

By: Miller

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) A collision of a motor vehicle with a pedestrian or a
10 person operating a bicycle is prima facie evidence that the
11 operator of the motor vehicle violated this section, Section
12 545.053, Section 545.054, or Section 545.057, as applicable.

13 (f) It is an affirmative defense to prosecution under this
14 section that at the time of the offense the pedestrian or bicycle
15 operator was acting in violation of a traffic law.

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

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

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

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

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

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

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