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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STEVEN M. HAGEN,)

Appellant,) Filed March 14, 1977

vs.)

DENNIS SMITH,) 78
2-58114

Appellee.)

Appeal from Polk District Court - Gibson C. Holliday, Judge.

Appeal by plaintiff from judgment for defendant in an action for personal injuries as a result of an automobile accident. - Affirmed.

Virgil Moore, of Des Moines, for Appellant.

Jerry E. Williams and Keith E. Luchtel, of Des Moines, for Appellee.

Submitted to Allbee, C.J., and Donielson, Snell, Oxberger and Carter, JJ.

PER CURIAM

Plaintiff appeals a judgment for the defendant rendered by a judge without a jury. He raises several errors all related to the sufficiency of the evidence to support the judgment. We have reviewed the transcript and determined that the trial judge made adequate written findings of fact which are supported by substantial evidence. Affirmed.

In a law action tried to the court, review is only on errors assigned; under this limited review the findings of fact by the trial court have the effect of a special verdict and are the equivalent of a jury verdict. Frantz v. Knights of Columbus, 205 N.W.2d 705, 708 (Iowa 1973). If supported by substantial evidence and justified as a matter of law, the judgment is not disturbed on appeal. Rule 344(f)(1), Rules of Civil Procedure. Further, we must view the evidence in the light most favorable to support the trial court's verdict. *Frantz*, 205 N.W.2d at 708.

The core issue, on appeal, is whether the trial court erred in refusing to find the defendant negligent in failing to signal his intent to pass a forward vehicle traveling in the same direction. Closely related is the question whether the defendant, with an unobscured vision to rear of 700 feet, failed to maintain a proper lookout to observe plaintiff's automobile that was to his rear.

The defendant's duty to signal and to look out are limited by his right to assume that others will be obeying the law. Rule 344 (f)(9), R.C.P. Section 321.314, The Code, requires a motorist to signal before turning from a direct course "in the event any other vehicle may be affected by such movement." The Hagen vehicle in which the plaintiff was riding would not have appeared to the defendant as a vehicle to be "affected by" his passing. The trial court

found the plaintiff's automobile was traveling at 60 m.p.h. The defendant had a right to assume that any automobiles to his rear would be traveling at 25 m.p.h., the speed limit. He had no duty to observe, nor signal automobiles not in the zone covered by the speed limit. Section 321.314, The Code.

The plaintiff objects to certain opinion testimony relating to the speed of the Hagen vehicle. He did not preserve his record for appeal on this issue.

There is sufficient circumstantial evidence to support the finding of speed. Walker v. Sedrel, 260 Iowa 625, 632, 149 N.W.2d 874 (1967). Plaintiff's vehicle left at least 100 feet of skid marks of all four wheels on the hard surface of the roadway. It sheared off a utility pole. The impact severed the windshield which continued on for an additional 75 feet. Tr. 110, 111.

We are bound by these trial court findings of fact supported by substantial evidence. Rule 344(f)(1), R.C.P. There is no dispute that trial court applied the correct law to the facts; the judgment is hereby affirmed.