

PEDESTRIAN AND CROSSWALK LAWS IN ALL 50 STATES

A 2018 Governors Highway Safety Association (GHSA) study found [HERE](#) has revealed that smartphone use, alcohol, and marijuana use has contributed to drastically-increased injuries and deaths to pedestrians. Every year approximately 76,000 pedestrians suffer injuries when they are struck by a moving vehicle. Beginning in 2016, America experienced a significant increase in the number of pedestrian fatalities, and in 2017 alone, there were nearly 6,000 pedestrian deaths in the U.S. Five states alone account for 43% of all pedestrian deaths—**California, Florida, Texas, New York, and Arizona**. The reported number of smartphones in active use in the U.S. rose 236% from 2010 to 2016, said the report, which cited an increase in “cell phone-related” emergency room visits. While this might instinctively bring to mind a distracted pedestrian crossing the road without keeping a proper lookout, the rise in these pedestrian accidents is also caused in large part by distracted drivers. The report also noted that there was a 16.4% increase in pedestrian fatalities in the seven states that legalized recreational marijuana use between 2012 and 2016. Children and the elderly are particularly vulnerable.

Pedestrian deaths now make up 16% of the total traffic deaths in the U.S. A 2018 National Transportation Safety Board (NTSB) study found [HERE](#) reveals that in 2016, 5,987 pedestrians were killed on U.S. roads—an average of 16 per day. The worst states were **New Mexico, Florida, South Carolina, Delaware, Arizona, Nevada, Louisiana, Texas, Alabama, and Georgia**. Interestingly, nine of the ten worst states are located in the South. It is impossible to effectively handle personal injury and workers’ compensation subrogation claims without becoming familiar with the mosaic of proliferating laws which govern the liability of motorists and the duties of pedestrians when crossing the street.

Children under 13 years of age have the lowest pedestrian death rate of all ages — 4 per million. Elderly pedestrians, although struck even less frequently than children, are more likely to die after being struck. Victims over the age of 70 account for 13% percent of pedestrian deaths. Male pedestrians of all age groups are more commonly killed in collisions than female pedestrians. According to the Insurance Institute for Highway Safety, “Pedestrian deaths increased 54% in urban areas, which include both cities and what most people consider suburbs. They also increased 67% on arterials — busy roads designed mainly to funnel vehicle traffic toward freeways — 50% outside of intersections, and 56% in the dark. Although pedestrian crashes most frequently involved cars, fatal single-vehicle crashes involving SUVs increased 81%, more than other type of vehicle.”

In an effort to address this growing public safety concern, state legislatures are scrambling to pass new laws which regulate and define who is at fault when a pedestrian is struck. These laws cover circumstances when a vehicle must stop or yield to a pedestrian crossing the street at an uncontrolled crosswalk—one where there is no traffic control device governing and/or directing when it is safe to cross the street. For example, a growing number of states require motorists to stop and yield to pedestrians in an uncontrolled crosswalk; an obligation many motorists have had a hard time adjusting to. In **Minnesota**, the

law now requires a vehicle to stop when a pedestrian is in any portion of the roadway—controlled or uncontrolled. Drivers in that state must now stop for crossing pedestrians at marked crosswalks and at all intersections without crosswalks or stop lights. Although Minnesota pedestrians must not enter a crosswalk if a vehicle is approaching and it is impossible for the driver to stop, there is no defined distance that a pedestrian must abide by before entering the crosswalk. Furthermore, when a vehicle is stopped at a Minnesota intersection to allow pedestrians to cross the roadway, it is illegal for drivers of other vehicles approaching from the rear to pass the stopped vehicle.

Interestingly, at common law, the rights of pedestrians and motorists at crossings were equal and neither had a superior right over the other. *Bartlett v. Melzo*, 88 N.W.2d 518 (Mich. 1958). Today, however, most states treat pedestrian rights and vehicle obligations at controlled and uncontrolled crosswalks differently. Controlled crosswalks are typically striped and delineated, as such a crosswalk could be marked or unmarked. The language and definitions differ from state to state. In general, vehicles must yield the right-of-way to pedestrians at plainly marked crosswalks and at intersections where stop signs or flashing red signals are in place. On the other hand, pedestrians must generally yield the right-of-way to vehicles when crossing outside of a marked crosswalk or an unmarked crosswalk at an intersection. The laws do vary from state to state, however.

In **New Jersey**, vehicles must stop for a pedestrian within a marked crosswalk but must only yield the right-of-way to pedestrians crossing within any unmarked crosswalk at an intersection. Nineteen states put the burden on vehicles to stop and yield if a pedestrian is located anywhere in the roadway. Other states, like **Louisiana**, require a vehicle to yield only if the pedestrian is on their half of the road, but not if they are on the other half; requiring the pedestrian to stop and wait as traffic passes. **Nebraska** requires yielding if the pedestrian is on the same half of the roadway or within one lane of the vehicle. **Massachusetts** is an example of a state that requires the vehicle to stop and yield if the pedestrian is on the same half of the roadway or within ten (10) feet of the motorist. Despite this, some states—including **Hawaii, Georgia, Oregon, South Dakota, Virginia, and Washington** treat controlled and uncontrolled crosswalks the same.

In general, drivers of motor vehicles must exercise reasonable care to avoid striking a pedestrian. The laws of many states impose a higher duty of care when it comes to pedestrians who are children. At the same time, a pedestrian cannot blindly walk into the roadway without exercising reasonable care and keeping a proper lookout. A pedestrian who fails to do this is guilty of contributory negligence.

A legal culture sea transformation is underway and claims and subrogation professionals must be aware of this change. The University of Minnesota recently conducted research at “high-risk” intersections in St. Paul as part of a study to track pedestrian and driver behavior. Only 31% of drivers yielded to the pedestrians as required by Minnesota law. **Minnesota** refers to it as the “Stop for Me” campaign—a public campaign to protect pedestrians and educate drivers that they must stop and let pedestrians cross, even when there isn’t a red light. From 2013 to 2017, 835 pedestrians in St. Paul were struck by vehicles. Of those, 17 died and 747 were injured. Of those hurt, 87 were children 10 years of age and under, and 100 were ages 11 to 17. In Minnesota, pedestrians are allowed to cross the street wherever they choose, so long as they (1) act reasonably to ensure their own safety, (2) follow traffic laws and rules, and (3) are not otherwise prohibited from crossing in a specific location. Minn. Stat. §§ 169 (Minnesota Statutes “Traffic Regulations” chapter). When crossing at a marked crosswalk where traffic control signals are present, pedestrians must obey the signals and may only cross the road within the marked crosswalk. Minn. Stat. § 169.21, subd. 1, 3(c). If crossing at a marked crosswalk or at an intersection without a marked crosswalk where no traffic control signals are present, both motor vehicle drivers and bicyclists must allow pedestrians already crossing the road to cross the entire road first before driving further through the intersection. Minn. Stat. § 169.21, subd. 2(a). Similarly, pedestrians must allow traffic in the roadway to pass before attempting to cross at locations without traffic signals, such as at crosswalks, intersections, and undesignated locations like the middle of the street where there is no crosswalk. Minn. Stat. § 169.21, subd. 2(a), 3(a).

