

Senate Bill 611

By: Senators Au of the 48th and Robertson of the 29th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 5 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,
2 relating to rights and duties of pedestrians, so as to provide for the duties of pedestrians at
3 crosswalks, when crossing a roadway, and traveling on or along a roadway; to provide for
4 related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 5 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to
8 rights and duties of pedestrians, is amended by revising Code Section 40-6-91, relating to
9 right of way in crosswalks, as follows:

10 "40-6-91.

11 (a) The driver of a vehicle shall stop and remain stopped to allow a pedestrian to cross the
12 roadway within a crosswalk when the pedestrian is upon the half of the roadway upon
13 which the vehicle is traveling, or when the pedestrian is approaching and is within one lane
14 of the half of the roadway on which the vehicle is traveling or onto which it is turning. For
15 the purposes of this subsection, 'half of the roadway' means all traffic lanes carrying traffic
16 in one direction of travel.

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(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 ~~that it is impractical for the driver to yield as to~~ constitute an immediate hazard. An immediate hazard exists when the approaching vehicle is so near or is approaching so quickly that a reasonably careful person would realize that there is a danger of collision. No pedestrian shall unnecessarily stop or delay traffic while in a crosswalk.

(c) Subsection (a) of this Code section shall not apply under the conditions stated in subsection (b) of Code Section 40-6-92.

(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."

SECTION 2.

Said article is further amended by revising Code Section 40-6-92, relating to crossing roadway elsewhere than at crosswalk, as follows:

"40-6-92.

(a) Every pedestrian crossing a roadway at any point other than within a ~~marked crosswalk~~ ~~or within an unmarked~~ crosswalk or at an intersection shall yield the right of way to all vehicles upon the roadway within 500 feet of such pedestrian unless he or she has already, ~~and under safe conditions,~~ entered the roadway at a time when no vehicles were within 500 feet of such pedestrian.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway within 500 feet of such pedestrian if he or she uses the roadway instead of such tunnel or crossing.

(c) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a ~~marked~~ crosswalk when a motor vehicle is traveling within 500 feet of such pedestrian.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices or unless no motor vehicle is traveling within 500 feet of such pedestrian. When authorized to cross diagonally by an official traffic-control device, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements."

SECTION 3.

Said article is further amended by revising Code Section 40-6-96, relating to pedestrians on or along roadway, as follows:

"40-6-96.

(a) As used in this Code section, the term 'pedestrian' means any person afoot or within a wheel chair or other assisted mobility device used for medical purposes and shall include, without limitation, persons standing, walking, jogging, running, or otherwise on foot.

(b) Where a sidewalk is provided, it shall be unlawful for any pedestrian to stand or stride along and upon an adjacent roadway unless there is no motor vehicle traveling within ~~1,000~~ 500 feet of such pedestrian on such roadway or the available sidewalk presents an imminent threat of bodily injury to such pedestrian.

(c) Where a sidewalk is not provided but a shoulder is available, any pedestrian standing or striding along and upon a highway shall stand or stride only on the shoulder, as far as practicable from the edge of the roadway when there is a motor vehicle traveling within 500 feet of such pedestrian.

(d) Where neither a sidewalk nor a shoulder is available, any pedestrian standing or striding along and upon a highway shall stand or stride as near as practicable to an outside edge of the roadway, and, if on a two-lane roadway, shall stand or stride only on the left

67 side of the roadway when there is a motor vehicle traveling within 500 feet of such
68 pedestrian.

69 (e) Except as otherwise provided in this chapter, any pedestrian upon a roadway shall yield
70 the right of way to all vehicles upon the roadway.

71 (f) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the
72 bridge signal, gate, or barrier after a bridge operation signal indication has been given.

73 (g) No pedestrian shall pass through, around, over, or under any crossing gate or barrier
74 at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened
75 or closed."

76 **SECTION 4.**

77 All laws and parts of laws in conflict with this Act are repealed.