

## **BILL ANALYSIS**

C.S.H.B. 962  
By: Miller  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Recent reports note that the overtaking of a bicyclist by a motorist consistently ranks as one of the most common causes of death for people riding bicycles. It has been suggested that more efforts are needed to provide for the safety of bicyclists and pedestrians on Texas roadways. C.S.H.B. 962 seeks to address this issue by providing safe passing protections for these vulnerable citizens.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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. 962 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. The bill establishes as an affirmative defense to prosecution for a violation of the bill's provisions 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. The bill exempts a driver passing a pedestrian or a person operating a bicycle 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.

### **EFFECTIVE DATE**

September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 962 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a provision establishing that a collision of a motor vehicle with a pedestrian or a bicycle operator is prima facie evidence that the motor vehicle operator violated certain vehicle passing requirements.

The substitute includes a specification that the unlawful action of a pedestrian or bicycle operator involved in an offense under the bill's provisions that constitutes an affirmative defense to the offense is in a manner that contributed to the offense.