Complicating matters even more are some of the more complex traffic control signs and devices which assist pedestrians in crossing the street. Pedestrians in many states are considered to be lawfully crossing the road within an intersection or crosswalk with traffic control signals when doing so according to a defined set of rules. In **Minnesota**, these rules are as follows according to the Public Health Law Center:

- Where there is only one set of lights applicable to all traffic, the following rules apply:
 - *Green Signal*:
 - Pedestrians facing any green signal (except when the only green signal is a turn arrow) may proceed across the road within any marked or unmarked crosswalk.
 - Every driver of a vehicle must allow pedestrians to cross the road first — except, pedestrians must allow vehicles lawfully within the intersection at the time that the green signal indication is first shown to proceed before crossing.
 - *Steady Yellow Signal*: Pedestrians facing a circular yellow signal are notified that there is not enough time to cross the road before a red signal is shown and are prohibited from starting to cross the road.
 - *Steady Red Signal*: Pedestrians facing a steady red signal alone must not enter the road.
- Whenever special pedestrian control signals with the words Walk or Don't Walk or symbols of a walking person or upraised hand are in place, the signals or symbols indicate as follows:
 - *Steady Walk signal* or the symbol of a walking person:
 - A pedestrian facing either of these signals may proceed across the road in the direction of the signal, possibly in conflict with turning vehicles.
 - Every driver of a vehicle must allow pedestrians to cross before driving further — except that the pedestrian must let vehicles that are lawfully within the intersection at the time that the signal indication is first shown to pass first.
 - *Don't Walk signal* or the symbol of an upraised hand (flashing or steady):
 - A pedestrian is prohibited from starting to cross the road in the direction of either signal.
 - BUT — Any pedestrian who has partially crossed on the Walk or walking person signal must proceed to a sidewalk or safety island while the signal is showing.

Distracted Walking Laws

Closely related to the laws regarding pedestrians and street crossing is the growing body of laws which regulate what a pedestrian can and can't do while crossing a street. These laws are referred to as "Distracted Walking Laws", but more creative names such as "Phones Down, Heads Up Act" have been used. The use of headphones, smartphones, or other electronic devices while crossing the road has contributed to pedestrian/vehicle accidents, injuries, and deaths. A growing number of municipalities across the country have criminalized the ordinary act of walking by making it illegal to walk across the street while using smartphones or wearing earphones. This movement is sweeping the nation the same way the campaign against drunk and distracted driving proliferated. Cities, towns, and villages across America are passing ordinances making it illegal to cross the street while involved in a phone call, viewing a mobile electronic device, or with both ears obstructed by personal audio equipment. While public safety is certainly a concern across the country, some of these laws border on the absurd—both in terms of enforceability and failure to reflect the realities of everyday life. A 2017 Honolulu ordinance makes it illegal to cross the street and even "look" at a cellphone, an innocent act no more distracting than looking at one's watch and quite normal for those who rely on smartphones in place of a wristwatch.

Some people have suggested legislation making use of a device called a “textalyzer”, under development by a firm in Israel, that can scan a driver’s phone for activity like texting, Facebooking, and Snapchatting in the moments leading up to a collision. One such bill in **New York** proposed that anyone who refused to hand over their phone would surrender their license, much like refusal to submit to a breath test is grounds for a license suspension.

Critics of the growing number of distracted walking laws claim that these laws do not target the real public safety threat. They argue that people slow down their walking when they’re looking at electronic devices, enabling them to avoid obstacles and not walk into trouble inadvertently. They claim that you can’t legislate common sense. A [report](#) from the Office of Ontario’s Chief Coroner revealed that a mere 7 out of 95 pedestrians killed in 2010 were distracted by a cell phone or handheld device—roughly 7%. They argue that jaywalking is already against the law, so if someone crosses an active roadway illegally, notwithstanding the use of a handheld device, there’s already a law for that. Besides, they say, many pedestrian laws allow the pedestrian to rely on the fact that a vehicle will not violate the law and strike them when they have the right-of-way. What’s more, in only 23% of collisions with pedestrians was the driver found to be driving properly. They argue that the most serious cause of pedestrian accidents is driver inattention or reckless driving.

White Cane Laws

Complicating the pedestrian mosaic further is the fact many states and municipalities have enacted laws and ordinances with the objective of protecting pedestrians who are blind or visually impaired. When a pedestrian is yielding a white cane, an entire new body of laws and duties enter the picture. Each state handles the situation differently, with some states requiring that the driver yield to a white cane, some requiring that the driver come to a complete stop, some requiring only caution be used by the driver, and still others providing for no extra rights and protections to the visually-impaired. Obviously, as with distracted walking laws and ordinances, white cane laws are also part of the legal mosaic which is created when there is a pedestrian injury. A chart detailing the white cane laws for each state can be found [HERE](#).

Americans With Disabilities Act (ADA)

The Americans with Disabilities Act (ADA) became law in 1990. 42 U.S.C.A. §§ 12101 to 12213; P.L. 101-336, Table 2, Statutes at Large, U.S.C.A., P.L. 101-336. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. One might wonder what this massive federal law has to do with crosswalks, but it has begun to play a role because today’s crosswalks are often constructed by municipalities with ramps and other features accommodating to Americans with disabilities. Under Project Civic Access (PCA), the U.S. Civil Rights Division works with local governments nationwide to help them achieve compliance with Title II of the ADA and Section 504 of the Rehabilitation Act of 1973 (Section 504). The ADA has many requirements for curb ramps at pedestrian crossings that are currently enforced by the Division under PCA. The guidelines promulgated cover pedestrian access to sidewalks and streets, including crosswalks, curb ramps, street furnishings, pedestrian signals, parking, and other parts of the public right-of-way. Another source of information about the federal accessibility requirements for public rights-of-way is the Federal Highway Administration (FHWA) of the U.S. Department of Transportation. Following ADA, the U.S. Access Board has developed specific accessibility guidelines, known as the Americans with Disabilities Act Accessibility Guidelines (ADAAG), for the design of certain pedestrian facilities.

The following chart represents an amalgamation of laws from all 50 states that regulate the relationship between and the duties of motor vehicles and pedestrians crossing the street. It should be remembered that individual cities and villages may also have ordinances which affect the duties and liabilities of drivers and pedestrians. Claims adjusters and subrogation professionals should not automatically assume that a pedestrian is at fault merely because he or she was struck while crossing the road. Society is changing and the burden and duty to avoid a collision is rapidly shifting to the driver of the motor vehicle. For questions regarding pedestrian/vehicle collisions or subrogation in general, please contact Gary Wickert at gwickert@mwl-law.com.

