

By: Harper-Brown, Kent, Lucio III, et al.

H.B. No. 827

Substitute the following for H.B. No. 827:

By: Pickett

C.S.H.B. No. 827

A BILL TO BE ENTITLED

AN ACT

relating to the operation of a motor vehicle in the vicinity of a vulnerable road user; providing penalties.

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

SECTION 1. Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.428 to read as follows:

Sec. 545.428. VULNERABLE ROAD USERS. (a) In this section, "vulnerable road user" means:

(1) a highway construction and maintenance worker, tow truck operator, utility worker, other worker with legitimate business in or near the road or right-of-way, or stranded motorist or passenger;

(2) a person on horseback;

(3) a person operating equipment other than a motor vehicle, including a horse-driven conveyance or unprotected farm equipment; or

(4) a pedestrian, including a runner, a physically disabled person, a child, a skater, or a person operating a bicycle, handcycle, moped, motor-driven cycle, or motor-assisted scooter.

(b) A vulnerable road user, as defined by Subsection (a)(4), may not operate more than three feet from the right edge line of pavement on a highway or street.

(c) An operator of a motor vehicle passing a vulnerable road user operating on a highway or street shall:

1           (1) vacate the lane in which the vulnerable road user  
2 is located if the highway has two or more marked lanes, with a total  
3 width of not less than 24 feet, running in the same direction and  
4 the far left lane is not occupied by a vehicle; or

5           (2) pass the vulnerable road user at a safe distance.

6           (d) For the purposes of Subsection (c)(2), the operator is  
7 presumed to have failed to comply with Subsection (c)(2) if the  
8 distance between the operator's vehicle and the vulnerable road  
9 user is less than:

10           (1) three feet if the operator's vehicle is a passenger  
11 car or light truck; or

12           (2) six feet if the operator's vehicle is a truck other  
13 than a light truck or a commercial motor vehicle as defined by  
14 Section 522.003.

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

21           (f) An operator of a motor vehicle may not maneuver the  
22 vehicle in a manner that:

23           (1) is intended to cause intimidation or harassment to  
24 a vulnerable road user; or

25           (2) threatens a vulnerable road user.

26           (g) An operator of a motor vehicle shall exercise due care  
27 to avoid colliding with any vulnerable road user on a roadway or in

1 an intersection of roadways.

2 (h) A person may not open the door on the side of a vehicle  
3 that is adjacent to moving traffic unless it is reasonably safe to  
4 open the door without interfering with the movement of traffic,  
5 including vulnerable road users. A person may not leave a door open  
6 on the side of a vehicle that is adjacent to moving traffic for a  
7 period longer than necessary to load or unload passengers or goods.

8 (i) A person may not harass, taunt, or throw an object or  
9 liquid at or in the direction of any vulnerable road user.

10 (j) A violation of this section is punishable under Section  
11 542.401 except that:

12 (1) if the violation results in property damage, the  
13 violation is a misdemeanor punishable by a fine of not to exceed  
14 \$500; or

15 (2) if the violation results in bodily injury, the  
16 violation is a Class B misdemeanor.

17 (k) The presumption provided by Subsection (d) does not  
18 arise and may not be applied against the operator of the motor  
19 vehicle if at the time of the offense the vulnerable road user was  
20 acting in violation of the law.

21 (l) If conduct constituting an offense under this section  
22 also constitutes an offense under another section of this code or  
23 the Penal Code, the actor may be prosecuted under either section or  
24 both sections.

25 SECTION 2. This Act takes effect September 1, 2009.