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**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.*](http://delcode.delaware.gov/sessionlaws/ga132/chp032.shtml)*;*

**§ 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*](http://delcode.delaware.gov/sessionlaws/ga122/chp160.shtml)*;* [*60 Del. Laws, c. 701, § 30*](http://delcode.delaware.gov/sessionlaws/ga128/chp701.shtml)*;* [*70 Del. Laws, c. 186, § 1.*](http://delcode.delaware.gov/sessionlaws/ga138/chp186.shtml)*;*

**§ 4142. Pedestrians' right-of-way 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) 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.

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

(d) 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.

*21 Del. C. 1953, § 4142;* [*54 Del. Laws, c. 160, § 1*](http://delcode.delaware.gov/sessionlaws/ga122/chp160.shtml)*;* [*60 Del. Laws, c. 701, § 31*](http://delcode.delaware.gov/sessionlaws/ga128/chp701.shtml)*;* [*68 Del. Laws, c. 438, § 1.*](http://delcode.delaware.gov/sessionlaws/ga136/chp438.shtml)*;*

**§ 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.

(d) 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.

*21 Del. C. 1953, § 4143;* [*54 Del. Laws, c. 160, § 1.*](http://delcode.delaware.gov/sessionlaws/ga122/chp160.shtml)*;*

**§ 4144. Drivers to exercise due care.**

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*](http://delcode.delaware.gov/sessionlaws/ga122/chp160.shtml)*;* [*60 Del. Laws, c. 701, § 32.*](http://delcode.delaware.gov/sessionlaws/ga128/chp701.shtml)*;*

**§ 4145. Pedestrians to use right half of crosswalks.**

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

*21 Del. C. 1953, § 4145;* [*54 Del. Laws, c. 160, § 1.*](http://delcode.delaware.gov/sessionlaws/ga122/chp160.shtml)*;*

**§ 4146. Pedestrians on highways; penalty.**

(a) Where a sidewalk is provided and is accessible, 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 $10 nor more than $28.75. For each subsequent like offense, the person shall be fined not less than $25 nor more than $50.

*21 Del. C. 1953, § 4146;* [*54 Del. Laws, c. 160, § 1*](http://delcode.delaware.gov/sessionlaws/ga122/chp160.shtml)*;* [*60 Del. Laws, c. 700, § 5*](http://delcode.delaware.gov/sessionlaws/ga128/chp700.shtml)*;* [*65 Del. Laws, c. 503, § 17*](http://delcode.delaware.gov/sessionlaws/ga133/chp503.shtml)*;* [*68 Del. Laws, c. 9, § 27*](http://delcode.delaware.gov/sessionlaws/ga136/chp009.shtml)*;* [*70 Del. Laws, c. 186, § 1.*](http://delcode.delaware.gov/sessionlaws/ga138/chp186.shtml)*;*

**§ 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.], 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*](http://delcode.delaware.gov/sessionlaws/ga122/chp160.shtml)*;* [*58 Del. Laws, c. 54, § 1*](http://delcode.delaware.gov/sessionlaws/ga126/chp054.shtml)*;* [*60 Del. Laws, c. 700, § 6*](http://delcode.delaware.gov/sessionlaws/ga128/chp700.shtml)*;* [*67 Del. Laws, c. 39, § 1.*](http://delcode.delaware.gov/sessionlaws/ga135/chp039.shtml)*;*

**§ 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 $2.30 nor more than $28.25. For each subsequent like offense within 1 year, the person shall be fined not less than $11.50 nor more than $28.25.

*21 Del. C. 1953, § 4148;* [*54 Del. Laws, c. 160, § 1*](http://delcode.delaware.gov/sessionlaws/ga122/chp160.shtml)*;* [*58 Del. Laws, c. 54, § 2*](http://delcode.delaware.gov/sessionlaws/ga126/chp054.shtml)*;* [*65 Del. Laws, c. 353, § 1*](http://delcode.delaware.gov/sessionlaws/ga133/chp353.shtml)*;* [*68 Del. Laws, c. 9, § 28*](http://delcode.delaware.gov/sessionlaws/ga136/chp009.shtml)*;* [*70 Del. Laws, c. 186, § 1.*](http://delcode.delaware.gov/sessionlaws/ga138/chp186.shtml)*;*

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

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*](http://delcode.delaware.gov/sessionlaws/ga122/chp160.shtml)*;* [*60 Del. Laws, c. 701, § 33*](http://delcode.delaware.gov/sessionlaws/ga128/chp701.shtml)*;* [*70 Del. Laws, c. 186, § 1.*](http://delcode.delaware.gov/sessionlaws/ga138/chp186.shtml)*;*

**§ 4150. Use of certain canes restricted to blind pedestrians.**

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.*](http://delcode.delaware.gov/sessionlaws/ga122/chp160.shtml)*;*

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

The driver of a vehicle shall yield the right-of-way to any pedestrian on a sidewalk.

[*60 Del. Laws, c. 701, § 34.*](http://delcode.delaware.gov/sessionlaws/ga128/chp701.shtml)*;*