

By: Martinez

H.B. No. 2459

A BILL TO BE ENTITLED

AN ACT

relating to the operation of a motor vehicle in the vicinity of an unprotected road user; creating a criminal offense.

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

SECTION 1. This Act may be cited as the Iris Ann Stagner Unprotected Road User Act.

SECTION 2. 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 skateboard or roller skates, roller blades, 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 (1) vacate the lane in which the unprotected road user
2 is located if the highway has two or more marked lanes running in
3 the same direction; or

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

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

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

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

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

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

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

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

27 (2) threatens an unprotected road user.

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

4 (h) A violation of this section is punishable under Section
5 542.401 except that:

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

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

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

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

18 SECTION 3. This Act takes effect September 1, 2015.