05.21 OVERTAKING AND PASSING ON THE LEFT – DRIVER OF THE VEHICLE OVERTAKEN

Withdrawn 1986.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

# Comment

This instruction was based on 13 Alaska Admin. Code § 02.065(a). The Alaska Supreme Court has not yet decided if a violation of this regulation is negligence per se.

If movement to the right is not practicable at the time of the initial signal of an intent to pass, the lead driver has the right to wait until a place is reached where the movement may be made safely. See 2 Blashfield, Automobile Law and Practice, § 112.22 (Revised 3d ed. 1979).

It generally has been held that a statute which requires the forward vehicle to give way to the right upon receiving an audible signal from an overtaking vehicle, does not place a positive duty upon the overtaking vehicle to give an audible signal. See Annot., 22 A.L.R. 3d 325, 343-46.

See 2 Blashfield, Automobile Law and Practice, § 112.21-.25 (Revised 3d ed. 1979), for discussion of duties of driver of vehicle being passed.