

Original Code

Original Code Relocated

New Code Added

Original Code Deleted

• *Comments*

TITLE 21

Motor Vehicles

Operation and Equipment

CHAPTER 41. RULES OF THE ROAD

Subchapter V. Pedestrians' Rights and Duties

§ 4140 Certain offenses not entered on motor vehicle record.

Arrests and or convictions for offenses in §§ 4141, 4143, 4145-4150 of this title shall not be entered on a driver's motor vehicle record.

64 Del. Laws, c. 32, § 1.;

§ 4141 Pedestrian obedience to traffic-control devices and traffic regulations.

(a) A pedestrian shall obey the instructions of a traffic-control device specifically applicable to the pedestrian, unless otherwise directed by a police officer or uniformed adult school crossing guard. This section shall not operate to relieve the responsibilities and duties set forth in other sections of this subchapter.

(b) Pedestrians shall be subject to traffic and pedestrian control signals as provided in §§ 4108 and 4109 of this title.

(c) At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter.

21 Del. C. 1953, § 4141; 54 Del. Laws, c. 160, § 1; 60 Del. Laws, c. 701, § 30; 70 Del. Laws, c. 186, § 1.;

§ 4142 Pedestrians' right-of-way and responsibilities in crosswalks.

(a) When traffic-control signals are not in place or not in operation or when the operator of a vehicle is making a turn at an intersection, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) (relocated to (g) below)

~~(c) Subsection (a) of this section shall not apply under the conditions stated in § 4143(b) of this title.~~

(d) (relocated to (f) below)

(a) A motorist must stop and remain stopped for a pedestrian when the pedestrian is proceeding in accordance with a traffic control device as provided under DE Title 21, Chapter 41, Section 4108 (Traffic Control Signal Legend), or crossing the roadway in a crosswalk and in any of the following locations:

- a. In the lane in which the driver's vehicle is traveling;
- b. In a lane adjacent to the lane in which the driver's vehicle is traveling;
- c. In the lane into which the driver's vehicle is turning;
- d. Within 3 feet of the edge of the roadway while approaching the crosswalk **or waiting at the crosswalk**, with the apparent intent to cross the road.
- e. Less than three feet from the lane into which the driver's vehicle is turning.

(b) For the purpose of this section, a bicycle lane or the part of a roadway where a vehicle stops, stands or parks that is adjacent to a lane of travel is considered to be part of that adjacent lane of travel.

(c) This section does not require a driver to stop and remain stopped for a pedestrian under any of the following circumstances:

- a. Upon a roadway with a safety island, if the driver is proceeding along the half of the roadway on the far side of the safety island from the pedestrian; or
- b. Where an ADA-compliant pedestrian tunnel or overhead crossing has been provided at or near a crosswalk.

~~(d) For the purposes of this section, a pedestrian is crossing the roadway in a crosswalk when:~~

~~a. Any part or extension of the pedestrian, including but not limited to any part of the pedestrian's body, wheelchair, cane, crutch or bicycle, moves onto the roadway in a crosswalk with the intent to proceed~~

(e) A person lawfully riding a bicycle on a shared use pathway or sidewalk is defined as a pedestrian for the purposes of this section

(f) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

~~(g) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.~~

(h) Whoever violates this section shall for the first offense be fined not less than \$100 nor more than \$150. For each subsequent like offense, the person shall be fined not less than \$200 nor more than \$500.

21 Del. C. 1953, § 4142; 54 Del. Laws, c. 160, § 1; 60 Del. Laws, c. 701, § 31; 68 Del. Laws, c. 438, § 1.;

§ 4143 Crossing at other than crosswalks.

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

~~(b) Any pedestrian crossing a roadway at a point where pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.~~

~~(c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.~~

(b) Where the pedestrian is within 300 feet of a marked crosswalk, the pedestrian shall not cross at any point except within the marked crosswalk.

(c) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

(d) Whoever violates this section shall for the first offense be fined not less than \$50 nor more than \$75. For each subsequent like offense, the person shall be fined not less than \$100 nor more than \$125.

21 Del. C. 1953, § 4143; 54 Del. Laws, c. 160, § 1.;

§ 4144 Drivers to exercise due care.

(a) Notwithstanding the foregoing provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and 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 or a person wholly or partially blind, carrying a cane or walking stick white in color, or white tipped with red or accompanied by a guide dog, upon a roadway.

21 Del. C. 1953, § 4144; 54 Del. Laws, c. 160, § 1; 60 Del. Laws, c. 701, § 32.;

§ 4145 Pedestrians to use right half of crosswalks.

(a) Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

21 Del. C. 1953, § 4145; 54 Del. Laws, c. 160, § 1.;

§ 4146 Pedestrians on highways; penalty.