STATE	PEDESTRIAN IN CROSSWALK	PEDESTRIAN "JAYWALKING"	PERTINENT CASE LAW
ALABAMA	Ala. Stat. § 32-5A-211: If traffic signals are not present or not working, vehicles shall yield to pedestrian when pedestrian is on vehicle's half of road or so close as to make it dangerous for vehicle to proceed. Pedestrians shall not leave curb or other place of safety and into path of oncoming vehicle which is so close as to constitute an immediate hazard.	Ala. Stat. § 32-5A-212: Pedestrian crossing other than within a marked crosswalk or within an unmarked crosswalk shall yield the right-of-way to all vehicles. No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices. If traffic control signals are in operation, pedestrians must cross at crosswalk.	Where pedestrian crossed diagonally and was struck in 'parking lane' by mail truck before exiting street to curb, crossing street diagonally outside crosswalk was contributory negligence. <i>Anderson v. U.S.</i> , 2016 WL 270965 (N.D. Ala. 2016). Court telling jurors that pedestrian should not step off the curb until it was safe was prejudicial error where the plaintiff had been standing on the shoulder of the road, outside the normal way of traffic, when they were hit. <i>Okafor v. Sanford</i> , 544 So.2d 869 (Ala. 1989).
ALASKA	N/A	N/A	N/A
ARIZONA	A.R.S. § 28-792: Vehicle must yield right-of-way to pedestrian in crosswalk when pedestrian is in vehicle's half of road or so close as to make it dangerous. Pedestrian must not exit curb and into path of car when it is impossible for vehicle to yield.	A.R.S. § 28-793: Pedestrian crossing outside crosswalk must yield to traffic. At intersections where there are traffic signals, pedestrian must not cross unless they are in a crosswalk.	Statute that requires pedestrians crossing at places other than crosswalks to yield to vehicles applies to all persons but could not be the basis of attributing contributory negligence to a three-year-old child. <i>Esquivel v. Nancarrow</i> , 104 Ariz. 209, 450 P.2d 399 (Ariz. 1969). In wrongful death action against motorist brought by representatives of pedestrian, it was prejudicial error to not instruct jury as to duty of pedestrian not crossing in a crosswalk. <i>Kauffman v. Schroeder</i> , 116 Ariz. 104, 568 P.2d 411 (Ariz. 1977).
ARKANSAS	A.C.A. § 27-51-1202: Driver must yield to pedestrian in marked or unmarked crosswalk.	A.C.A. § 27-51-1204: Pedestrians crossing outside crosswalk must yield to vehicles. Vehicles must still exercise due care to avoid colliding with any pedestrian on a roadway. Upon seeing a child or disoriented person near roadway, driver must exercise proper pre-caution.	A driver seeing children ahead must exercise same level of care as a man of ordinary prudence would exercise under the circumstances. <i>Self v. Kirkpatrick</i> , 194 Ark. 1014, 110 S.W.2d 13, 16 (1937).

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CALIFORNIA	<p>Cal. Veh. Code § 21950: Vehicles must yield to pedestrians in crosswalk. Pedestrians must not suddenly leave curb in front of vehicle. Vehicles still have duty to be operated safely given circumstances.</p>	<p>Cal. Veh. Code § 21954: Pedestrians outside crosswalk must yield to vehicles. Drivers must still exercise due care for safety of any pedestrians.</p>	<p>Pedestrian crossing highway without looking for approaching traffic and failing to yield to oncoming vehicles while crossing outside crosswalk is negligent per se. <i>Ferner v. Casalegno</i>, 141 Cal.App.2d 467, 297 P.2d 91 (Cal. App. 1956).</p> <p>Stepping in front of vehicle outside crosswalk constitutes negligence per se. <i>Chase v. Thomas</i>, 7 Cal.App.2d 440, 46 P.2d 200 (Cal. App. 3 Dist. 1935).</p>
COLORADO	<p>C.R.S. § 42-4-802: No traffic control signals, vehicle must yield right-of-way to pedestrian. Pedestrians must not leave the curb in front of vehicle where vehicle does not have time to stop.</p>	<p>C.R.S. § 42-4-803: Pedestrians must yield right-of-way if there is no marked or unmarked crosswalk. No pedestrian shall cross a road diagonally. At adjacent intersections with traffic signals, crosswalks must be used.</p>	<p>Pedestrian violating statute putting a duty to yield right of when outside crosswalk constituted negligence per se. <i>Nygren v. Dimond</i>, 472 P.2d 169 (Colo. App. 1970).</p> <p>Pedestrian who crossed street where vehicle had right-of-way without keeping proper lookout was guilty of contributory negligence. <i>Owens v. U.S.</i>, 194 F.2d 246 (10th Cir. 1952).</p>
CONNECTICUT	<p>C.G.S.A. § 14-300: Vehicles must yield to pedestrians in crosswalk.</p>	<p>C.G.S.A. § 14-300b: Pedestrians must yield right-of-way to vehicles if not in crosswalk. No crossing diagonally.</p>	<p>Pedestrians have a duty to exercise reasonable care to avoid known dangers and discover those to which his conduct might expose him. Drivers don't have the same degree of care to anticipate pedestrians in roadway outside of crosswalks. <i>Schupp v. Grill</i>, 607 A.2d 1155, 27 Conn. App. 513 (1992).</p>
DELAWARE	<p>21 Del. C. § 4142: Vehicles must yield to pedestrians in crosswalk when pedestrians are on vehicle's half of road. Pedestrians must not leave curb when vehicles are close.</p>	<p>21 Del. C. § 4143: Pedestrians must yield to cars when outside of crosswalks. No crossing diagonally. At intersections with traffic signals, pedestrians must use crosswalk to cross.</p>	<p>A motorist who struck a pedestrian at an intersection had a duty to drive in a careful and prudent manner with due regard for the circumstances, and his duty required him to observe a stop sign at the intersection and subsequently yield to a pedestrian. <i>Floyd v. Lipka</i>, 1 Storey 487, 51 Del. 487, 148 A.2d 541 (1959).</p> <p>Crossing outside a crosswalk without looking makes a pedestrian guilty of contributory negligence. <i>Stenta v. Leblang</i>, 5 Storey 181, 55 Del. 181, 185 A.2d 759 (1962).</p>
DISTRICT OF COLUMBIA	<p>Driver of vehicle must stop to allow pedestrian to cross the roadway within any marked crosswalk; or unmarked crosswalk at an intersection.</p> <p>Pedestrian who has begun crossing on the "WALK" signal shall be given the right-of-way by the driver of any vehicle to continue to the opposite sidewalk or safety island, whichever is nearest. D.C. Code § 50-2201.28.</p>	<p>Between adjacent intersections controlled by traffic control signal devices or by police officers, pedestrians shall not cross the roadway at any place except in a crosswalk.</p> <p>D.C. Municipal Reg. § 18-2304.</p>	<p>A pedestrian has a duty to act reasonably, even when he or she has the right-of-way while crossing at an unsignalized intersection or while using a crosswalk. <i>Asal v. Mina</i>, 247 A.3d 260, 275 (D.C. App. 2021).</p>

