

## **BILL ANALYSIS**

Senate Research Center  
79R8211 JTS-F

S.B. 859  
By: Ellis  
Transportation & Homeland Security  
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As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Current law concerning a safe passing distance does not apply to bicyclists. As proposed, S.B. 859 requires an operator of a motor vehicle passing a bicyclist on a highway or street to vacate the lane which the bicyclist is using on a highway with two or more marked lanes, pass at a safe distance, and slow to a speed not to exceed 30 miles per hour. In order for the distance to be considered safe, the distance must be at least three feet or six feet if the vehicle is a truck, other than a light truck, or commercial vehicle.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 545, Transportation Code, by adding Section 545.0535, as follows:

Sec. 545.0535. PASSING BICYCLIST ON HIGHWAY OR STREET. (a) Requires an operator of a motor vehicle passing a bicyclist operating on a highway or street to take certain actions.

(b) Provides that 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 specific distances.

(c) Provides that a violation of this section is a misdemeanor punishable under Section 542.401 (General Penalty), Transportation Code, punishable by a fine of \$500 if the violation causes property damage; or a Class B misdemeanor if the violation results in bodily injury.

(d) Provides that 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 (Operation on Roadway) or 551.104(b) (2) (Safety Equipment).

(e) Provides that if the 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.

SECTION 2. Effective date: September 1, 2005.