(a) Where a sidewalk or **shared use pathway** is provided and is accessible **and in safe condition**, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk facing traffic only on a shoulder, as far as practicable from the edge of the roadway.

(c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and shall walk facing traffic.

(d) Except as otherwise provided in this chapter, any pedestrian upon a highway shall yield the right-of-way to all vehicles upon the highway.

(e) This section shall not require that pedestrians on one-way roadways of controlled-access highways walk facing traffic to the nearest emergency reporting device.

(f) **Whoever violates this section shall for the first offense be fined not less than \$50 nor more than \$75. For each subsequent like offense, the person shall be fined not less than \$100 nor more than \$125.**

(g) A foot race or walking event on a highway shall not be unlawful when the event has been approved by the Department or the local authorities in their respective jurisdictions. Approval of a foot race or walking event on a highway shall be granted only under conditions which ensure reasonable safety for all participants, spectators and other highway users, and which prevent unreasonable interference with traffic flow which would seriously inconvenience

other highway users. By agreement with the approving authority, participants in an approved foot race or walking event on a highway may be exempted from compliance with any traffic laws otherwise applicable thereto, provided that traffic control is adequate to ensure the safety of all highway users.

21 Del. C. 1953, § 4146; 54 Del. Laws, c. 160, § 1; 60 Del. Laws, c. 700, § 5; 65 Del. Laws, c. 503, § 17; 68 Del. Laws, c. 9, § 27; 70 Del. Laws, c. 186, § 1; 79 Del. Laws, c. 191, § 1.;

§ 4147 Pedestrians soliciting rides or business.

(a) No person shall stand in a highway for the purpose of soliciting any employment, business or contributions from the occupant of any vehicle.

(b) No person shall stand on or in proximity to a highway for the purpose of soliciting the watching or guarding of any vehicle while parking or about to be parked on a highway.

(c) No person shall stand in a highway for the purpose of soliciting a ride.

(d) No person shall at any time be jailed solely for violation of subsection (c) of this section.

~~(e) The prohibition against soliciting contributions contained in subsection (a) of this section shall not apply on the Saturday immediately prior to Father's Day each year to solicitations by charitable organizations, defined as those organizations previously qualified as such under the federal Internal Revenue Code [26 U.S.C. § 1 et seq.], when those solicitations take place only during daylight hours, at intersections with traffic control signals in place, using only existing median strips or other off-street facilities, using individuals no younger than 18 years of age to conduct the solicitation, without using any devices to alter or impede the traffic flow.~~

21 Del. C. 1953, § 4147; 54 Del. Laws, c. 160, § 1; 58 Del. Laws, c. 54, § 1; 60 Del. Laws, c. 700, § 6; 67 Del. Laws, c. 39, § 1.;

§ 4148 Carrying of lights or reflector device by pedestrians; penalty.

(a) No pedestrian shall walk upon any roadway or shoulders of any roadway of this State that is used for motor or vehicle traffic, beyond the corporate limits of any city or town, without carrying a lighted lantern, lighted flashlight or other similar light or reflector type device during the period of time from sunset to sunrise and at any other time when there is not sufficient light to render clearly visible any person or vehicle on the highway.

(b) Whoever violates subsection (a) of this section shall for the first offense be fined not less than \$25 nor more than \$50. For each subsequent like offense within 1 year, the person shall be fined not less than \$75 nor more than \$100.

21 Del. C. 1953, § 4148; 54 Del. Laws, c. 160, § 1; 58 Del. Laws, c. 54, § 2; 65 Del. Laws, c. 353, § 1; 68 Del. Laws, c. 9, § 28; 70 Del. Laws, c. 186, § 1.;

§ 4149 Walking on highways under influence of drugs or liquor.

(a) No person shall walk or be upon a highway of this State while under the influence of intoxicating liquor and/or narcotic drugs to a degree which renders the person a hazard.

21 Del. C. 1953, § 4149; 54 Del. Laws, c. 160, § 1; 60 Del. Laws, c. 701, § 33; 70 Del. Laws, c. 186, § 1.;

§ 4150 Use of certain canes restricted to blind pedestrians.

(a) No persons except those wholly or partially blind shall carry in a raised or extended position on any street or highway a cane or walking stick which is white in color or white tipped in red.

21 Del. C. 1953, § 4150; 54 Del. Laws, c. 160, § 1.;

§ 4151 Pedestrians' right-of-way on sidewalks.

(a) The driver of a vehicle entering or exiting the roadway shall yield the right-of-way to any pedestrian on a sidewalk or shared use path.

a. A person lawfully riding a bicycle on a shared use pathway or sidewalk is defined as a pedestrian for the purposes of this section.