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FLORIDA	F.S.A. § 316.130: Vehicles must yield to pedestrians in crosswalk when pedestrians are on vehicle's half of road. Pedestrians must not leave curb when vehicles are close.	F.S.A. § 316.130: Pedestrians must yield to cars when outside of crosswalks. No crossing diagonally. At intersections with traffic signals, pedestrians must use crosswalk to cross.	Pedestrian was struck after stopping car on side of road to lend aid to another vehicle. Failure to not walk on the left side of the road under these circumstances was not <i>prima facie</i> evidence of negligence. <i>Hagan v. Knobloch</i> , 186 So.2d 525 (Fla. Dist. Ct. App. 1966), <i>cert. denied</i> , 192 So.2d 498.
GEORGIA	O.C.G.A. § 40-6-91: Vehicles must stop for pedestrians on or near vehicle's half of crosswalk. Pedestrians must not leave curb when cars are too close to stop in time.	O.C.G.A. § 40-6-92: Pedestrians must yield to cars when outside of crosswalks. No crossing diagonally. At intersections with traffic signals, pedestrians must use crosswalk to cross.	Instructions to jury about pedestrian duty to yield outside of crosswalk was proper in action for injuries to three-year-old. <i>Lewis v. Noonan</i> , 142 Ga. App. 654, 236 S.E.2d 900 (1977).
HAWAII	Haw. Rev. Stat. § 291C-72: Vehicles must stop for pedestrians on or near vehicle's half of crosswalk. Pedestrians must not leave curb when cars are too close to stop in time.	Haw. Rev. Stat. § 291C-73: Pedestrians must yield to cars when outside of crosswalks. No crossing diagonally. At intersections with traffic signals, pedestrians must use crosswalk to cross.	Jury instructions that gave jury the impression that an injured pedestrian was not allowed to recover in civil court for their injuries if they violated a traffic law are inappropriate. <i>Samson v. Nahulu</i> , 363 P.3d 263, 136 Hawai'i 415 (2015).
IDAHO	Idaho Code § 49-702: Vehicles must stop for pedestrians in crosswalk. Pedestrians must not leave curb when cars are too close to stop in time.	Idaho Code § 49-704: Pedestrians must yield to cars when outside of crosswalks. No crossing diagonally. At intersections with traffic signals, pedestrians must use crosswalk to cross.	Pedestrian crossing outside crosswalk in violation of ordinance before being hit qualifies as negligence per se. <i>Rosevear v. Rees</i> , 77 Idaho 270, 291 P.2d 856 (1955).
ILLINOIS	625 I.L.C.S. § 5/11-1002: Vehicles must stop for pedestrians on or near vehicle's half of crosswalk. Pedestrians must not leave curb when cars are too close to stop in time.	625 I.L.C.S. § 5/11-1003: Pedestrians must yield to cars when outside of crosswalks. No crossing diagonally. At intersections with traffic signals, pedestrians must use crosswalk to cross. Pedestrians with disabilities may cross a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk where the intersection is physically inaccessible to them, but they shall yield the right-of-way to all vehicles upon the roadway.	Pedestrians crossing city street have duty to so conduct themselves as to be free from contributory negligence. <i>Zeller v. Durham</i> , 33 Ill. App.2d 273, 179 N.E.2d 34 (Ill. App. Ct. 1962). Pedestrian crossing at other than crosswalk was not guilty of negligence per se or as a matter of law. Both pedestrian and driver had mutual duties to look out for one another. <i>King v. Ryman</i> , 5 Ill.App.2d 484, 125 N.E.2d 840 (Ill. App. Ct. 1955). Where a 58-year-old pedestrian was familiar with the four-lane highway, knew the speed limit was 35 mph, crossed the highway in a diagonal direction away from cross-walk, in front of a bus that was not exceeding 35 mph, and without attempting to yield to or avoid the bus, was guilty of contributory negligence. <i>Soic v. Richardson</i> , 42 N.E.2d 884, 315 Ill. App. 213 (Ill. App. Ct. 1942).

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INDIANA	<p>I.C. § 9-21-8-36: Vehicles must yield to pedestrians in crosswalk.</p> <p>I.C. § 9-21-17-5: Pedestrians must not leave curb in front of vehicles when vehicles are too close to stop.</p>	<p>I.C. § 9-21-17-7: Pedestrians crossing outside crosswalk must yield to vehicles.</p>	<p>Crossing street in middle of block during rainy foggy night with impaired vision is contributory negligence as a matter of law. <i>Jones v. Gleim</i>, 468 N.E.2d 205 (Ind. 1984).</p>
IOWA	<p>I.C.A. § 321.327: Vehicles must yield to pedestrians in the crosswalk.</p>	<p>I.C.A. § 321.328: Pedestrians must yield to cars when outside of crosswalks. At intersections with traffic signals, pedestrians must use crosswalk to cross.</p>	<p>Failure of pedestrian to yield to vehicle when crossing outside crosswalk is negligence per se. <i>Stewart v. Hilton</i>, 77 N.W.2d 637, 247 Iowa 988 (1956).</p>
KANSAS	<p>K.S.A. § 8-1533: Vehicles must stop for pedestrians on or near vehicle's half of crosswalk. Pedestrians must not leave curb when cars are too close to stop in time.</p>	<p>K.S.A. § 8-1534: Pedestrians must yield to cars when outside of crosswalks. No crossing diagonally. At intersections with traffic signals, pedestrians must use crosswalk to cross.</p>	<p>Plaintiff lost control of her vehicle, slid into snowbank, and while trying to exit her vehicle was struck and injured by the defendant. Judge instructing jury that pedestrian outside crosswalk must yield the right-of-way to vehicles on the road and that vehicles must exercise due care to avoid pedestrians, was a proper statement of law. <i>Reeve v. McBrearety</i>, 8 Kan. App.2d 419, 660 P.2d 75 (1983).</p>
KENTUCKY	<p>K.R.S. § 189.570: When traffic control devices are not in operation, vehicle must yield to pedestrian. Pedestrians must not leave curb when cars are too close to stop in time. Pedestrians shall not cross diagonally.</p>	<p>K.R.S. § 189.570: Pedestrians outside crosswalk must yield to vehicles. At intersections with traffic control signals, pedestrians must use the crosswalk. Notwithstanding any other provision, every operator of a vehicle shall exercise due care to avoid colliding with a pedestrian.</p>	<p>Duty of driver to yield to pedestrian arises when the driver was aware or should've been aware of the presence of the pedestrian. <i>Conley v. Rice</i>, 444 S.W.2d 898 (Ky. 1969).</p> <p>Pedestrians may recover for injuries even if they were negligent in crossing the road if the driver could have avoided the pedestrian by exercising ordinary care. <i>Heskamp v. Bradshaw's Adm'r</i>, 294 Ky. 618, 172 S.W.2d 447 (Ky. 1943).</p>
LOUISIANA	<p>LA R.S. § 32:212: When traffic control devices are not in operation, vehicle must yield to pedestrian. Pedestrians must not leave curb when cars are too close to stop in time.</p>	<p>LA R.S. § 32:213: Pedestrians outside crosswalk must yield right-of-way to pedestrians. If there are traffic signals, pedestrians may not cross outside crosswalk.</p>	<p>Violation of jaywalking statute is negligence per se. <i>Augustine v. Dugas</i>, App. 4 Cir. 1973, 278 So.2d 907 (La. App. 4th Cir. 1973).</p>
MAINE	<p>29-A M.R.S.A. § 2056: When traffic control devices are not in operation, vehicle must yield to pedestrian. Even if pedestrian is not in crosswalk, vehicle must exercise due care to avoid pedestrians and exercise proper caution upon seeing any obviously confused, incapacitated, or intoxicated person.</p>	<p>29-A M.R.S.A. § 2056: Pedestrians must not cross diagonally, must yield to vehicles when crossing outside crosswalk, must use crosswalk at intersections with traffic control devices, and must not cross directly in front of vehicle if vehicle does not have time to stop.</p>	<p>Contributory negligence of pedestrian struck by vehicle outside crosswalk is a question for the jury. <i>Drigotas v. Doyle</i>, 85 F.Supp. 908 (D.C. Me. 1949).</p>

