**05.16 FOLLOWING ANOTHER VEHICLE**

Withdrawn 1986.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

# Comment

This instruction was based on 13 Alaska Admin. Code § 02.090(a).

The Alaska Supreme Court has not yet ruled on whether a violation of 13 AAC 02.090(a) (formerly 13 AAC 104.40) is negligence per se.

Where the driver of a following vehicle observes that a vehicle ahead has stopped to make a left turn, but anticipates incorrectly that the turn will be completed and the roadway clear by the time the following vehicle reaches the place where the lead vehicle has stopped and therefore fails to reduce speed until it is too late to avoid a collision, there is such an obvious lack of due care that reasonable people could not differ and the driver of the following vehicle is negligent as a matter of law. Nielsen v. De Witt, 390 P.2d 781, 782 (Alaska 1964). But see Grimes v. Haslett, 641 P.2d 813 (Alaska 1982), where the court stated a driver who strikes a car from the rear is not always per se negligent. See also Blackford v. Taggart, 672 P.2d 888 (Alaska 1983).

The driver of a leading vehicle generally is said to have a right to use roadway superior to that of the driver of a following vehicle. While both drivers have a duty to exercise reasonable care to avoid a collision, the driver of the leading vehicle owes no specific duty to the occupants of a following vehicle other than to operate the vehicle in a prudent, careful and lawful manner. The driver of a leading vehicle has only a limited duty to look out for following vehicles, the duty is primarily in effect when the driver’s attention has been called to the presence of a vehicle behind him or when the driver intends to execute a maneuver (e.g. slowing or stopping his vehicle to make a turn or because of traffic conditions ahead) which could affect the operation of a following vehicle. The driver of a leading vehicle may slow down or stop his vehicle to make a turn off the roadway or when traffic conditions or regulations provide sufficient justification, but the driver must use due care for the safety of the occupants of any following vehicles and must not make any sudden and unexpected stops which could imperil them. The exercise of due care primarily requires that the driver of a leading vehicle, preparing to substantially reduce his speed, stop, and/or turn off the roadway, given an appropriate and timely signal to the driver of a following vehicle. See 2 Blashfield, Automobile Law and Practice, § 113.3-.11 (3d ed. 1965).

The driver of a motor vehicle, who gives an appropriate and timely signal of his intention to turn, has a right as a prudent driver to stop for a left turn without anticipating that his vehicle would be struck from one approaching from the rear, Nielson v. De Witt, 390 P.2d 781-782 (Alaska 1964). The driver of a motor vehicle which collided with rear of complainant’s car when complainant had to stop for car turning left was negligent, as complainant’s stop should have been anticipated as left turns onto business premises are fairly routine. Grimes v. Haslett, 641 P.2d 813 (Alaska 1982). Where there is no reason to anticipate conduct of preceding driver, following driver may not be responsible for rear-end collision. However, one also should expect sudden stops in heavy traffic, especially when it has recently been stop-and-go. Hahn v. Russ, 611 P.2d 66 (Alaska 1980).

The driver of a following vehicle has the duty of driving in recognition of the superior right of the driver of the preceding vehicle to the use of the highway. Another way of stating this is to say that the driver of a following vehicle has the primary duty to exercise reasonable care to avoid a collision with the vehicle ahead. This means that the driver is to operate his vehicle in such a manner as to be able to respond to the usual and ordinary movements of the vehicle ahead. The driver must maintain a proper lookout for the vehicle ahead on the roadway and retain such control and travel at such a speed to allow stopping and other appropriate measures to avoid a collision if the vehicle ahead suddenly slows or stops. See 3 Blashfield, Automobile Law and Practice, § 113.12-.20 (3d ed. 1965), for discussion of duties of a driver of a following vehicle.

See Annot., 69 A.L.R. 3d 771, for discussion of negligence arising out of collision by operation of a vehicle with improper taillights or rear deflectors.