

By: Miller, Cain, Lang, et al.

H.B. No. 962

Substitute the following for H.B. No. 962:

By: Landgraf

C.S.H.B. No. 962

A BILL TO BE ENTITLED

AN ACT

relating to the operation of a motor vehicle passing a pedestrian or a person operating a bicycle.

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

SECTION 1. Subchapter B, Chapter 545, Transportation Code, is amended by adding Section 545.0571 to read as follows:

Sec. 545.0571. MOTOR VEHICLE PASSING PEDESTRIAN OR BICYCLE OPERATOR. (a) An operator of a motor vehicle shall exercise due care to avoid colliding with a pedestrian or a person operating a bicycle on a highway or street.

(b) For the purposes of Section 545.053(a), safe distance from a pedestrian or any part of a bicycle is:

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

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

(c) For the purposes of Section 545.057(a), conditions permit safely passing a pedestrian or a bicycle to the right only if the motor vehicle passes:

(1) at least three feet from the pedestrian or any part of the bicycle if the operator's vehicle is a passenger car or a light truck; or

(2) at least six feet from the pedestrian or any part

1 of the bicycle if the operator's vehicle is a commercial motor  
2 vehicle as defined by Section 522.003 or a truck other than a light  
3 truck.

4 (d) An operator of a motor vehicle passing a pedestrian or a  
5 person operating a bicycle on a highway or street that has two or  
6 more marked lanes running in the same direction shall move the motor  
7 vehicle to a lane other than the lane used by the pedestrian or  
8 bicycle operator while passing the pedestrian or bicycle operator.

9 (e) It is an affirmative defense to prosecution under this  
10 section that at the time of the offense the pedestrian or bicycle  
11 operator was acting in violation of a traffic law in a manner that  
12 contributed to the offense under this section.

13 SECTION 2. Section 545.055, Transportation Code, is amended  
14 by amending Subsection (b) and adding Subsection (b-1) to read as  
15 follows:

16 (b) Except as provided by Subsection (b-1), an [An] operator  
17 may not drive on the left side of the roadway in a no-passing zone or  
18 on the left side of any pavement striping designed to mark a  
19 no-passing zone.

20 (b-1) Subsection (b) [This subsection] does not prohibit a  
21 driver from:

22 (1) crossing pavement striping, or the center line in  
23 a no-passing zone marked by signs only, to make a left turn into or  
24 out of an alley or private road or driveway; or

25 (2) passing a pedestrian or a person operating a  
26 bicycle in a no-passing zone if the operator of the motor vehicle  
27 otherwise complies with the requirements of this chapter.

1           SECTION 3. The changes in law made by this Act apply only to  
2 an offense committed on or after the effective date of this Act. An  
3 offense committed before the effective date of this Act is governed  
4 by the law in effect on the date the offense was committed, and the  
5 former law is continued in effect for that purpose. For purposes of  
6 this section, an offense was committed before the effective date of  
7 this Act if any element of the offense occurred before that date.

8           SECTION 4. This Act takes effect September 1, 2019.