

AN ACT

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; creating a criminal offense.

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

SECTION 1. This Act shall be known as the Lisa Torry Smith Act.

SECTION 2. Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.428 to read as follows:

Sec. 545.428. MOTOR VEHICLE ACCIDENT INVOLVING PEDESTRIAN OR OTHER VULNERABLE ROAD USER WITHIN AREA OF CROSSWALK; OFFENSE.

(a) In this section:

(1) "Electric personal assistive mobility device" has the meaning assigned by Section 551.201.

(2) "Golf cart" has the meaning assigned by Section 551.401.

(3) "Motor-assisted scooter" has the meaning assigned by Section 551.351.

(4) "Neighborhood electric vehicle" has the meaning assigned by Section 551.301.

(b) A person commits an offense if the person with criminal negligence:

(1) operates a motor vehicle within the area of a

1 crosswalk; and

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

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

9 (d) It is an affirmative defense to prosecution under this  
10 section that, at the time of the offense, the person described by  
11 Subsection (b)(2) was violating a provision of this subtitle  
12 relating to walking, movement, or operation in a crosswalk or on a  
13 roadway.

14 (e) If conduct that constitutes an offense under this  
15 section also constitutes an offense under any other law, the actor  
16 may be prosecuted under this section, the other law, or both.

17 SECTION 3. Sections 544.007(b) and (c), Transportation  
18 Code, are amended to read as follows:

19 (b) An operator of a vehicle facing a circular green signal  
20 may proceed straight or turn right or left unless a sign prohibits  
21 the turn. The operator shall, while the signal is exhibited:

22 (1) yield the right-of-way to other vehicles [~~and to~~  
23 pedestrians] lawfully in the intersection [~~or an adjacent~~  
24 crosswalk] when the signal is exhibited; and

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

27 (c) An operator of a vehicle facing a green arrow signal,

1 displayed alone or with another signal, may cautiously enter the  
2 intersection to move in the direction permitted by the arrow or  
3 other indication shown simultaneously. The operator shall stop and  
4 yield the right-of-way to a pedestrian lawfully in an adjacent  
5 crosswalk and shall yield the right-of-way to other traffic  
6 lawfully using the intersection.

7 SECTION 4. Section 552.002(b), Transportation Code, is  
8 amended to read as follows:

9 (b) A pedestrian facing a "Walk" signal may proceed across a  
10 roadway in the direction of the signal, and the operator of a  
11 vehicle shall stop and yield the right-of-way to the pedestrian.

12 SECTION 5. Sections 552.003(a) and (b), Transportation  
13 Code, are amended to read as follows:

14 (a) The operator of a vehicle shall stop and yield the  
15 right-of-way to a pedestrian crossing a roadway in a crosswalk if:

16 (1) no traffic control signal is in place or in  
17 operation; and

18 (2) the pedestrian is:

19 (A) on the half of the roadway in which the  
20 vehicle is traveling; or

21 (B) approaching so closely from the opposite half  
22 of the roadway as to be in danger.

23 (b) Notwithstanding Subsection (a), a pedestrian may not  
24 suddenly leave a curb or other place of safety and proceed into a  
25 crosswalk in the path of a vehicle so close that it is impossible  
26 for the vehicle operator to stop and yield.

27 SECTION 6. Section 552.006(c), Transportation Code, is

1 amended to read as follows:

2           (c) The operator of a vehicle emerging from or entering an  
3 alley, building, or private road or driveway shall stop and yield  
4 the right-of-way to a pedestrian approaching on a sidewalk  
5 extending across the alley, building entrance or exit, road, or  
6 driveway.

7           SECTION 7. The change in law made by this Act applies only  
8 to an offense committed on or after the effective date of this Act.  
9 An offense committed before the effective date of this Act is  
10 governed by the law in effect on the date the offense was committed,  
11 and the former law is continued in effect for that purpose. For  
12 purposes of this section, an offense was committed before the  
13 effective date of this Act if any element of the offense was  
14 committed before that date.

15           SECTION 8. This Act takes effect September 1, 2021.

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 1055 passed the Senate on April 19, 2021, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 27, 2021, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

I hereby certify that S.B. No. 1055 passed the House, with amendment, on May 14, 2021, by the following vote: Yeas 70, Nays 57, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor