This instruction is designed to state a driver’s general duty of care. When negligence is predicated upon the violation of a traffic regulation see Instruction 03.04A or 03.04B.

This instruction may be used in motor vehicle accident cases and applies to injuries caused to passengers, pedestrians, and persons in other vehicles.

Comment

In addition to cases involving injuries to pedestrians and other motorists, this instruction is to be used in negligence actions brought by passengers. The drivers duty to exercise reasonable care extends to preventing injuries to passengers in the course of transportation, Alexander v. Corey, 98 F. Supp. 1013, 1014 (D. Alaska 1951). A similar instruction was given and approved in Patterson v. Cushman, 394 P.2d 657, 662-63 (Alaska 1964).

For sudden emergency situations see Instruction 03.05.

The standard of care of a child accused of negligence arising out of his participation in an adult activity is presently unclear. See Instruction 03.03B.

See 2 Blashfield, Automobile Law and Practice, § 101.1–101.5 (Revised 3d. 1979), for discussion of general duty of care of driver. See also Annot., 29 A.L.R. 3d 791 (admissibility of habit or custom of driver bearing on question of care at time of occurrence) for discussion of how custom or practice of drivers affects the determination of negligence.

See 5 Blashfield, Automobile Law and Practice, § 211.1 (3d ed. 1965).

See 2 Blashfield, Automobile Law and Practice, § 105.1–105.14 (Revised 3d ed. 1979), for discussion of general duties associated with speed and control of motor vehicles.