**05.26 STOPPING, STANDING OR PARKING**

Withdrawn 1986.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

# Comment

This instruction was based on 13 Alaska Admin. Code § 02.340(a).

In Fruit v. Schreiner, 502 P.2d 133 (Alaska 1972), the Alaska Supreme Court implied that in a proper case violation of 13 Alaska Admin. § 02.340 would justify a negligence per se instruction.

Although the driver of a vehicle so disabled that it is impossible to avoid stopping may stop and park his vehicle on a highway without violating 13 Alaska Admin. Code § 02.340, the driver may not leave the vehicle unattended without providing notice that the vehicle is disabled. A vehicle may not be left unattended in or on a bridge, causeway or tunnel or in a hazardous position on a roadway. 13 Alaska Admin. Code § 02.340(d)(1)(G).

AS 28.35.140 allows service vehicles to make brief stops on roadways. Service vehicles includes buses, garbage trucks, tow trucks, and ambulances, and the Alaska Supreme Court has extended the statute to include any vehicle “engaged in the same activity as service vehicles.” Beaumaster v. Crandall, 576 P.2d 988, 993 (Alaska 1978).

See 3 Blashfield, Automobile Law and Practice § 116.15-.21 (3d ed. 1965), for discussion of excuses for violation of stopping, standing or parking statute.