

PEDESTRIAN--STANDING, SITTING OR LYING UPON HIGHWAY. G.S. 20-174.1.<sup>1</sup>

The motor vehicle law provides that no person shall willfully [stand] [sit] [lie] upon a [highway] [street] in such a manner as to impede the regular flow of traffic.

A violation of this law is negligence within itself.

---

<sup>1</sup>This statute carries criminal penalties and, in a criminal case, State v. Spencer, 276 N.C. 535, 173 S.E.2d 765 (1970), the Court said: "...it is quite clear that the legislature intended to make it unlawful for any person to impede the regular flow of traffic upon the streets and highways of the State by willfully placing his body thereon in either a standing, lying or sitting position. A person may stand and walk, stand and strut, stand and run, or stand still. All these acts are condemned by the statute when done willfully in such manner as to impede the regular flow of traffic upon a public street or highway." This was said in answer to the contention that the statute does not prohibit walking on the highway.

For another instruction regarding walking on the highway, not involving willful conduct designed to impede traffic, see N.C.P.I.--Civil 211.45.

