

BILL ANALYSIS

C.S.H.B. 421
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Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Safety on Texas roadways has become an increasing concern for city councils, local leaders, constituents, the Texas Department of Transportation (TxDOT), police officers, and bicycle and pedestrian safety organizations. As sustainable transportation grows in popularity in Texas, safety issues around sharing roadways have come to light. TxDOT reports that in 2021, 90 bicyclists and 824 pedestrians were killed in road accidents with a motor vehicle. Both figures represent an increase over previous years. More efforts are needed to provide for the safety of bicyclists and pedestrians on Texas roadways. C.S.H.B. 421 seeks to address these issues by requiring a motor vehicle operator to exercise due care to avoid colliding with a pedestrian or a person operating a bicycle on a highway or street and by establishing minimum safe passing distances for a vehicle passing to the left or right in relation to a pedestrian or a bicycle. Additionally, it requires a motor vehicle operator passing a pedestrian or a bicycle operator on a highway or street that has two or more marked lanes running in the same direction to move the motor vehicle to a lane other than the lane used by the pedestrian or bicycle operator while passing the pedestrian or bicycle operator.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 421 amends the Transportation Code to require a motor vehicle operator to exercise due care to avoid colliding with a pedestrian or a person operating a bicycle on a highway or street and to establish minimum safe passing distances for a vehicle passing to the left or right in relation to a pedestrian or a bicycle. The bill requires a motor vehicle operator passing a pedestrian or a bicycle operator on a highway or street that has two or more marked lanes running in the same direction to move the motor vehicle to a lane other than the lane used by the pedestrian or bicycle operator while passing the pedestrian or bicycle operator. A violation of either bill requirement is a rules of the road misdemeanor offense, as provided for under current law. The bill establishes as an affirmative defense to prosecution for either offense that at the time of the offense the pedestrian or bicycle operator was acting in violation of a traffic law in a manner that contributed to the offense.

C.S.H.B. 421 exempts a driver passing a pedestrian or a bicycle operator in a no-passing zone from the prohibition against driving on the left side of the roadway in a no-passing zone or on

the left side of any pavement striping designed to mark a no-passing zone if the driver otherwise complies with requirements relating to the operation and movement of vehicles.

C.S.H.B. 421 applies only to an offense committed on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

C.S.H.B. 421 differs from the introduced by including a Texas Legislative Council footer.