Subchapter II. Traffic Signs, Signals and Markings

§ 4108 Traffic-control signal legend.

(a) Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively 1 at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word or symbol legend, and such lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication:

a. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a traffic-control device at such place prohibits either such turn. Vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

b. Unless otherwise directed by a pedestrian-control signal as provided in § 4109 of this title, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(2) Circular yellow or yellow arrow:

- a. Vehicular traffic facing the circular yellow signal is thereby warned that a red signal for the previously permitted movement will be exhibited immediately thereafter.
- b. Vehicular traffic facing the yellow arrow signal shown alone or in combination with another indication is thereby warned that the previously displayed green arrow signal is being terminated. The yellow arrow signal may be followed by a red signal or a green signal.
- c. Pedestrians facing a yellow signal, unless otherwise directed by a pedestrian-control signal, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(3) Red indication:

- a. Vehicular traffic facing the red signal shall stop before crossing the stop limit, whether marked by sign or painted line, or if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown or as provided in paragraph (a)(3)b. of this section.
- b. When a traffic-control device is not in place prohibiting such turn, vehicular traffic facing a circular red signal may cautiously enter the intersection to turn right, or to turn left from a one-way roadway onto a one-way roadway.
- c. When turns on red are permitted, the right to proceed to turn after stopping shall be subject to the rule applicable after making a stop as at a stop sign.
- d. No pedestrian facing such signal shall enter the roadway. ~~unless the pedestrian can do so safely and without interfering with any vehicular traffic.~~

(4) Green arrow or arrows:

- a. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- b. Vehicles facing such signals are thereby advised that other traffic movements may be prohibited from the lane or lanes that the signal indication controls. Making or attempting to make any prohibited movement is unlawful.
- c. ~~Pedestrians facing such signals shall not enter the roadway unless they can do so safely and without interfering with any vehicular traffic.~~

(b) When lane use control signals are placed over the individual lane of roadway or highway, vehicular traffic may travel in any lane or lanes over which a green signal is shown, but shall not enter or travel in any lane or lanes over which a red signal is shown. Left turns may be made across such lane if not otherwise prohibited. Vehicular traffic shall move from any lane over which a steady amber signal is displayed as soon as the movement can be made in safety. Vehicular

traffic may use a lane over which a flashing yellow signal is displayed for the purpose of making a left turn.

(c) In the event that traffic signals are in place and no lighted indication is visible to an approaching driver, the approaching driver shall reduce speed and prepare to yield to other vehicles in or approaching the intersection.

(d) Whoever violates this section shall be fined not less than \$75 nor more than \$115. Whoever violates paragraph (a)(3) of this section shall be fined not less than \$75 nor more than \$230. For each subsequent offense of paragraph (a)(3) of this section within 2 years, the person shall be fined not less than \$100 nor more than \$575, or imprisoned not less than 10 nor more than 60 days, or both.

(e) Notwithstanding any provision of the Delaware Code to the contrary, any local government, municipality, town or county, whether incorporated or unincorporated, shall pay to the General Fund any sums collected under this section or any substantially conforming ordinances and regulations enacted by local authorities that exceed the maximum fine permitted under the law as it existed prior to the effective date of subsection (d) of this section.

21 Del. C. 1953, § 4108; 54 Del. Laws, c. 160, § 1; 58 Del. Laws, c. 430; 58 Del. Laws, c. 570; 60 Del. Laws, c. 701, § 11; 70 Del. Laws, c. 186, § 1; 72 Del. Laws, c. 407, § 1.;

§ 4109 Pedestrian-control signals.

Whenever special pedestrian-control signals exhibiting the words or symbols "Walk" or "Don't Start" or "Don't Walk" are in place, such signals shall take precedence over pedestrian movements outlined in § 4108 of this title. Such signals shall apply as follows:

(1) Steady "Walk" or flashing "Walk" - Pedestrians facing such signals may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the driver of all vehicles.

(2) Steady "Don't Walk" or flashing "Don't Walk" or "Don't Start" - No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed crossing on the walk signal shall proceed to the nearest sidewalk or safety island.

~~(3) Pedestrian traffic facing a flashing "Don't Walk" or a countdown signal in progress is thereby warned that a steady "Don't Walk" signal for the previously permitted movement will be exhibited immediately thereafter.~~

This section was crossed out because it conflicts with the MUTCD. We retain concerns about requiring that pedestrians not cross the road on a flashing phase of the pedestrian signal.

21 Del. C. 1953, § 4109; 54 Del. Laws, c. 160, § 1; 60 Del. Laws, c. 701, § 12; 70 Del. Laws, c. 186, § 1.