

By: Ellis, Carona

S.B. No. 488

A BILL TO BE ENTITLED

AN ACT

relating to the operation of a motor vehicle in the vicinity of a vulnerable road user; providing penalties.

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

SECTION 1. Subchapter B, Chapter 545, Transportation Code, is amended by adding Section 545.428 to read as follows:

Sec. 545.428. VULNERABLE ROAD USERS. (a) In this section, "vulnerable road user" means:

(1) a pedestrian, including a runner, physically disabled person, child, skater, highway construction and maintenance worker, utility worker, other worker with legitimate business in or near the road or right of way, or stranded motorist or passenger;

(2) a person on horseback; or

(3) a person operating equipment other than a motor vehicle, including a bicycle, motorcycle, horse-driven conveyance, or unprotected farm equipment.

(b) An operator of a motor vehicle passing a vulnerable road user operating on a highway or street shall:

(1) vacate the lane in which the vulnerable road user is located if the highway has two or more marked lanes running in the same direction; or

(2) pass the vulnerable road user at a safe distance.

(c) For the purposes of Subsection (b)(2), the operator is

1 presumed to have passed the vulnerable road user at a safe distance  
2 if the distance between the operator's vehicle and the vulnerable  
3 road user is more than:

4 (1) three feet if the operator's vehicle is a passenger  
5 car or light truck; or

6 (2) six feet if the operator's vehicle is a truck other  
7 than a light truck or a commercial motor vehicle as defined by  
8 Section 522.003.

9 (d) An operator of a motor vehicle that is making a left turn  
10 at an intersection, including an intersection with an alley or  
11 private road or driveway, shall yield the right-of-way to a  
12 vulnerable road user who is approaching from the opposite direction  
13 and is in the intersection or in such proximity to the intersection  
14 as to be an immediate hazard.

15 (e) An operator of a motor vehicle may not overtake a  
16 vulnerable road user traveling in the same direction and  
17 subsequently make a right-hand turn in front of the vulnerable road  
18 user unless the operator is safely clear of the vulnerable road  
19 user, taking into account the speed at which the vulnerable road  
20 user is traveling and the braking requirements of the vehicle  
21 making the right-hand turn.

22 (f) An operator of a motor vehicle may not maneuver the  
23 vehicle in a manner that:

24 (1) is intended to cause intimidation or harassment to  
25 a vulnerable road user; or

26 (2) threatens a vulnerable road user.

27 (g) An operator of a motor vehicle shall exercise due care

1 to avoid colliding with any vulnerable road user on a roadway or in  
2 an intersection of roadways.

3 (h) A person may not open the door on the side of a vehicle  
4 that is adjacent to moving traffic unless it is reasonably safe to  
5 open the door without interfering with the movement of traffic,  
6 including vulnerable road users. A person may not leave a door open  
7 on the side of a vehicle that is adjacent to moving traffic for a  
8 period longer than necessary to load or unload passengers or goods.

9 (i) A person may not harass, taunt, or throw an object or  
10 liquid at or in the direction of any vulnerable road user.

11 (j) A violation of this section is punishable under Section  
12 542.401 except that:

13 (1) if the violation results in property damage, the  
14 violation is a misdemeanor punishable by a fine of not to exceed  
15 \$500; or

16 (2) if the violation results in bodily injury, the  
17 violation is a Class B misdemeanor.

18 (k) It is a defense to prosecution under this section that  
19 at the time of the offense the vulnerable road user was a person  
20 operating a bicycle in violation of Section 551.103 or  
21 551.104(b)(2).

22 (l) If conduct constituting an offense under this section  
23 also constitutes an offense under another section of this code or  
24 the Penal Code, the actor may be prosecuted under either section or  
25 both sections.

26 SECTION 2. This Act takes effect September 1, 2009.