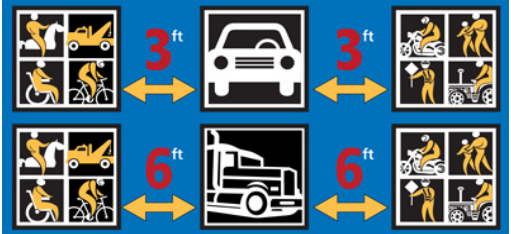


HB 962

Rep. Rick Miller, Sugarland

An act relating to the operation of a motor vehicle passing a pedestrian or a person operating a bicycle.



Contact: BikeTexas Legislative Team
Robin Stallings: (512) 694-9158,
robin@biketexas.org; Mark Stine: (512)
921-058, mark@biketexas.org;
Lori Merlino: (512) 550-0895,
lori@biketexas.org; BikeTexas Office :
(512) 476-7433

- **The act updates Texas Transportation Code Chapter 545.**
- **TxDOT reports 3721 people were killed in traffic crashes in Texas in 2017: 57 bicyclists, 501 motorcyclists, 614 pedestrians, and 2549 persons in cars and trucks.**
- **TxDOT also reports an economic impact of over \$38 Billion in Texas from all traffic crashes in 2017.**
- **The act would require clearance of three feet for cars and light trucks and 6 feet for heavy commercial vehicles when passing a pedestrian or bicyclist.**
- **In addition to 38 other states (NCSL), 27 Texas cities have adopted similar Safe Passing Laws:** Alamo, Alton, Austin, Beaumont, Brownsville, Corpus Christi, Denton, Edinburg, El Paso, Fort Worth, Galveston, Harlingen, Helotes, Houston, Laredo, McAllen, Midland, Mission, New Braunfels, Palmhurst, Pharr, Plano, San Antonio, San Juan, San Marcos, Waco, and Weslaco.
- **The act provides a defense to the motorist if the pedestrian or bicyclist was not operating in compliance with the law.**
- **The act addresses a motorist passing a pedestrian or a person operating a bicycle in a no-passing zone.**
- **The Act will serve primarily as an educational tool to promote overall safe behavior on Texas roadways to reduce deaths and injuries.**

HB 962 text:

By: Miller H.B. No. 962

86R6640 JXC-F

A BILL TO BE ENTITLED AN ACT

relating to the operation of a motor vehicle passing a pedestrian or a person operating a bicycle.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 545, Transportation Code, is amended by adding Section 545.0571 to read as follows:

Sec. 545.0571. MOTOR VEHICLE PASSING PEDESTRIAN OR BICYCLE OPERATOR. (a) An operator of a motor vehicle shall exercise due care to avoid colliding with a pedestrian or a person operating a bicycle on a highway or street.

(b) For the purposes of Section 545.053(a), safe distance from a pedestrian or any part of a bicycle is:

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

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

(c) For the purposes of Section 545.057(a), conditions permit safely passing a pedestrian or a bicycle to the right only if the motor vehicle passes:

(1) at least three feet from the pedestrian or any part of the bicycle if the operator's vehicle is a passenger car or a light truck; or

(2) at least six feet from the pedestrian or any part of the bicycle if the operator's vehicle is a commercial motor vehicle as defined by Section 522.003 or a truck other than a light truck.

(d) An operator of a motor vehicle passing a pedestrian or a person operating a bicycle on a highway or street that has two or more marked lanes running in the same direction shall 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.

(e) A collision of a motor vehicle with a pedestrian or a person operating a bicycle is prima facie evidence that the operator of the motor vehicle violated this section, Section 545.053, Section 545.054, or Section 545.057, as applicable.

(f) It is an affirmative defense to prosecution under this section that at the time of the offense the pedestrian or bicycle operator was acting in violation of a traffic law.

SECTION 2. Section 545.055, Transportation Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsection (b-1), an [An] operator may not drive 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.

(b-1) Subsection (b) [This subsection] does not prohibit a driver from:

(1) crossing pavement striping, or the center line in a no-passing zone marked by signs only, to make a left turn into or out of an alley or private road or driveway; or

(2) passing a pedestrian or a person operating a bicycle in a no-passing zone if the operator of the motor vehicle otherwise complies with the requirements of this chapter.

SECTION 3. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. This Act takes effect September 1, 2019.