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MARYLAND	<p>Md. Code Trans. § 21-502: Vehicle must yield to pedestrians close to or in vehicle's half of crosswalk. Pedestrians must not leave crosswalk in front of vehicle if vehicle doesn't have time to stop.</p>	<p>Md. Code Trans. § 21-503: Pedestrians must not cross diagonally, must yield to vehicles when crossing outside crosswalk, must use crosswalk at intersections with traffic control devices.</p>	<p>Pedestrian crossing outside crosswalk has forfeited their right-of-way but is not <i>prima facie</i> negligent. <i>Thompson v. Sun Cab Co.</i>, 184 A. 576, 170 Md. 299 (Md. 1936).</p>
MASSACHUSETTS	<p>M.G.L.A. § 11: Vehicles must yield to pedestrians in crosswalk when the pedestrian is in or close to vehicle's half of roadway.</p>	<p>720 Code Mass. Regs. 9.09: Pedestrians must cross a roadway within a marked crosswalk when there is an officer directing traffic, a traffic control signal, or a marked crosswalk within 300 feet of the pedestrian.</p> <p>Municipalities can fine pedestrians who break jaywalking rules "by a fine of one dollar for the first, second or third such offense ... and by a fine of two dollars for the fourth or subsequent such offense so committed in such calendar year."</p> <p>The legislature is considering a bill to increase jaywalking fines.</p>	<p>Pedestrian must exercise reasonable care for own safety. <i>Brereton v. Milford & U. St. Ry. Co.</i>, 111 N.E. 715, 223 Mass. 130 (Mass. 1916).</p> <p>Pedestrian crossing at other than crosswalk is not itself negligent and does not relieve driver of duty to exercise care to avoid pedestrian. <i>Ristuccia v. Boston Elevated Ry. Co.</i>, 186 N.E. 592, 283 Mass. 529 (Mass. 1933).</p>
MICHIGAN	<p>Note: There is no state statute governing crossing at sidewalks.</p> <p>Mich. Admin. Code R 28.1438 (Uniform Traffic Code for Cities, Townships, and Villages): A driver may not enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he or she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.</p> <p>Traffic safety groups are calling for a universal Michigan state crosswalk law.</p>	<p>Michigan does not have a state crosswalk law. Instead, the Michigan State Police recommend that municipalities adopt the Michigan Uniform Traffic Code wherein drivers are required only to yield to pedestrians, and not necessarily stop for them, when they are attempting to enter the street from the curb and not a crosswalk. Most municipalities have adopted the Code, but some have their own ordinances. For example, Ann Arbor requires that all vehicles stop, and not just yield, for pedestrians standing at the curb, curb line, ramp leading to a crosswalk, or within a crosswalk. Ann Arbor Ord. No. 10-148. Traverse City requires drivers to yield to pedestrians in unmarked crosswalks and stop for pedestrians in marked crosswalks.</p>	<p>Pedestrians have the right to cross the street at street crossings even on a through street. They are not required to anticipate that drivers will violate ordinances, statutes, or rules of safety. Drivers must anticipate the presence of pedestrians at street crossings, and, when they so drive that they cannot see whether the crossing is clear, they must have their car under such control as to meet conditions which may be reasonably expected. <i>Wisnaski v. Afman</i>, 67 N.W.2d 731 (Mich. 1954).</p>

STATE	PEDESTRIAN IN CROSSWALK	PEDESTRIAN "JAYWALKING"	PERTINENT CASE LAW
MINNESOTA	M.S.A. § 169.21: If there are no traffic control signals, vehicles must yield to pedestrians in crosswalk. Pedestrian must not step in front of vehicle too close to stop.	M.S.A. § 169.21: Pedestrians must yield to vehicles when crossing outside crosswalk, must use crosswalk at intersections with traffic control devices.	Violation of statute is <i>prima facie</i> evidence of negligence, and if there is evidence of a reasonable reason for failing to yield, negligence is a question for the jury. <i>Konkel v. Erdman</i> , 254 Minn. 307, 95 N.W.2d 73 (Minn. 1959).
MISSISSIPPI	M.C.A. § 63-3-1103: If there are no traffic control signals, vehicles must yield to pedestrians in crosswalk.	M.C.A. § 63-3-1105: Pedestrians must yield to vehicles when crossing outside crosswalk, must use crosswalk at intersections with traffic control devices.	It is the duty of a driver to not just act as a reasonable person when avoiding a collision but to act with the standard of care a reasonably prudent and capable driver would use under the circumstances. <i>Williams v. Moses</i> , 234 Miss. 453, 106 So.2d 45 (Miss. 1958). Violation of safety statute represents negligence per se only where plaintiff is member of class sought to be protected by statute and resultant harm is type statute seeks to prevent. <i>Haver v. Hinson</i> , 385 So.2d 605 (Miss. 1980).
MISSOURI	Mo. Rev. Stat. § 300.375: Vehicle must yield to pedestrians close to or in vehicle's half of crosswalk. Pedestrians must not leave crosswalk in front of vehicle if vehicle does not have time to stop. Mo. Rev. Stat. § 300.410: Every driver must exercise the highest degree of care to avoid colliding with any pedestrian and must give warning by sounding the horn when necessary.	Mo. Rev. Stat. § 300.395: Pedestrians must use crosswalk when there are traffic control signals, in a business district, or where an ordinance dictates it. No crossing diagonally. Mo. Rev. Stat. § 300.390: Pedestrians must yield to vehicles when crossing outside crosswalk. Mo. Rev. Stat. § 300.385: Pedestrians must not cross diagonally.	Pedestrians crossing at any other place than a crosswalk "shall yield the right-of-way to drivers" and it is not unlawful to do so. <i>Venable v. S.O.R., Inc.</i> , 713 S.W.2d 37 (Mo. App. 1986). A pedestrian who waits for green light to cross intersection has the right to rely on drivers obeying the law and, in the event the driver turns toward pedestrian, pedestrian could legally rely on taxicab driver's yielding the right-of-way to pedestrian, who was already walking in the crosswalk, and pedestrian had right to assume that driver would not turn and hit him. <i>Farr v. Manzella</i> , 362 S.W.2d 752 (Mo. App. 1962).

STATE	PEDESTRIAN IN CROSSWALK	PEDESTRIAN "JAYWALKING"	PERTINENT CASE LAW
MONTANA	<p>Mont. Code Ann. § 61-8-502: Vehicle must yield to pedestrian in crosswalk. Pedestrian must not leave curb so close to vehicle that it has no time to stop. Vehicles can turn right when pedestrian is in crosswalk if pedestrian is not in vehicle's half of crosswalk.</p> <p>Mont. Code Ann. § 61-8-508: Except in an authorized crosswalk, a person who is under the influence of alcohol or any drug may walk or stand in the public right-of-way, but not on a roadway or a shoulder.</p>	<p>Mont. Code Ann. § 61-8-503: Pedestrians must yield to vehicles when crossing outside crosswalk, must use crosswalk at intersections with traffic control devices.</p> <p>Mont. Code Ann. § 61-8-504: Vehicles must still use due care to avoid pedestrian. Vehicle must use proper caution upon viewing a confused, incapacitated, or intoxicated person on roadway.</p>	<p>Fact that pedestrian was crossing outside crosswalk does not absolve driver of duty of reasonable care to avoid pedestrian. <i>Sorrells v. Ryan</i>, 129 Mont. 29, 281 P.2d 1028 (Mont. 1955).</p> <p>Pedestrian must exercise greater care when crossing roadway at point other than crosswalk. <i>Carey v. Guest</i>, 78 Mont. 415, 258 P. 236 (Mont. 1927).</p>
NEBRASKA	<p>Neb. Rev. Stat. § 60-6,153: Vehicle must yield to pedestrians close to or in vehicle's half of crosswalk. Pedestrians must not leave crosswalk in front of vehicle if vehicle does not have time to stop. Vehicles must yield to pedestrians who enter crosswalk on a highway with bike or pedestrian path.</p>	<p>Neb. Rev. Stat. § 60-6,154: Pedestrians must yield to vehicles when crossing outside crosswalk. Pedestrians must use crosswalk at intersections with traffic control devices.</p>	<p>Motorist owes duty of reasonable care to pedestrian who is crossing outside crosswalk. <i>Miller v. Moeller</i>, 183 Neb. 508, 162 N.W.2d 224 (Neb. 1968).</p> <p>Pedestrian who sees or should've seen approaching vehicle and then suddenly walks into its path is guilty of contributory negligence. <i>Halliday v. Raymond</i>, 147 Neb. 179, 22 N.W.2d 614 (Neb. 1946).</p>
NEVADA	<p>N.R.S. § 484B.283: Vehicle must yield to pedestrians close to or in vehicle's half of crosswalk. Pedestrians must not leave crosswalk in front of vehicle if vehicle does not have time to stop.</p>	<p>N.R.S. § 484B.287: Pedestrians must yield to vehicles when crossing outside crosswalk. Pedestrians must use crosswalk at intersections with traffic control devices. Pedestrians must not cross diagonally.</p>	<p>Pedestrians violation of statute did not automatically preclude pedestrian's recovery for injuries. <i>Anderson v. Baltrusaitis</i>, 944 P.2d 797, 113 Nev. 963 (Nev. 1997).</p>
NEW HAMPSHIRE	<p>N.H. Rev. State. Ann. § 265:35: Vehicle must yield to pedestrians close to or in vehicle's half of crosswalk. Pedestrians must not leave crosswalk in front of vehicle if vehicle does not have time to stop.</p>	<p>N.H. Rev. State. Ann. § 484B.287: Pedestrians must yield to vehicles when crossing outside crosswalk. Pedestrians must use crosswalk at intersections with traffic control devices. Pedestrians must not cross diagonally.</p>	<p>Although pedestrians have no statutory duty to use a crosswalk, failure to use an available crosswalk may in some instances constitute negligence if said failure causes or helps to cause accident. <i>Bellacome v. Bailey</i>, 121 N.H. 23, 426 A.2d 451 (1981).</p>
NEW JERSEY	<p>N.J.S.A. § 39:4-36: Vehicle must yield to pedestrians close to or in vehicle's half of crosswalk. Pedestrians must not leave crosswalk in front of vehicle if vehicle does not have time to stop.</p>	<p>N.J.S.A. § 39:4-36: Pedestrians outside crosswalk must yield to vehicles. Both pedestrians and vehicles must still exercise due care for each other on the road.</p>	<p>Driver's negligence as to failing to yield to pedestrian was question for jury. <i>Bora v. Yellow Cab Co.</i>, 103 N.J. Law 377, 135 A. 889 (N.J. 1927).</p> <p>Pedestrian with right-of-way must still exercise reasonable care. <i>Id.</i></p>

STATE	PEDESTRIAN IN CROSSWALK	PEDESTRIAN "JAYWALKING"	PERTINENT CASE LAW
NEW MEXICO	<p>N.M.S.A. § 66-7-105: Pedestrians facing a green traffic signal may proceed across the roadway within any marked or unmarked crosswalk; pedestrian may not enter the roadway until the green is shown (<i>i.e.</i>, not on a yellow) alone unless authorized to do so by a pedestrian "walk" signal; pedestrian may not enter the roadway on a red light unless authorized to do so by a pedestrian "walk" signal.</p>	<p>N.M.S.A. § 66-7-333: Pedestrians are subject to traffic-control signals at intersections.</p> <p>N.M.S.A. § 66-7-340: Pedestrians are not allowed to stand on or in proximity to a street or highway for the purpose of hitchhiking.</p> <p>N.M.S.A. § 66-7-333: <i>Local authorities</i> have the power to pass ordinances that require pedestrians to comply with the directions of any traffic-control signals and may prohibit them from crossing street outside of crosswalk.</p>	<p>Statute providing that every pedestrian crossing a roadway at a point other than within a marked or unmarked crosswalk at an intersection shall yield right-of-way to all vehicles on roadway, applies to every person afoot who attempts to cross travelled portion of highway at a place other than a marked crosswalk or an intersection, and places upon him duty to yield right of way to vehicles upon highway. <i>Williams v. Burke</i>, 357 P.2d 1087 (N.M. 1960).</p>
NEW YORK	<p>N.Y. Veh. & Traf. Law § 1151: Vehicle must yield to pedestrian in crosswalk. Pedestrian must not leave curb so close to vehicle that it has no time to stop.</p> <p>N.Y. Veh. & Traf. Law § 1146: Vehicles must exercise due care for pedestrians.</p>	<p>N.Y. Veh. & Traf. Law § 1152: Pedestrians must yield to vehicles when crossing outside crosswalk, Pedestrians must not cross diagonally.</p>	<p>When exercising right-of-way, pedestrian has a duty to heed any danger confronting them. <i>Schmidt v. S. M. Flickinger Co., Inc.</i>, 88 A.D.2d 1068, 452 N.Y.S.2d 767 (3rd Dept. 1982).</p> <p>Under common law, the fact that driver never saw pedestrian in crosswalk does not excuse conduct where driver should have seen pedestrian. <i>Domanova v. State</i>, 41 A.D.3d 633, 838 N.Y.S.2d 644 (2nd Dept. 2007).</p>
NORTH CAROLINA	<p>N.C.G.S.A. § 20-173: Where there are no traffic signals, vehicle must yield to pedestrian. Vehicle emerging from or entering an alley, building entrance, private road, or driveway shall yield the right-of-way to any pedestrian.</p>	<p>N.C.G.S.A. § 20-174: Pedestrians must yield to vehicles when crossing outside crosswalk. Pedestrians must use crosswalk at intersections with traffic control devices. Vehicles must exercise due care for pedestrians.</p>	<p>Pedestrian with right-of-way at crosswalk cannot be held contributorily negligent for failure to see approaching vehicle or to use ordinary care for her safety. <i>McCoy v. Dowdy</i>, 192 S.E.2d 81, 16 N.C. App. 242 (1972).</p> <p>Failure of pedestrian crossing at other than crosswalk to yield right-of-way is not negligence per se but is evidence of negligence. <i>Blake v. Mallard</i>, 136 S.E.2d 214, 262 N.C. 62 (1964).</p>
NORTH DAKOTA	<p>N.D.C.C. § 39-10-28: When traffic signal is not in place, vehicles must yield to pedestrian in crosswalk on vehicle's half of road or close to it. Pedestrians must not step off curb and into path of vehicle when vehicle does not have time to stop.</p>	<p>N.D.C.C. § 39-10-28: Pedestrians must yield the right-of-way to vehicles when crossing outside of a marked crosswalk or an unmarked crosswalk at an intersection.</p>	<p>Even where they have the right-of-way, pedestrians and drivers are still expected to exercise due care. <i>Clark v. Feldman</i>, 57 N.D. 741, 224 N.W. 167 (1929).</p>

