**05.05 SPEED OF VEHICLE – REASONABLE SPEED**

Withdrawn 1986.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

# Comment

This instruction was based on 13 Alaska Admin. Code § 02.275(a).

The Alaska Supreme Court has held that the violation of the “controlled speed” requirement of 13 Alaska Admin. Code § 02.275(a) is not negligence per se. The court has stated that the "reasonable and prudent" speed requirement of 13 Alaska Admin. Code § 02.275(a) establishes a general and abstract rule of conduct whose violation only can be determined by the evaluation of multiple facts and the application of the standard of reasonable care; and that this violation is not negligence per se. Breitkreutz v. Baker, 514 P.2d 17, 22–23 (Alaska 1973); Clabaugh v. Bottcher, 545 P.2d 172, 175–76 (Alaska 1976).

In an automobile negligence action, an instruction relating to driving at a speed greater than is reasonable and prudent is proper even though the defendant was driving at a speed below the posted speed limit. Meyst v. East Fifth Avenue Service, Inc., 401 P.2d 430, 435–36 (Alaska 1965).