

POLOW, POLOW & MAHONEY - ATTORNEYS AT LAW

THE LAW AND YOU - VOLUME 11, ISSUE #30

****Personal Injury**Auto Accidents**Real Estate**Other Legal Services****

IN BRIEF

LADDER SAFETY TIPS

- Do not stand on top step or rear section.
- Do not exceed maximum load rating (user plus materials).
- Make sure the ladder is set on a firm, level surface.
- Do not place in front of a blocked or guarded door.
- While possible, have someone hold the ladder.
- Throw away any ladder that is damaged.
- Make sure spreaders are set and locked.
- Never attempt to repair a stepladder.
- Keep away from a power line.
- Limit one person at a time.
- Never leave unattended.
- Do not over reach.

MISCELLANEOUS TRAFFIC LAWS

Vermont's traffic laws are contained within Title 23 of the Vermont Statutes Annotated. In this newsletter, I will discuss some of the laws and give brief comments.

• §1258, Child Restraint Systems

No person shall operate a motor vehicle in this state upon a public highway while transporting a child under the age of five years unless the child is properly restrained in a federally approved child passenger restraining system.

No person shall operate a motor vehicle, other than a school bus, in this state upon a public highway while transporting a child aged 5-12 unless the child is properly secured in a federally approved safety belt.

• §1259, Safety Belts

The operator of a motor vehicle shall be subject to a penalty of \$10.00 if any person required to be restrained under this section is occupying a seating position which has been manufactured with a federally approved safety belt system and is not restrained by the safety belt system while the motor vehicle is in motion on a public highway.

• §1111, Unattended Motor Vehicles

No person shall permit a motor vehicle to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition and effectively setting the brake, air temperatures permitting, and when the vehicle is standing upon a grade, turning the front wheels toward the curb or side of the highway. This section does not apply to authorized emergency vehicles.

Comments: Here is one of the most violated laws in the State of Vermont! This law clearly states that it is unlawful to leave your vehicle running when it is unattended. That means if you go into a store or school and leave your vehicle running, you are violating §1111.

• §1051, Pedestrians' Right of Way in Crosswalks

If traffic-control signals are not in operation, the driver of the vehicle shall yield the right of way, slowing down or stopping if necessary, to a pedestrian crossing the roadway within a crosswalk.

• §1052, Crossing Except at Crosswalks

Every pedestrian crossing a roadway at any point other than within a marked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

• §1053, Drivers to Exercise Due Care

Notwithstanding the provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway.

Comments: This law requires drivers to slow down and exercise greater care when they see pedestrians, including runners, on the roadway.

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In Case of Injury

When you, your friends, family members or fellow workers become injured, they may need an attorney. Please have them call us. We will be happy to help with a free consultation.

The Law and You

The Law and You is published as a service to our clients. Articles contained in *The Law and You* should be viewed as summaries of the law and not as substitutes for legal counsel. You should not act on any of the information contained in this newsletter without further, specific legal consultation.

We welcome your comments.

• §1081, Basic Rule and Maximum Limits

(a) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions, having regard for the actual and potential hazards then existing. In every event, speed shall be controlled as necessary to avoid colliding with any person, vehicle or other object on or adjacent to the highway.

(b) Except when there exists a special hazard that requires lower speed in accordance with subsection (a) of this section, the limits specified in this section or established as hereinafter authorized are maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of fifty miles per hour.

Comments: This statutory provision requires that drivers slow down when either the surface or weather conditions are such that a reasonable driver would operate the vehicle at a reduced speed. Furthermore, if a dirt road is particularly steep, narrow or windy, this statutory provision would trump the statewide speeds of 50 MPH.

• §1127 Control and Presence of Horses and Cattle

(a) Whenever upon a public highway and approaching a vehicle drawn by a horse or other draft animal, or approaching a horse or other animal upon which a person is riding, the operator of a motor vehicle shall operate the vehicle in such a manner as to exercise every reasonable precaution to prevent the frightening of such horse or animal and to insure the safety and protection of the person riding or driving.

(b) The operator of a motor vehicle shall yield to any cattle, sheep or goats which are being herded on or across a highway.

• §1129, Accident-Reports

The operator of a motor vehicle involved in an accident whereby a person is injured or whereby there is total damage to all property to the extent of \$1,000.00 or more shall make a written report concerning the accident to the Commissioner of Motor Vehicles on forms furnished by the Commissioner. The written report shall be mailed to the Commissioner within seventy-two hours after the accident.

• §1134, Motor Vehicle Operator: Consumption or Possession of Alcohol

(a) A person shall not consume alcoholic beverages while operating a motor vehicle on a public highway. As used in this section, "alcoholic beverages" shall have the same meaning as "intoxicating liquor" as defined in §1200 of this Title.

(b) A person operating a motor vehicle on a public highway shall not possess any open container which contains alcoholic beverages in the passenger area of the motor vehicle.

• §1134(a), Motor Vehicle Passenger: Consumption or Possession of Alcohol

A passenger in a motor vehicle shall not consume alcoholic beverages or possess any open container which contains alcoholic beverages in the passenger area of any motor vehicle on a public highway.

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