

BILL ANALYSIS

H.B. 1790
By: Harper-Brown
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law does not provide specific guidelines for a motor vehicle overtaking a bicyclist on a street or highway other than to put an inadequately defined "safe passing distance" between the vehicle and the bicyclist. Approximately 40 percent of bicyclists' traffic crash fatalities in Texas occur due to unsafe passing by a motor vehicle. Current law also does not provide for any penalty specific to the unsafe passage of a bike.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 1790 amends Subchapter B, Chapter 545, Transportation Code, by adding Section 545.0535 to require that an operator of a vehicle passing a bicyclist on a street or highway with two or more marked lanes to vacate the lane the bicyclist is using, or pass at a safe distance if alternate lanes are not available. In order for the distance to be "safe," it must be at least three feet for passenger vehicles and light trucks or six feet for commercial vehicles.

The bill also establishes a violation of this law as a misdemeanor punishable by a fine of \$500 if the violation results in property damage, or a Class B misdemeanor if the violation results in bodily injury, and establishes the breaking of traffic laws by a bicyclist as a defense to prosecution.

EFFECTIVE DATE

September 1, 2007.