

## **BILL ANALYSIS**

Senate Research Center  
81R2615 SLB-F

S.B. 488  
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Transportation & Homeland Security  
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As Filed

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

Although all types of road users are at risk of being injured or killed in a road traffic crash, there are notable differences in fatality rates between different groups of road users. In particular, "vulnerable road users" are at greater risk than vehicle occupants and usually bear the greatest burden of injury. Children, elderly, and disabled people are particularly vulnerable, and are often overrepresented in traffic fatalities.

This bill provides additional protections for vulnerable road users who share the road with other users. The "Safe Passing Bill" protects "vulnerable road users" including a pedestrian, runner, physically disabled person, child, skater, construction or maintenance worker, stranded motorist, equestrian, and a person operating a bicycle, motorcycle, or unprotected farm equipment.

As proposed, S.B. 488 requires more than three feet of passing distance (six feet by commercial vehicles) when a motorist passes a vulnerable road user, and includes penalties for harassing, taunting, or throwing an object at a vulnerable road user, turning dangerously in front of a vulnerable road user, and failing to yield when making a left turn at an intersection. S.B. 488 provides that a violation of this law is 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.

### **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 545.428, as follows:

Sec. 545.428. VULNERABLE ROAD USERS. (a) Defines "vulnerable road user."

(b) Requires an operator of a motor vehicle passing a vulnerable road user operating on a highway or street to vacate the lane in which the vulnerable road user is located if the highway has two or more marked lanes running in the same direction or pass the vulnerable road user at a safe distance.

(c) Provides that, for the purposes of Subsection (b), the operator is presumed to have passed the vulnerable road user at a safe distance if the distance between the operator's vehicle and the vulnerable road user is more than three feet if the operator's vehicle is a passenger car or light truck or six feet if the operator's vehicle is a truck other than a light truck or a commercial motor vehicle as defined by Section 552.003 (Definitions).

(d) Requires an operator of a motor vehicle that is making a left turn at an intersection, including an intersection with an alley or private road or driveway, to yield the right-of-way to a vulnerable road user who is approaching from the opposite direction and is in the intersection or in such proximity to the intersection as to be an immediate hazard.

(e) Prohibits an operator of a motor vehicle from overtaking a vulnerable road user traveling in the same direction and subsequently making a right-hand turn in front of the vulnerable road user unless the operator is safely clear of the vulnerable road user, taking into account the speed at which the vulnerable road user is traveling and the braking requirements of the vehicle making the right-hand turn.

(f) Prohibits an operator of a motor vehicle from maneuvering the vehicle in a manner that is intended to cause intimidation or harassment to a vulnerable road user, or that threatens a vulnerable road user

(g) Requires an operator of a motor vehicle to exercise due care to avoid colliding with a vulnerable road user on a roadway or in an intersection of roadways.

(h) Prohibits a person from opening the door on the side of a vehicle that is adjacent to moving traffic unless it is reasonably safe to open the door without interfering with the movement of traffic, including vulnerable road users. Prohibits a person from leaving a door open on the side of a vehicle that is adjacent to moving traffic for a period longer than necessary to load or unload passengers and goods.

(i) Prohibits a person from harassing, taunting, or throwing an object or liquid at or in the direction of any vulnerable road user.

(j) Provides that a violation of this section is punishable under Section 542.401 (General Penalty) except that if the violation results in property damage, the violation is a misdemeanor punishable by a fine not to exceed \$500; or if the violation results in bodily injury, the violation is a Class B misdemeanor.

(k) Provides that it is a defense to prosecution under this section that at the time of the offense the vulnerable road user was a person operating a bicycle in violation of Section 551.103 (Operation on Roadway) or 551.104(b)(2) (relating to bicycle safety equipment).

(l) Authorizes prosecution of the actor under either section or both sections if the conduct constituting an offense under this section also constitutes an offense under another section of this code or the Penal Code.

SECTION 2. Effective date: September 1, 2009.