

By: Gervin-Hawkins

H.B. No. 4464

A BILL TO BE ENTITLED

AN ACT

relating to the operation of a motor vehicle passing a person operating a bicycle; creating a criminal offense.

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

SECTION 1. Subchapter B, Chapter 545, Transportation Code, is amended by adding Section 545.0571 to read as follows:

Sec. 545.0571. MOTOR VEHICLE PASSING BICYCLE OPERATOR. (a)

An operator of a motor vehicle shall exercise due care to avoid colliding with a person operating a bicycle on a highway or street.

(b) For the purposes of Section 545.053(a), safe distance from any part of a bicycle is at least three feet.

(c) For the purposes of Section 545.057(a), conditions permit safely passing a bicycle to the right only if the motor vehicle passes at least three feet from any part of the bicycle.

(d) An operator of a motor vehicle passing a person operating a bicycle on a highway or street that has two or more marked lanes running in the same direction shall move the motor vehicle to a lane other than the lane used by the bicycle operator while passing the bicycle operator.

(e) Subsections (b), (c), and (d) do not apply when the bicycle is being operated in a designated bicycle lane.

(f) It is an affirmative defense to prosecution under this section that at the time of the offense the bicycle operator was acting in violation of a traffic law in a manner that contributed to

1 the offense under this section.

2 SECTION 2. Section 545.055, Transportation Code, is amended  
3 by amending Subsection (b) and adding Subsection (b-1) to read as  
4 follows:

5 (b) Except as provided by Subsection (b-1), an [An] operator  
6 may not drive on the left side of the roadway in a no-passing zone or  
7 on the left side of any pavement striping designed to mark a  
8 no-passing zone.

9 (b-1) Subsection (b) [This subsection] does not prohibit a  
10 driver from:

11 (1) crossing pavement striping, or the center line in  
12 a no-passing zone marked by signs only, to make a left turn into or  
13 out of an alley or private road or driveway; or

14 (2) passing a person operating a bicycle in a  
15 no-passing zone if the operator of the motor vehicle otherwise  
16 complies with the requirements of this chapter.

17 SECTION 3. The changes in law made by this Act apply only to  
18 an offense committed on or after the effective date of this Act. An  
19 offense committed before the effective date of this Act is governed  
20 by the law in effect on the date the offense was committed, and the  
21 former law is continued in effect for that purpose. For purposes of  
22 this section, an offense was committed before the effective date of  
23 this Act if any element of the offense occurred before that date.

24 SECTION 4. This Act takes effect September 1, 2023.