

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 pedestrian, including a runner, physically disabled person, child, skater, 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 bicycle, handcycle, horse-driven conveyance, or unprotected farm equipment; or

(4) a person operating a motorcycle, moped, motor-driven cycle, or motor-assisted scooter.

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

(1) 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

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

2 (c) For the purposes of Subsection (b)(2), when road
3 conditions allow, safe distance is at least:

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

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

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

15 (e) An operator of a motor vehicle may not overtake a
16 vulnerable road user traveling in the same direction and
17 subsequently make a right-hand turn in front of the vulnerable road
18 user unless the operator is safely clear of the vulnerable road
19 user, taking into account the speed at which the vulnerable road
20 user is traveling and the braking requirements of the vehicle
21 making the right-hand turn.

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

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

26 (2) threatens a vulnerable road user.

27 (g) An operator of a motor vehicle shall exercise due care

1 to avoid colliding with any vulnerable road user on a roadway or in
2 an intersection of roadways.

3 (h) A violation of this section is punishable under Section
4 542.401 except that:

5 (1) if the violation results in property damage, the
6 violation is a misdemeanor punishable by a fine of not to exceed
7 \$500; or

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

10 (i) It is a defense to prosecution under this section that
11 at the time of the offense the vulnerable road user was acting in
12 violation of the law.

13 (j) If conduct constituting an offense under this section
14 also constitutes an offense under another section of this code or
15 the Penal Code, the actor may be prosecuted under either section or
16 both sections.

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 488 passed the Senate on April 21, 2009, by the following vote: Yeas 25, Nays 5; May 23, 2009, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 29, 2009, House granted request of the Senate; May 31, 2009, Senate adopted Conference Committee Report by the following vote: Yeas 26, Nays 5.

Secretary of the Senate

I hereby certify that S.B. No. 488 passed the House, with amendments, on May 19, 2009, by the following vote: Yeas 140, Nays 5, one present not voting; May 29, 2009, House granted request of the Senate for appointment of Conference Committee; May 30, 2009, House adopted Conference Committee Report by the following vote: Yeas 142, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor