

By: Ellis, et al.

S.B. No. 248

A BILL TO BE ENTITLED

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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; 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 (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) or was operating on a public road
9 that does not have a paved shoulder.

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

14 SECTION 2. Section 551.104, Transportation Code, is amended
15 to read as follows:

16 Sec. 551.104. SAFETY EQUIPMENT. (a) A person may not
17 operate a bicycle unless the bicycle is equipped with a brake
18 capable of making a braked wheel skid on dry, level, clean pavement.

19 (b) A person may not operate a bicycle at nighttime unless
20 the bicycle is equipped with:

21 (1) a lamp on the front of the bicycle that emits a
22 white light visible from a distance of at least 500 feet in front of
23 the bicycle; and

24 (2) ~~[on the rear of the bicycle:~~

25 ~~[(A) a red reflector that is:~~

26 ~~[(i) of a type approved by the department,~~

27 ~~and~~

1 ~~[(ii) visible when directly in front of~~
2 ~~lawful upper beams of motor vehicle headlamps from all distances~~
3 ~~from 50 to 300 feet to the rear of the bicycle; or~~

4 ~~[(B)]~~ a lamp on the rear of the bicycle that emits
5 a red light visible from a distance of 500 feet to the rear of the
6 bicycle.

7 SECTION 3. This Act takes effect September 1, 2007.