

By: Reynolds

H.B. No. 2081

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to motor vehicle accidents involving a pedestrian or other  
3 vulnerable road user within the area of a crosswalk; creating a  
4 criminal offense.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. This Act shall be known as the Lisa Torry Smith  
7 Act.

8 SECTION 2. Subchapter I, Chapter 545, Transportation Code,  
9 is amended by adding Section 545.428 to read as follows:

10 Sec. 545.428. MOTOR VEHICLE ACCIDENT INVOLVING PEDESTRIAN  
11 OR OTHER VULNERABLE ROAD USER WITHIN AREA OF CROSSWALK; OFFENSE.

12 (a) In this section:

13 (1) "Electric personal assistive mobility device" has  
14 the meaning assigned by Section 551.201.

15 (2) "Golf cart" has the meaning assigned by Section  
16 551.401.

17 (3) "Motor-assisted scooter" has the meaning assigned  
18 by Section 551.351.

19 (4) "Neighborhood electric vehicle" has the meaning  
20 assigned by Section 551.301.

21 (b) A person commits an offense if the person with criminal  
22 negligence:

23 (1) operates a motor vehicle within the area of a  
24 crosswalk; and

1           (2) causes bodily injury to a pedestrian or a person  
2 operating a bicycle, motor-assisted scooter, electronic personal  
3 assistive mobility device, neighborhood electric vehicle, or golf  
4 cart.

5           (c) An offense under this section is a Class A misdemeanor,  
6 except that the offense is a state jail felony if the person  
7 described by Subsection (b)(2) suffered serious bodily injury.

8           (d) It is an affirmative defense to prosecution under this  
9 section that, at the time of the offense, the person described by  
10 Subsection (b)(2) was violating a provision of this subtitle  
11 relating to walking, movement, or operation in a crosswalk or on a  
12 roadway.

13           (e) If conduct that constitutes an offense under this  
14 section also constitutes an offense under any other law, the actor  
15 may be prosecuted under this section, the other law, or both.

16           SECTION 3. This Act takes effect September 1, 2021.