

Amend CSHB 2702 by adding a new Section \_\_ to read as follows and renumbering the subsequent sections accordingly:

SECTION \_\_. Subchapter B, Chapter 545, Transportation Code, is amended by adding Section 545.0535 to read as follows:

Sec. 545.0535. PASSING BICYCLIST ON HIGHWAY OR STREET. (a) An operator of a motor vehicle passing a bicyclist operating on a highway or street shall:

(1) vacate the lane in which the bicyclist is operating when operating on a highway with two or more marked lanes;  
or

(2) pass at a safe distance.

(b) For the purposes of Subsection (a), the operator is presumed to have passed the bicyclist at a distance that was not safe if the distance between the operator's vehicle and the bicycle was less than:

(1) three feet if the operator's vehicle is a vehicle other than a vehicle described by Subdivision (2); or

(2) six feet if the operator's vehicle is:

(A) a truck other than a light truck; or

(B) a commercial motor vehicle, as defined by Section 522.003.

(c) A violation of this section is:

(1) a misdemeanor punishable under Section 542.401;

(2) a misdemeanor punishable by a fine of \$500 if the violation results in property damage; or

(3) a Class B misdemeanor if the violation results in bodily injury.

(d) It is a defense to prosecution under this section that at the time of the offense the bicyclist was not in compliance with Section 551.103 or 551.104(b)(2).

(e) If conduct constituting an offense under this section also constitutes an offense under another section of this code or the Penal Code, the actor may be prosecuted under either section or under both sections.