A BILL TO BE ENTITLED
AN ACT
relating to the operation of a motor vehicle in the vicinity of an
unprotected road user; providing penalties.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.428 to read as follows:
Sec. 545.428. UNPROTECTED ROAD USERS. (a) In this section, "unprotected road user" means:
(1) a pedestrian, including a runner, physically disabled person, highway construction and maintenance worker, tow truck operator, utility worker, other worker operating legally in or near the road or right-of-way, or stranded motorist or passenger;
(2) a person on horseback;
(3) a person operating equipment other than a motor vehicle, including a bicycle, handcycle, horse-driven conveyance, or skateboard or roller skates, roller blades, or unprotected farm equipment; or
(4) a person operating a motorcycle, moped, motor-driven cycle, or motor-assisted scooter.
(b) An operator of a motor vehicle passing an unprotected road user operating on a highway or street shall:
(1) vacate the lane in which the unprotected road user is located if the highway has two or more marked lanes running in
the same direction; or

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

(c) For the purposes of Subsection (b)(2), when road conditions allow, safe distance is at least:

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

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

(d) An operator of a motor vehicle that is making a turn at an intersection, including an intersection with an alley or private road or driveway, shall yield the right-of-way to an unprotected road user who is in the intersection or in such proximity to the intersection as to be an immediate hazard.

(e) An operator of a motor vehicle may not overtake an unprotected road user and subsequently turn in front of the unprotected road user unless the operator is safely clear of the unprotected road user, taking into account the speed at which the unprotected road user is traveling and the braking requirements of the turning vehicle.

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

(1) is intended to cause intimidation or harassment to an unprotected road user; or

(2) threatens an unprotected road user.

(g) An operator of a motor vehicle shall exercise due care to avoid colliding with any unprotected road user on a roadway or in
an intersection of roadways.

(h) A violation of this section is punishable under Section 542.401 except that:

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

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

(i) It is a defense to prosecution under this section that at the time of the offense the unprotected road user was acting in violation of the law.

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

SECTION 2. This Act takes effect September 1, 2015.