

BILL ANALYSIS

C.S.H.B. 2225
By: McClendon
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

With some estimates indicating that up to 40 percent of bicycle crash fatalities in Texas occur due to unsafe passing by a motor vehicle, there is concern that current law does not provide specific guidelines or penalties for a motor vehicle overtaking a vulnerable road user on a street or highway, nor provide uniform protection for a collective class of these individuals. C.S.H.B. 2225 seeks to address these issues by making roads safer for vulnerable road users.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2225 amends the Transportation Code to require an operator of a motor vehicle passing an unprotected road user, as defined in the bill, operating on a highway or street to vacate the lane in which the unprotected road user is located if the highway has two or more marked lanes running in the same direction or to pass the unprotected road user at a safe distance. The bill specifies that a safe distance, when road conditions allow, is at least three feet if the operator's vehicle is a passenger car or light truck or at least six feet if the operator's vehicle is a truck, other than a light truck, that is a commercial motor vehicle.

C.S.H.B. 2225 requires an operator of a motor vehicle that is making a turn at an intersection, including an intersection with an alley or private road or driveway, to yield the right-of-way to an unprotected road user who is in the intersection or in such proximity to the intersection as to be an immediate hazard. The bill prohibits an operator of a motor vehicle from overtaking an unprotected road user and prohibits subsequently turning in front of the unprotected road user unless the operator is safely clear of the unprotected road user, taking into account the speed at which the unprotected road user is traveling and the braking requirements of the turning vehicle.

C.S.H.B. 2225 prohibits an operator of a motor vehicle from maneuvering the vehicle in a manner that is intended to cause intimidation or harassment to an unprotected road user or that threatens an unprotected road user. The bill requires an operator of a motor vehicle to exercise due care to avoid colliding with any unprotected road user on a roadway or in an intersection of roadways.

C.S.H.B. 2225 makes a violation of its provisions a misdemeanor offense punishable by a fine of not less than \$1 or more than \$200. The bill enhances the penalty for such a misdemeanor offense to a fine not to exceed \$500 if the violation results in property damage and to a Class B misdemeanor offense if the violation results in bodily injury. The bill establishes a defense to prosecution for such offenses if at the time of the offense the unprotected road user was acting in violation of the law. The bill provides that if conduct constituting an offense under the bill's provisions also constitutes an offense under another provision of the Transportation Code or the Penal Code, the actor may be prosecuted under either law or both laws.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2225 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

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

Sec. 545.428. (a) In this section, unprotected 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 an unprotected road user operating on a highway or street shall:

(1) vacate the lane in which the unprotected road user is located if the highway has two or more marked lanes running in the same direction; or

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

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

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

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

(d) An operator of a motor vehicle that is making a left turn at an intersection, including an intersection with an alley or

HOUSE COMMITTEE SUBSTITUTE

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

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

(1) a pedestrian, including a runner, physically disabled person, highway construction and maintenance worker, tow truck operator, utility worker, other worker operating legally 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 an unprotected road user operating on a highway or street shall:

(1) vacate the lane in which the unprotected road user is located if the highway has two or more marked lanes running in the same direction; or

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

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

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

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

(d) An operator of a motor vehicle that is making a turn at an intersection, including an intersection with an alley or private road or

private road or driveway, shall yield the right-of-way to an unprotected road user who is in the intersection or in such proximity to the intersection as to be an immediate hazard.

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

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

(1) is intended to cause intimidation or harassment to

an unprotected road user; or

(2) threatens an unprotected road user.

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

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

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

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

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

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

SECTION 2. This Act takes effect September 1, 2013.

driveway, shall yield the right-of-way to an unprotected road user who is in the intersection or in such proximity to the intersection as to be an immediate hazard.

(e) An operator of a motor vehicle may not overtake an unprotected road user and subsequently turn in front of the unprotected road user unless the operator is safely clear of the unprotected road user, taking into account the speed at which the unprotected road user is traveling and the braking requirements of the turning vehicle.

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

(1) is intended to cause intimidation or harassment to an unprotected road user; or

(2) threatens an unprotected road user.

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

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

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

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

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

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

SECTION 2. Same as introduced version.