

BILL ANALYSIS

Senate Research Center

H.B. 2204
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State Affairs
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Engrossed

DIGEST AND PURPOSE

The population growth of Texas continues to aggravate the congestion and dangers inherent in traffic flow within our communities. Neighborhoods and existing road systems developed for smaller populations face increasing pressures from higher traffic density. Currently, use of alternative modes of transportation, such as cycling or walking, is limited. Additionally, proper safeguards necessary to protect the cyclist or pedestrian are lacking. H.B. 2204 sets forth provisions for the enforcement of safety regulations regarding bicyclists and pedestrians.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.0175, Government Code, to make a reference to “motor vehicle” as “vehicle.” Requires the Department of Public Safety (department) to annually or more frequently publish statistical information derived from the accident reports as to the number, cause, and location of highway accidents, including information regarding the number of accidents involving injury to, death of, or property damage to a bicyclist or pedestrian.

SECTION 2. Amends Chapter 22, Penal Code, by adding Section 22.12, as follows:

Sec. 22.12. THROWING OBJECT OR SUBSTANCE AT BICYCLIST OR PEDESTRIAN FROM MOTOR VEHICLE. Provides that a persons commits an offense if the person, while operating a motor vehicle or as a passenger in a motor vehicle, drives past a bicyclist or a pedestrian who is on the street or highway and throws an object or substance from the motor vehicle. Provides that an offense under this section is a Class C misdemeanor under certain circumstances. Provides that an offense under this section is a Class B misdemeanor if the operator or passenger acts with certain intent. Defines “bicyclist,” “highway or street,” and “passing.” Authorizes the actor to be prosecuted under either section or under both sections, if conduct constituting an offense under this section also constitutes an offense under another section of this code or the Transportation Code.

SECTION 3. Amends Chapter 545B, Transportation Code, by adding Section 545.0535, as follows:

Sec. 545.0535. PASSING BICYCLIST OR PEDESTRIAN ON HIGHWAY OR STREET. Provides that an operator passing a bicyclist operating on a highway or street or driving past a pedestrian walking on a highway or street is required to pass to the left of the bicyclist or pedestrian at a safe distance and is prohibited from moving back to the right side of the roadway until safely clear of the bicyclist or pedestrian. Provides that for the purposes of this section, the operator is presumed to have passed the bicyclist or pedestrian at a distance that was not a safe distance if the operator struck the bicyclist or pedestrian with the vehicle or under certain other circumstances. Sets forth a list of acts committed by an operator of a

vehicle that constitute a Class A, B, or C misdemeanor. Provides that to the extent of a conflict between this section and another section in this subchapter, this section prevails.

SECTION 4. Amends Section 551.103(a), Transportation Code, to require a person operating a bicycle on a roadway who is moving slower than the other traffic on the roadway, except as provided by this section, to ride as near as practicable to the right curb or edge of the roadway, unless the person is operating a bicycle in an outside lane that is less than 14 feet in width and does not have a designated bicycle lane adjacent to the lane, or is too narrow for a bicycle and a motor vehicle to safely travel side by side.

SECTION 5. Repealer: Section 551.103(d) (Operation on Roadway), Transportation Code.

Effective date: 90 days after adjournment.