



S.B. No. 1055

## AN ACT

relating to motor vehicle accidents involving a vulnerable road user within the area of a crosswalk and to requiring the operator of a vehicle to yield the right-of-way to a pedestrian; creating a criminal offense.

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

**SECTION 1.** This Act shall be known as the Lisa Torry Smith Act.

**SECTION 2.** Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.428 to read as follows:

Sec. 545.428. MOTOR VEHICLE ACCIDENT INVOLVING PEDESTRIAN OR OTHER VULNERABLE ROAD USER WITHIN AREA OF CROSSWALK; OFFENSE.

(a) In this section:

- (1) "Electric personal assistive mobility device" has the meaning assigned by Section 551.201.
- (2) "Golf cart" has the meaning assigned by Section 551.401.
- (3) "Motor-assisted scooter" has the meaning assigned by Section 551.351.
- (4) "Neighborhood electric vehicle" has the meaning assigned by Section 551.301.

(b) A person commits an offense if the person with criminal negligence:

- (1) operates a motor vehicle within the area of a crosswalk; and
- (2) causes bodily injury to a pedestrian or a person operating a bicycle, motor-assisted scooter, electronic personal assistive mobility device, neighborhood electric vehicle, or golf cart.



- (c) An offense under this section is a Class A misdemeanor, except that the offense is a state jail felony if the person described by Subsection (b)(2) suffered serious bodily injury.
- (d) It is an affirmative defense to prosecution under this section that, at the time of the offense, the person described by Subsection (b)(2) was violating a provision of this subtitle relating to walking, movement, or operation in a crosswalk or on a roadway.
- (e) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

**SECTION 3.** Sections 544.007(b) and (c), Transportation Code, are amended to read as follows:

- (b) An operator of a vehicle facing a circular green signal may proceed straight or turn right or left unless a sign prohibits the turn. The operator shall, while the signal is exhibited:
  - (1) yield the right-of-way to other vehicles lawfully in the intersection when the signal is exhibited; and
  - (2) stop and yield the right-of-way to pedestrians lawfully in the intersection or an adjacent crosswalk.
- (c) An operator of a vehicle facing a green arrow signal, displayed alone or with another signal, may cautiously enter the intersection to move in the direction permitted by the arrow or other indication shown simultaneously. The operator shall stop and yield the right-of-way to a pedestrian lawfully in an adjacent crosswalk and shall yield the right-of-way to other traffic lawfully using the intersection.

**SECTION 4.** Section 552.002(b), Transportation Code, is amended to read as follows:

- (b) A pedestrian facing a "Walk" signal may proceed across a roadway in the direction of the signal, and the operator of a vehicle shall stop and yield the right-of-way to the pedestrian.



**SECTION 5.** Sections 552.003(a) and (b), Transportation Code, are amended to read as follows:

- (a) The operator of a vehicle shall stop and yield the right-of-way to a pedestrian crossing a roadway in a crosswalk if:
  - (1) no traffic control signal is in place or in operation; and
  - (2) the pedestrian is:
    - (A) on the half of the roadway in which the vehicle is traveling; or
    - (B) approaching so closely from the opposite half of the roadway as to be in danger.
- (b) Notwithstanding Subsection (a), a pedestrian may not suddenly leave a curb or other place of safety and proceed into a crosswalk in the path of a vehicle so close that it is impossible for the vehicle operator to stop and yield.

**SECTION 6.** Section 552.006(c), Transportation Code, is amended to read as follows:

- (c) The operator of a vehicle emerging from or entering an alley, building, or private road or driveway shall stop and yield the right-of-way to a pedestrian approaching on a sidewalk extending across the alley, building entrance or exit, road, or driveway.

**SECTION 7.** The change in law made by this Act applies 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 was committed before that date.

**SECTION 8.** This Act takes effect September 1, 2021.