

1-1 By: Huffman S.B. No. 1055
1-2 (In the Senate - Filed March 4, 2021; March 18, 2021, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 9, 2021, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; April 9, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			

1-13 A BILL TO BE ENTITLED
1-14 AN ACT

1-15 relating to motor vehicle accidents involving a pedestrian or other
1-16 vulnerable road user within the area of a crosswalk; creating a
1-17 criminal offense.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. This Act shall be known as the Lisa Torry Smith
1-20 Act.

1-21 SECTION 2. Subchapter I, Chapter 545, Transportation Code,
1-22 is amended by adding Section 545.428 to read as follows:

1-23 Sec. 545.428. MOTOR VEHICLE ACCIDENT INVOLVING PEDESTRIAN
1-24 OR OTHER VULNERABLE ROAD USER WITHIN AREA OF CROSSWALK; OFFENSE.

1-25 (a) In this section:

1-26 (1) "Electric personal assistive mobility device" has
1-27 the meaning assigned by Section 551.201.

1-28 (2) "Golf cart" has the meaning assigned by Section
1-29 551.401.

1-30 (3) "Motor-assisted scooter" has the meaning assigned
1-31 by Section 551.351.

1-32 (4) "Neighborhood electric vehicle" has the meaning
1-33 assigned by Section 551.301.

1-34 (b) A person commits an offense if the person with criminal
1-35 negligence:

1-36 (1) operates a motor vehicle within the area of a
1-37 crosswalk; and

1-38 (2) causes bodily injury to a pedestrian or a person
1-39 operating a bicycle, motor-assisted scooter, electronic personal
1-40 assistive mobility device, neighborhood electric vehicle, or golf
1-41 cart.

1-42 (c) An offense under this section is a Class A misdemeanor,
1-43 except that the offense is a state jail felony if the person
1-44 described by Subsection (b)(2) suffered serious bodily injury.

1-45 (d) It is an affirmative defense to prosecution under this
1-46 section that, at the time of the offense, the person described by
1-47 Subsection (b)(2) was violating a provision of this subtitle
1-48 relating to walking, movement, or operation in a crosswalk or on a
1-49 roadway.

1-50 (e) If conduct that constitutes an offense under this
1-51 section also constitutes an offense under any other law, the actor
1-52 may be prosecuted under this section, the other law, or both.

1-53 SECTION 3. This Act takes effect September 1, 2021.

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