

By: Ellis, Carona, et al.

S.B. No. 488

Substitute the following for S.B. No. 488:

By: Pickett

C.S.S.B. No. 488

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 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), the operator is
3 presumed to have failed to comply with Subsection (b)(2) if the
4 distance between the operator's vehicle and the vulnerable road
5 user is less than:

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

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

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

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

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

26 (1) is intended to cause intimidation or harassment to
27 a vulnerable road user; or

1 (2) threatens a vulnerable road user.

2 (g) An operator of a motor vehicle shall exercise due care
3 to avoid colliding with any vulnerable road user on a roadway or in
4 an intersection of roadways.

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

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

13 (j) A violation of this section is punishable under Section
14 542.401 except that:

15 (1) if the violation results in property damage, the
16 violation is a misdemeanor punishable by a fine of not to exceed
17 \$500; or

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

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

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

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