

By Mr. McEvoy of Somerville, petition of Robert S. Kretschmar and Joseph F. McEvoy, Jr., for legislation to regulate the operation of motor vehicles at crosswalks and to provide a penalty for pedestrians crossing ways except upon marked crosswalks or in compliance with direction of police officers or traffic control signals. Highways and Motor Vehicles.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Six.

AN ACT TO PROMOTE AND FURTHER THE SAFETY OF PEDESTRIANS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 40 of the General Laws (Ter.
2 Ed.) is hereby amended by inserting after section 22C,
3 inserted by chapter 326 of the acts of 1951, the following
4 new section:—

5 *Section 22D.* In each city and town which accepts
6 this section, as provided in section four of chapter four
7 of the General Laws, the following provisions shall
8 apply:— Where traffic control signals are not in place
9 or in operation, or no police officer is directing traffic,
10 the operator of a motor vehicle shall yield the right of
11 way to a pedestrian crossing within any marked cross-
12 walk, slowing down or stopping if need be to so yield.
13 Whenever any vehicle has stopped at a marked cross-
14 walk to permit a pedestrian to cross the way, the oper-
15 ator of any other vehicle approaching from the rear
16 shall not overtake and pass such stopped vehicle. The
17 operator of any motor vehicle, prior to driving over or
18 across any sidewalk, shall yield the right of way to any
19 pedestrian approaching thereon. In thickly settled or
20 business districts, as defined in section one of chapter

21 ninety, pedestrians shall be subject to traffic control
22 signals or to directions of police officers directing traffic,
23 and whenever there is a traffic control signal, police
24 officer directing traffic or a marked crosswalk within
25 three hundred feet of a pedestrian, no such pedestrian
26 shall cross the way except upon such a marked cross-
27 walk or in compliance with the directions of a police
28 officer or at such a traffic control signal. A violation of
29 this section may be punished by a fine of not more than
30 one dollar for each violation up to and including the
31 third violation in each calendar year, and a fine of
32 two dollars shall be imposed for each violation in excess
33 of the third violation in each calendar year. A con-
34 viction of, or a plea of, guilty to a violation of this
35 section shall not constitute negligence nor be received
36 as evidence of negligence of the person violating the
37 same in any proceeding in any court. Such conviction
38 or plea of guilty shall not constitute a criminal record
39 nor be deemed a criminal offence, and shall not be used
40 in any manner in any civil or criminal proceeding in
41 any court for any purpose whatever.

1 SECTION 2. This act shall be submitted for acceptance
2 to the qualified voters of each city and town at the first
3 annual city or town election after passage of this act.
4 The vote shall be taken by ballot or voting machines
5 wherever used, in accordance with the provisions of the
6 General Laws, so far as the same shall be applicable, in
7 answer to the following question which shall be placed
8 upon the ballot to be used at said election:— “Shall
9 an act passed by the General Court in the year nine-
10 teen hundred and fifty-six, entitled ‘An Act To Promote
11 and Further the Safety of Pedestrians’ be accepted?”
12 If a majority of the voters voting on this question vote
13 in the affirmative said act shall take effect immediately
14 in said city or town. If this act is rejected when first
15 submitted it shall be again submitted at the next fol-
16 lowing state election in the year nineteen hundred and
17 fifty-seven, and if accepted shall take effect as herein-
18 before provided.