

BILL ANALYSIS

Senate Research Center

S.B. 1055
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Jurisprudence
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, an individual who with criminal negligence causes the death of a pedestrian in a crosswalk motor vehicle accident may be charged with criminally negligent homicide. However, an individual who merely causes assault or serious bodily injury to a pedestrian through criminal negligence is not eligible for an appropriate criminal penalty.

S.B. 1055 would expand the duties of a driver in the Transportation Code and provide penalties for motor vehicle drivers who inflict bodily injury or serious bodily injury on a pedestrian or individual who is lawfully utilizing a crosswalk in a roadway. Additionally, this bill adds definitions of motor and electric vehicles that are commonly used in crosswalk areas into statute.

(Original Author's/Sponsor's Statement of Intent)

S.B. 1055 amends current law relating to motor vehicle accidents involving a vulnerable road user within the area of a crosswalk and to requiring the operator of a vehicle to yield the right-of-way to a pedestrian and creates a criminal offense.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Requires that this Act be known as the Lisa Torry Smith Act.

SECTION 2. Amends Subchapter I, Chapter 545, Transportation Code, by adding Section 545.428, as follows:

Sec. 545.428. MOTOR VEHICLE ACCIDENT INVOLVING PEDESTRIAN OR OTHER VULNERABLE ROAD USER WITHIN AREA OF CROSSWALK; OFFENSE. (a) Defines "electric personal assistive mobility device," "golf cart," "motor-assisted scooter," and "neighborhood electric vehicle."

(b) Provides that a person commits an offense if the person with criminal negligence:

(1) operates a motor vehicle within the area of a crosswalk; and

(2) causes bodily injury to a pedestrian or a person operating a bicycle, motor-assisted scooter, electronic personal assistive mobility device, neighborhood electric vehicle, or golf cart.

(c) Provides that an offense under this section is a Class A misdemeanor, except that the offense is a state jail felony if the person described by Subsection (b)(2) suffered serious bodily injury.

(d) Provides that it is an affirmative defense to prosecution under this section that, at the time of the offense, the person described by Subsection (b)(2) was violating a provision of Subtitle C (Rules of the Road) relating to walking, movement, or operation in a crosswalk or on a roadway.

(e) Authorizes the actor to be prosecuted under this section, the other law, or both, if conduct that constitutes an offense under this section also constitutes an offense under any other law.

SECTION 3. Amends Sections 544.007(b) and (c), Transportation Code, as follows:

(b) Requires an operator of a vehicle facing a circular green signal, while the signal is exhibited, to:

(1) yield the right-of-way to other vehicles lawfully in the intersection when the signal is exhibited, rather than yield the right-of-way to other vehicles and to pedestrians lawfully in the intersection or an adjacent crosswalk when the signal is exhibited; and

(2) stop and yield the right-of-way to pedestrians lawfully in the intersection or an adjacent crosswalk.

Makes nonsubstantive changes.

(c) Requires the operator of a vehicle facing a green arrow signal to stop and yield, rather than yield, the right-of-way to a pedestrian lawfully in an adjacent crosswalk and to yield the right-of-way to other traffic lawfully using the intersection.

SECTION 4. Amends Section 552.002(b), Transportation Code, as follows:

(b) Authorizes a pedestrian facing a "Walk" signal to proceed across a roadway in the direction of the signal, and requires the operator of a vehicle to stop and yield, rather than yield, the right-of-way to the pedestrian.

SECTION 5. Amends Sections 552.003(a) and (b), Transportation Code, to make conforming changes.

SECTION 6. Amends Section 552.006(c), Transportation Code, to make a conforming change.

SECTION 7. Makes application of this Act prospective.

SECTION 8. Effective date: September 1, 2021.