

By: Martinez

H.B. No. 3290

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, community or school volunteer, child, skater, highway construction or maintenance worker, tow truck operator, utility worker, law enforcement officer, worker with legitimate business in or near the road or right-of-way, or stranded or detained motorist or passenger;

(2) a person on horseback; or

(3) a person operating equipment other than a motor vehicle, including a bicycle, moped, motor-driven cycle, or motor-assisted scooter.

(b) An operator of a motor vehicle approaching or 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; and

(2) if passing, pass the vulnerable road user at a safe

1 distance and a reasonable speed.

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 turn at  
10 an intersection, including an intersection with an alley or private  
11 road or driveway, shall yield the right-of-way to a vulnerable road  
12 user who is in the intersection or in such proximity to the  
13 intersection as to be an immediate hazard.

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

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

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

24 (2) threatens a vulnerable road user.

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

1        (h) A violation of this section is a misdemeanor punishable  
2 by a fine of not less than \$50 or more than \$500. A person accused of  
3 violating this section who fails to appear at a hearing or trial on  
4 the violation is subject to the maximum applicable penalty for  
5 failing to appear.

6        (i) It is an affirmative defense to prosecution under this  
7 section that at the time of the offense the vulnerable road user was  
8 acting in violation of the law.

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