STATE	PEDESTRIAN IN CROSSWALK	PEDESTRIAN "JAYWALKING"	PERTINENT CASE LAW
OHIO	<p>Ohio Rev. Code Ann. § 4511.46: When traffic signal is not in place, vehicles must yield to pedestrian in crosswalk on vehicle's half of road or close to it. Pedestrians must not step off curb and into path of vehicle when vehicle does not have time to stop.</p>	<p>Ohio Rev. Code Ann. § 4511.48: Pedestrians must yield to vehicles when crossing outside crosswalk. Pedestrians must use crosswalk at intersections with traffic control devices. Pedestrians must not cross diagonally. Vehicles must still use due care to avoid pedestrians on roadway.</p>	<p>Pedestrian entering five-lane highway without a crosswalk violated statute and was negligent per se. Additionally, driver had no duty to look for pedestrian where there was no reason to expect pedestrians to be on the road. <i>Wallace v. Hipp</i>, No. L-11-1052, 2012-Ohio-623, 2012 WL 525530 (Ohio App. 6 Dist., Lucas, 02-17-2012).</p> <p>Fact that driver hit pedestrian does not establish that driver failed to maintain proper lookout. <i>Zieger v. Burchwell</i>, No. CA2009-11-077, 2010-Ohio-2174, 2010 WL 1960570 (Ohio App. 12 Dist., Clermont, 05-17-2010).</p>
OKLAHOMA	<p>47 Okla. Stat. Ann. § 11-502: When traffic signal is not in place, vehicles must yield to pedestrian in crosswalk on vehicle's half of road or close to it. Pedestrians must not step off curb and into path of vehicle when vehicle does not have time to stop.</p>	<p>47 Okla. Stat. Ann. § 11-503: Pedestrians must yield to vehicles when crossing outside crosswalk. Pedestrians must use crosswalk at intersections with traffic control devices.</p>	<p>Even where vehicle has right-of-way, driver still must exercise ordinary care to avoid striking a pedestrian. <i>Roberts v. Cain</i>, 365 P.2d 1014 (Okla. 1961).</p>
OREGON	<p>O.R.S. § 810.080: Gives road authorities right to regulate crosswalks and crossing.</p>	<p>O.R.S. § 810.080: Gives road authorities right to regulate crosswalks and crossing.</p> <p>O.R.S. § 810.040: A pedestrian must yield to a vehicle if he suddenly leaves the curb into the path of a vehicle so close as to constitute an immediate hazard.</p> <p>O.R.S. § 801.220. Even where there is no marked crosswalk, an unmarked crosswalk exists where one would expect to find one between intersecting shoulders or sidewalks. In irregularly shaped intersections, such as where sidewalks are of different widths, crosswalks have needed to be defined as trapezoidal in shape, but the statute still requires that the crosswalk be no less than six or more than 20 feet in width.</p>	<p>Although the Oregon Vehicle Code imposes a number of requirements on pedestrians, it does not prohibit crossing a street at other than right angles. <i>State v. Tyler</i>, 7 P.3d 624 (Or. App. 2000).</p>

STATE	PEDESTRIAN IN CROSSWALK	PEDESTRIAN "JAYWALKING"	PERTINENT CASE LAW
PENNSYLVANIA	75 P.S. § 3542, § 3542: When traffic signal is not in place, vehicles must yield to pedestrian in crosswalk on vehicle's half of road or close to it. Pedestrians must not step off curb and into path of vehicle when vehicle does not have time to stop.	75 P.S. § 3542, § 3543: Pedestrians must yield to vehicles when crossing outside crosswalk. Pedestrians must use crosswalk at intersections with traffic control devices. Pedestrians must not cross diagonally.	Driver cannot carelessly inflict injuries on pedestrians, regardless of who has the right-of-way. <i>Morris v. Moss</i> , 435 A.2d 184, 290 Pa. Super. 587 (1981). Person crossing at other than crosswalk is bound to exercise a higher degree of care for their own safety. <i>Stong v. Com.</i> , 817 A.2d 576 (Pa. Cmwlth. 2003), <i>app. den.</i> , 831 A.2d 601, 574 Pa. 763.
RHODE ISLAND	R.I.G.L. § 31-18-3: When traffic signal is not in place, vehicles must yield to pedestrian in crosswalk on vehicle's half of road or close to it. Pedestrians must not step off curb and into path of vehicle when vehicle does not have time to stop.	R.I.G.L. § 31-18-5: Pedestrians must yield to vehicles when crossing outside crosswalk.	Pedestrian in crosswalk has right-of-way but must still look out for their own safety. <i>Green v. Tingle</i> , 92 R.I. 393, 169 A.2d 373 (1961)
SOUTH CAROLINA	S.C. Code Ann. § 56-5-3130: When traffic signal is not in place, vehicles must yield to pedestrian in crosswalk on vehicle's half of road or close to it. Pedestrians must not step off curb and into path of vehicle when vehicle does not have time to stop.	S.C. Code Ann. § 56-5-3150: Pedestrians must yield to vehicles when crossing outside crosswalk. Pedestrians must use crosswalk at intersections with traffic control devices. Pedestrians must not cross diagonally.	Pedestrian being in road in violation of statute amounts to a lack of due care that can make pedestrian chargeable with contributory negligence. <i>Cooper by Cooper v. County of Florence</i> , 299 S.C. 386, 385 S.E.2d 44 (S.C. App. 1989).
SOUTH DAKOTA	S.D.C.L. § 32-27-3: Tasks local authorities with passing crosswalk regulations.	S.D.C.L. § 32-27-4: Pedestrians crossing outside crosswalk must yield to vehicle.	Question of whether crossing outside crosswalk was contributory negligent was question for jury. <i>Alley v. Siepman</i> , 87 S.D. 670, 214 N.W.2d 7 (1974).
TENNESSEE	T.C.A. § 55-8-134: When traffic signal is not in place, vehicles must yield to pedestrian in crosswalk on vehicle's half of road or close to it. Pedestrians must not step off curb and into path of vehicle when vehicle does not have time to stop. T.C.A. § 55-8-197: Any person that injures or kills a pedestrian while violating T.C.A. § 55-8-134 is guilty of a misdemeanor.	T.C.A. § 55-8-135: Pedestrians must yield to vehicles when crossing outside crosswalk. Pedestrians must use crosswalk at intersections with traffic control devices.	Failure of pedestrian to see approaching vehicle does not always constitute negligence as a matter of law. <i>DeRossett v. Malone</i> , 239 S.W.2d 366, 34 Tenn. App. 451 (1950). Drivers violation of statutory duty to yield right-of-way to pedestrian at crosswalk was negligence per se. <i>Hunter v. Stacey</i> , 141 S.W.2d 921, 24 Tenn. App. 158 (1940).

