

By: Huffman

S.B. No. 1055

A BILL TO BE ENTITLED

AN ACT

relating to motor vehicle accidents involving a pedestrian or other vulnerable road user within the area of a crosswalk; 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 crosswalk; and

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

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

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

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

16 SECTION 3. This Act takes effect September 1, 2021.