

10/29/12

ORDINANCE NO. 28870

An ordinance adding Division 5 to Article VI of CHAPTER 28, "MOTOR VEHICLES AND TRAFFIC," of the Dallas City Code; defining terms; providing requirements for the safety of vulnerable road users; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Article VI, "Operation of Vehicles," of CHAPTER 28, "MOTOR VEHICLES AND TRAFFIC," of the Dallas City Code is amended by adding a new Division 5, "Operation of Vehicles near Vulnerable Road Users," to read as follows:

"Division 5. Operation of Vehicles near Vulnerable Road Users.

SEC. 28-58.1. DEFINITION.

In this division, VULNERABLE ROAD USER means a person operating a bicycle, hand cycle, unicycle, or other human-powered wheeled vehicle on a street or highway.

SEC. 28-58.2. PROTECTION OF VULNERABLE ROAD USERS.

(a) An operator of a motor vehicle and a vulnerable road user shall comply with all laws governing the operation of their respective vehicles on a street or highway.

(b) The operator of a motor vehicle commits an offense if, while passing a vulnerable road user on a street or highway, he:

(1) fails to entirely vacate the lane occupied by the vulnerable road user; or

(2) re-enters the lane occupied by the vulnerable road user before having passed the vulnerable road user at a safe distance.

(c) The operator or passenger of a motor vehicle commits an offense if he throws or projects any object or substance at or against a vulnerable road user.

(d) The operator of a motor vehicle commits an offense if he overtakes a vulnerable road user traveling in the same direction and subsequently makes a right-hand turn in front of the vulnerable road user unless the operator is safely clear of the vulnerable road user, taking into account the speed at which the vulnerable road user is traveling and the braking requirements of the vehicle making the right-hand turn.

(e) It is a defense to prosecution under Subsections (b) and (d) that, at the time of the offense, the vulnerable road user was acting in violation of a city ordinance or state or federal law regulating the operation of the vulnerable road user's vehicle on the street or highway.

(f) It is a defense to prosecution under Subsection (b)(1) if the operator of the motor vehicle:

(1) was unable to move into an adjacent lane of the street or highway due to a physical barrier or obstruction or because the change of lanes would have violated a city ordinance or state or federal law; and

(2) passed the vulnerable road user at a safe speed and distance.

(g) An offense under this section is punishable by a fine not to exceed \$300, except that, if the vulnerable road user sustained a bodily injury from the commission of the offense, the offense is punishable by a fine not to exceed \$500."

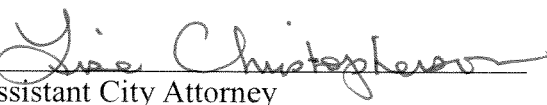
SECTION 2. That Chapter 28 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance.

SECTION 3. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 4. That this ordinance will take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By 
Assistant City Attorney

Passed DEC 12 2012
CB/DCC/00002