STATE	PEDESTRIAN IN CROSSWALK	PEDESTRIAN "JAYWALKING"	PERTINENT CASE LAW
TEXAS	Tex. Transp. Code § 552.003: When traffic signal is not in place, vehicles must yield to pedestrian in crosswalk on vehicle's half of road or close to it. Pedestrians must not step off curb and into path of vehicle when vehicle does not have time to stop. If vehicle violates this statute and hits a blind or disabled person, they must pay a \$500 fine and perform 30 hours of community service for a charity that serves blind or disabled people.	Tex. Transp. Code § 552.005: Pedestrians must yield to vehicles when crossing outside crosswalk. Pedestrians must use crosswalk at intersections with traffic control devices.	Crossing of street at other than crosswalk in violation of statute constituted negligence per se. <i>Howard v. Thompson-White Lumber Co.</i> , 266 S.W.2d 242 (Tex. 1954).
UTAH	U.C.A. § 41-6a-1002: Vehicles must yield to pedestrian in crosswalk on vehicle's half of road or close to it. Pedestrians must not step off curb and into path of vehicle when vehicle does not have time to stop. Vehicles must always yield to pedestrians in school zone crosswalk.	U.C.A. § 41-6a-1003: Pedestrians must yield to vehicles when crossing outside crosswalk. Pedestrians must use crosswalk at intersections with traffic control devices. Pedestrians may not cross diagonally.	In action to recover for injuries sustained by pedestrian when struck by defendant motorist's vehicle as pedestrian was crossing street, evidence warranted finding that even if pedestrian was within crosswalk boundaries at time of impact, such pedestrian, who was wearing dark pants and dark jacket, on dark, cloudy evening and who may have relied on peripheral vision rather than looking in direction of the vehicle in question, had been 60% negligent. <i>Lamkin v. Lynch</i> , 600 P.2d 530 (Utah App. 1979).
VERMONT	Vt. Stat. Ann. Tit. 23 § 1051(b): Vehicles must yield to pedestrian in crosswalk. No pedestrian may 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 impossible for a driver to yield.	Vt. Stat. Ann. Tit. 23 § 1052: Pedestrians must yield to vehicles when crossing outside crosswalk. Pedestrians must use crosswalk at intersections with traffic control devices. Pedestrians may not cross diagonally.	Violation of § 1051(b) requires 3 elements: (1) "sudden" departure from the curb, (2) pedestrian must go into the "path" of vehicle, and (3) it must be "impossible" for the vehicle to yield. <i>English v. Myers</i> , 454 A.2d 251 (Vt. 1982).
VIRGINIA	Va. St. § 46.2-924: Driver of vehicle must yield to pedestrian crossing in crosswalk, any regular pedestrian crossing, any intersection where the speed limit is less than 35 mph. Pedestrians may not enter traffic without regard for oncoming vehicles.	Va. St. § 46.2-923: Pedestrians may not enter or cross an intersection in disregard of approaching traffic. Pedestrians may not carelessly or maliciously interfere with the orderly passage of vehicles when crossing highways. Pedestrians must cross at marked crosswalks or intersections whenever possible.	Pedestrian must exercise reasonable care in crossing street even where they have the right-of-way. <i>McManama v. Wilhelm</i> , 281 S.E.2d 813, 222 Va. 335 (1981). If a pedestrian has a duty to look and fails to do so, he is guilty of negligence as a matter of law. <i>Hopson v. Goolsby</i> , 86 S.E.2d 149, 196 Va. 832 (1955).

STATE	PEDESTRIAN IN CROSSWALK	PEDESTRIAN "JAYWALKING"	PERTINENT CASE LAW
WASHINGTON	R.C.W.A. § 46.61.235: Vehicles must yield to pedestrian in crosswalk. Pedestrians must not step off curb and into path of vehicle when vehicle does not have time to stop.	R.C.W.A. § 46.61.240: Pedestrians must yield to vehicles when crossing outside crosswalk. Pedestrians must use crosswalk at intersections with traffic control devices. Pedestrians may not cross diagonally.	Failure of pedestrian to yield the right-of-way when crossing outside crosswalk in violation of statute was contributory negligence as a matter of law. <i>Myers v. West Coast Fast Freight</i> , 42 Wash.2d 524, 256 P.2d 840 (1953).
WEST VIRGINIA	W. Va. St. § 17C-10-2: Vehicles must yield to pedestrian in crosswalk on vehicle's half of road or close to it. Pedestrians must not step off curb and into path of vehicle when vehicle does not have time to stop.	W. Va. St. § 17C-10-3: Pedestrians must yield to vehicles when crossing outside crosswalk. Pedestrians must use crosswalk at intersections with traffic control devices.	Failure of pedestrian to keep lookout continuously while crossing the street is not negligence as a matter of law. <i>Kretzer v. Moses Pontiac Sales, Inc.</i> , 201 S.E.2d 275, 157 W.Va. 600 (1973).
WISCONSIN	Wis. Stat. § 346.23: Traffic must yield the right-of-way to pedestrians in crosswalk. Pedestrians must not run, walk, or ride into path of vehicle when it would be difficult for a vehicle to yield. When a vehicle yields to let pedestrian cross, other vehicles must not pass yielding vehicle.	Wis. Stat. § 346.25: When not in crosswalk, pedestrians must yield right-of-way to vehicles.	A motorist on highway where there was no crosswalk was not required to exercise a higher degree of care with respect to right-of-way between motorist and pedestrian crossing highway, than was pedestrian. <i>Crawley v. Hill</i> , 34 N.W.2d 123, 253 Wis. 294 (Wis. 1948). Degree of care required of pedestrian crossing street is commensurate with danger he is liable to encounter. <i>Rang v. Klawun</i> , 223 N.W. 121, 198 Wis. 1 (Wis. 1929). Where pedestrian was crossing rural highway without any marked crosswalk, he had an absolute duty to yield right-of-way to motorist. <i>Greene v. Farmers Mut. Auto. Ins. Co.</i> , 93 N.W.2d 431, 5 Wis.2d 551 (Wis. 1958).
WYOMING	Wyo. Stat. § 31-5-602: Vehicles must yield to pedestrian in crosswalk. Pedestrians must not step off curb and into path of vehicle when vehicle does not have time to stop. Vehicles must always yield to pedestrians in school zone crosswalk.	Wyo. Stat. § 31-5-603: Pedestrians must yield to vehicles when crossing outside crosswalk. Pedestrians must use crosswalk at intersections with traffic control devices. Pedestrians may not cross diagonally.	Where crosswalk had been obscured by repaving of street, pedestrians were not guilty of contributory negligence based on violation of statute requiring crossing at crosswalks. <i>Calkins v. Hamme</i> , 387 F.2d 317 (Wyo. 1967).

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