

068925828

SENATE BILL NO. 233

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation
on February 2, 2006)

(Patron Prior to Substitute—Senator Ticer)

A BILL to amend and reenact §§ 46.2-923 and 46.2-924 of the Code of Virginia, relating to pedestrians crossing highways; penalty.

Be it enacted by the General Assembly of Virginia:**1. That §§ 46.2-923 and 46.2-924 of the Code of Virginia are amended and reenacted as follows:**

§ 46.2-923. How and where pedestrians to cross highways.

When crossing highways, pedestrians shall not ~~carelessly or maliciously~~ interfere with the orderly passage of vehicles ~~or enter a highway into the path of a vehicle that is so close that it is impossible for the driver to yield.~~ They shall cross, wherever possible, only at intersections or marked crosswalks. Where intersections contain no marked crosswalks, pedestrians shall not be guilty of negligence as a matter of law for crossing at any such intersection or between intersections when crossing by the most direct route.

The governing body of any town or city or the governing body of a county authorized by law to regulate traffic may by ordinance permit pedestrians to cross an intersection diagonally when all traffic entering the intersection has been halted by lights, other traffic control devices, or by a law-enforcement officer.

§ 46.2-924. Drivers to stop for pedestrians; installation of certain signs; penalty.

A. The driver of any vehicle on a highway shall yield the right-of-way ~~to any pedestrian crossing such highway and stop if necessary for any pedestrian crossing a highway when the pedestrian is on the half of the highway on which the vehicle is traveling or when the pedestrian is approaching so close from the opposite half of the highway as to be in danger:~~

1. ~~At any clearly marked crosswalk, whether at mid-block or at the end of any block;~~

2. At any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block;

3-2. At any intersection when the driver is approaching on a highway or street where the legal maximum speed does not exceed 35 miles per hour.

B. ~~At any clearly marked crosswalk, whether at the midblock or at the end of any block, the driver of any vehicle on a highway shall stop for any pedestrian crossing a highway when the pedestrian is on the half of the highway on which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the highway as to be in danger.~~

C. ~~Whenever a vehicle is stopped or has slowed at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the highway, the driver of any other vehicle approaching the vehicle from the rear shall not overtake and pass such vehicle.~~

D. Notwithstanding the provisions of subsection A of this section, at intersections or crosswalks where the movement of traffic is being regulated by law-enforcement officers or traffic control devices, the driver shall yield ~~or stop~~ according to the direction of the law-enforcement officer or device.

No pedestrian shall enter or cross an intersection in disregard of approaching traffic.

The drivers of vehicles entering, crossing, or turning at intersections shall ~~change their course, slow down,~~ yield or stop if necessary to permit pedestrians to cross such intersections ~~or entrances~~ safely and expeditiously.

Pedestrians crossing highways at intersections shall at all times have the right-of-way over vehicles making turns into the highways being crossed by the pedestrians.

~~E.~~ The governing body of any county having the urban county executive form of government, any county having the county manager plan of government, the City of Fairfax, the County of Loudoun and any town therein, and any city with a population between 110,000 and 115,000, may by ordinance provide for the installation and maintenance of highway signs at marked crosswalks specifically requiring operators of motor vehicles, at the locations where such signs are installed, to yield the right-of-way to pedestrians crossing or attempting to cross the highway. Any operator of a motor vehicle who fails at such locations to yield the right-of-way to pedestrians as required by such signs shall be guilty of a traffic infraction punishable by a fine of no less than \$100 or more than \$500. The Commonwealth Transportation Board shall develop criteria for the design, location, and installation of such signs. The provisions of this section shall not apply to any limited access highway.