

By: Ellis

S.B. No. 859

A BILL TO BE ENTITLED

AN ACT

relating to a motor vehicle passing a bicyclist; providing penalties.

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

SECTION 1. Subchapter B, Chapter 545, Transportation Code, is amended by adding Section 545.0535 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;

(2) pass at a safe distance; or

(3) slow to a speed not to exceed 30 miles per hour.

(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 (1) a misdemeanor punishable under Section 542.401;

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

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

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

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

13 SECTION 2. This Act takes effect September 1, 2005.