

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2502/1dn

PEN:jlg:km

March 16, 1999

Rep. Gard:

This bill will allow only 27 automobiles per lane mile. This might aggravate traffic problems, especially during rush hour and in populated areas.

This bill eliminates the statutory "reasonable and prudent" following distance requirement, which under some conditions might be greater than 200 feet. Common law will continue to impose a duty of reasonable care under the circumstances.

Your proposed language requested retaining the "having due regard" language. I am not sure of the legal effect of retaining this language, since the statute now specifies a single fixed distance of 200 feet. If this "having regard" language is intended to explain the purpose of the 200-foot distance and is not intended to have any substantive legal effect, this language should be deleted. Do you want to set a fixed distance of 200 feet or, having due regard for speed, etc., a greater distance that is reasonable and prudent?

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