**05.09 DRIVING ON RIGHT SIDE OF ROADWAY**

Withdrawn 1986. See 1986 Introductory Use Note of Article 05.

# Comment

This instruction was a paraphrase of 13 Alaska Admin. Code § 02.250. The regulation provides the general duty to drive on the right hand side of a roadway and contains 3 exceptions.

The violation of 13 Alaska Admin. Code § 02.050 requiring drivers to drive on the right-hand side of the roadway is negligence per se. Ferrell v. Baxter, 484 P.2d 250, 265 (Alaska 1971). Instruction 03.04A, incorporating 13 Alaska Admin. Code § 02.050, should be used in cases where a party’s failure to keep the vehicle to the right of the center of the roadway is at issue.

The center of a highway with respect to the duty of vehicles proceeding in the opposite direction is the center of that part of the highway which is contiguous and open and in a reasonably safe and fit condition for travel by the ordinary mode. Vogler v. Greimann, 78 F. Supp. 575, 578 (D. Alaska 1948). See 2 Blashfield, Automobile Law and Practice, 111.09 (3d ed. 1965). See also 13 Alaska Admin. Code § 10.050, defining “centerline.”